City of Corvallis

Land Development Code

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

ADOPTED OCTOBER 16, 2006
EFFECTIVE DECEMBER 31, 2006

AMENDED THROUGH
FEBRUARY 28, 2014

PREFACE

The Corvallis Land Development Code (LDC) consists of four Articles:

ARTICLE I	**-**	**GENERAL PROVISIONS**
ARTICLE II	**-**	**ADMINISTRATIVE PROCEDURES**
ARTICLE III	**-**	**DEVELOPMENT ZONES**
ARTICLE IV	**-**	**DEVELOPMENT STANDARDS**

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Index updated February 28, 2014

The Corvallis Land Development Code (LDC) was adopted on December 24, 1980. The 1980 LDC repealed many of the City's zoning and land development regulations in effect prior to that date, and consolidated remaining land development regulations into a single document. The first version of the LDC became effective February 7, 1981, as described in Ordinance No. 1980-100 (repealed by Ordinance 1993-20). Major amendments to the 1980 LDC include:

- Land Development Code Update, adopted July 19, 1993, effective July 21, 1993, as described in Ordinance No. 1993-20
- Land Development Code Update ("Phases I & III"), adopted October 16, 2006, effective December 31, 2006, as described in Ordinances No. 2006-024 & 2006-029

This LDC incorporates text amendments through February 28, 2014, based on LDT13-00001 (OSU Street Standards), as described in Ordinance 2014-01.

TEXT AMENDMENTS INDEX BEGINNING WITH PHASE III OF THE LAND DEVELOPMENT CODE UPDATE PROJECT			
Effective Date	**Amended Chapters**	**Type of Changes**	**Ordinance #**
12/31/2006	All	Natural Features Project/Phase III of the LDC Update Project Adopted 10/16/06 & Effective 12/31/06	2006-024 & 2006-029
06/18/2007	1.6, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.37	Corrected setbacks for residential development adjacent to AG-OS lands	2007-016
06/18/2007	2.5	Corrected Definition of an "Active Detailed Development Plan"	2007-017
06/18/2007	1.6, 2.14, 4.5, 4.11	Provided Minimum Assured Development Areas for New Zones	2007-018
01/14/2009	1.6, 2.2, 2.4, 2.5, 2.7, 2.12, 2.13, 2.14, 3.0, 3.3, 3.6, 3.7, 3.8, 3.10, 3.11, 3.14, 3.19, 3.20, 3.26, 4.0, 4.1, 4.2, 4.4, 4.5, 4.10, 4.11, 4.12	Multiple Changes	2008-020
07/01/2009	1.2, 1.6, 2.2, 2.4, 2.5, 2.7, 2.12, 2.13, 2.14, 2.16, 3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.10, 3.11, 3.14, 3.19, 3.20, 3.26, 4.0, 4.1, 4.2, 4.4, 4.5, 4.10, 4.11	Multiple Changes	2009-009
10/18/2010	1.6, 2.9, 4.0, 4.2, & 4.7	Historic Preservation Provisions Update	2010-20
12/16/2010	3.0	Modify definition for Agricultural Sales	2010-25

TEXT AMENDMENTS INDEX BEGINNING WITH PHASE III OF THE LAND DEVELOPMENT CODE UPDATE PROJECT			
Effective Date	**Amended Chapters**	**Type of Changes**	**Ordinance #**
6/02/2011	1.1, 1.2, 1.3, 1.4, 1.6, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.10, 2.11 (new chapter), 2.12, 2.13, 2.14, 2.19, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.14, 3.15, 3.16, 3.17, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 3.26, 3.27, 3.30, 3.36, 3.37, 3.38, 4.0, 4.1, 4.2, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.13, 4.14 (new chapter)	FEMA Update Project	2011-01
09/16/2011	1.6, 3.15, 3.16, 4.1, 4.7, & 4.10	Downtown Area Code Changes	2011-11
12/13/2012	1.2, 1.4, 1.6, 2.0, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 2.16, 2.18, 3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.14, 3.15, 3.16, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 3.26, 3.27, 3.36, 3.37, 4.0, 4.1, 4.2, 4.3, 4.4, 4.7, 4.9, 4.10, 4.11, 4.12, 4.14	2012 LDC CHANGES: Code changes consistent with Planning Division Work Program (Infill Task Force Recommendations, Housekeeping Items, Substantive Issues, Local Foods, Revise Parking Requirements for Some Residential Building Types)	2012-16; 2012-17; 2012-18; 2012-19; 2012-20
5/20/2013	3.36	A Text Amendment recommended by City Staff adding a new subsection “f” to LDC Section 3.36.40.01 - Sector Development Allocation, that sets parameters on the use of the transferred development allocation	2013-07
2/28/2014	3.36	OSU Street Standards	2014-01

CHAPTER 1.0
INTRODUCTION

Section 1.0.10 - ADOPTION

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

Section 1.0.20 - STATEMENT OF PURPOSES

a. The land development regulations contained in this Code are in accordance with the Comprehensive Plan and are intended to ensure that development is of the proper type, design, and location; serviced by a proper range of public facilities and services; and in all other respects consistent with the goals and policies of the Corvallis Comprehensive Plan; and

b. The development approval process shall not result in the exclusion of needed housing at densities permitted by the underlying zoning designations or result in unreasonable cost or delay.

Section 1.0.30 ORGANIZATION OF THIS CODE

This Code is organized as a reference document. Tables and graphics are used to summarize and illustrate information.

a. This Code is divided into four articles:

1. Article I - General Provisions;

2. Article II - Administrative Procedures;

3. Article III - Development Zones; and

4. Article IV - Development Standards.

b. **Article I** describes the responsibilities of the City Council, Planning Commission, Land Development Hearings Board, Historic Resources Commission, and Community Development Director. It also provides basic information on the legal framework of this Code, definitions of uncommon words, definitions of words that have specific meaning to this Code, and enforcement provisions.

c. **Article II** contains administrative procedures and review criteria for land use actions that require some discretion in approval.

d. **Article III** presents use type classifications and zones. Use types are divided into six general headings: Residential, Civic, Commercial, Industrial, Agricultural and Extractive. Development zones authorize specific use types and approval

processes and contain zoning specifications for lot sizes, building setbacks, and building heights. All zones have been grouped into the following categories:

1. Residential

2. Commercial/Office

3. Industrial

4. Overlays

5. Other Zones

e. **Article IV** addresses provisions for new development or intensification of existing development, including standards for Improvements, Parking, Landscaping, Accessory Development, Land Divisions, Natural Hazard and Hillside Development, Minimum Assured Development Area (MADA), Significant Vegetation, Riparian Corridors and Locally Protected Wetlands, Solar Access, Signs, and special requirements for certain use types.

CHAPTER 1.1
THE CITY COUNCIL AND ITS AGENCIES AND OFFICERS

Section 1.1.10 - THE CITY COUNCIL

1.1.10.01 - Authority and Responsibility

The State has delegated to the City Council responsibility for adopting land use plans and controls. The City has adopted this Code pursuant to its responsibilities to secure the health, safety, and welfare of its citizens and also pursuant to its home rule authority. The City Council has created a Planning Commission, a Land Development Hearings Board, and a Historic Resources Commission to implement such plans and controls. In addition, the state has authorized the Council to act upon applications for development or to delegate its authority to act upon such applications.

1.1.10.02 - Powers and Duties

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

a. May adopt, amend, supplement, or repeal plans and policies for development of the community;

b. May adopt, amend, supplement, or repeal the text of any provisions or regulations of this Code or the boundaries of zones established on the Official Zoning Map;

c. Shall review decisions of the Planning Commission, Land Development Hearings Board, and Historic Resources Commission upon appeal;

d. Shall appoint members of the Planning Commission and Historic Resources Commission; and

e. May establish a reasonable schedule of fees with respect to matters under this Code.

Section 1.1.20 - THE PLANNING COMMISSION

The Planning Commission, appointed in accordance with the Boards and Commissions Ordinance, Corvallis Municipal Code Section 1.16.235, shall have the powers and duties provided therein and provided by this Code.

Section 1.1.30 - LAND DEVELOPMENT HEARINGS BOARD

The Land Development Hearings Board shall hear and act on appeals resulting from alleged errors in orders, requirements, decisions, and interpretations of the Director or designated administrative officers, such as the Floodplain Administrator or designee, charged with the enforcement of this Code and other matters as required by this Code.

1.1.30.01 - Membership

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

b. Any vacancy on the Board shall be filled by an appointment by the Planning Commission chair for the unexpired portion of the term of the Board member whose office became vacant.

c. The members of the Land Development Hearings Board shall continue as voting members of the Planning Commission.

d. The chair of the Planning Commission may appoint alternates to serve in the absence of Board members.

1.1.30.02 - Quorum

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

1.1.30.03 - Powers and Duties

The Land Development Hearings Board shall conduct hearings and prepare findings of fact in accordance with Chapter 2.0 - Public Hearings and take such actions concerning appeals as required by this Code.

Section 1.1.40 - HISTORIC RESOURCES COMMISSION

The Historic Resources Commission shall be appointed in accordance with Municipal Code Section 1.16.325, as amended over time. The Commission shall have the powers and duties provided therein and provided by this Code.

Section 1.1.50 - COMMUNITY DEVELOPMENT DIRECTOR

1.1.50.01 - Position

The City Manager may delegate the powers and duties herein to the administrative officer of the City, defined as the Community Development Director, to supervise, organize, direct, and control activities defined under this Code. The Community Development Director shall be referred to as the Director throughout the Code.

1.1.50.02 - Powers and Duties

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

Section 1.1.60 - CONFLICT OF INTEREST

A member of a hearing authority shall not participate in any proceedings or action in which the member has a conflict of interest as defined by State law. Any actual or potential conflict of interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include:

a. Member owns property within the area entitled to receive notice of the public hearing;

b. Member has a direct private interest in the proposal; or,

c. For any other valid reason, the member has determined that participation in the hearing and decision cannot be impartial.

Section 1.1.70 - PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES

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

CHAPTER 1.2
LEGAL FRAMEWORK

Section 1.2.10 - RULES OF CONSTRUCTION

This Code shall be construed liberally in order to achieve its purposes. Unless specifically prescribed otherwise in this Code, the following provisions shall govern its interpretation and construction:

a. When consistent with the context, words in the present tense include the future, words in plural include the singular, and words in singular include the plural.

b. Unless specified otherwise in this Code, any action authorized or required to be taken by the City may be accomplished by the Council or by an official or agent designated by the Council.

Section 1.2.20 - SEVERABILITY AND CONSTITUTIONALITY

If any section, subsection, sentence, clause, or phrase of this Code is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Council hereby declares that it would have passed this Code and each section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

Section 1.2.30 - DESCRIPTIVE HEADINGS

The paragraph captions and headings in this Code are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Code.

Section 1.2.40 - CALCULATION OF TIME

Where the performance of any act, duty, matter, or payment is required and the period of time or duration for the performance is prescribed and fixed, the time shall be computed to exclude the first day and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on Saturday, Sunday, or a legal holiday, that day shall be omitted from the computation. The word "day" means calendar day unless specified otherwise.

Section 1.2.50 - SAVINGS CLAUSE

The amended Corvallis City Ordinance 93-20, which is repealed by the ordinance adopting this Code, shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violates Corvallis City Ordinance 93-20, as amended, prior to the effective date of this Code.

Section 1.2.60 - REVIVAL

The repeal of Corvallis City Ordinance 93-20, as amended, does not thereby revive any provision, ordinance, or section that was in effect prior to the adoption or amendment of Corvallis City Ordinance 93-20 as amended. This repeal does not affect any punishment, penalty, or fine incurred before the repeal took place or any prosecution or proceeding commenced or pending prior to the adoption of this Code.

Section 1.2.70 - NONDISCRIMINATION

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

Section 1.2.80 - TEXT AMENDMENTS

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.

1.2.80.02 - Initiation

An amendment may be initiated through one of the following methods:

a. Majority vote of the City Council; or

b. Majority vote of the Planning Commission.

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.

Section 1.2.90 - THE OFFICIAL ZONING MAP

Zone Boundaries established by this Code are shown on the Official Zoning Map, which is on file in the Community Development office. The City's Official Zoning Map shall be the City's geographic information system (GIS) version of the Zoning Map, as retained by the City's Mapping and GIS Services Division, and as adopted on December 31, 2006, and amended from time to time. The Official Zoning Map and all amendments and other matters entered on the Official Zoning Map are a part of this Code and have the same legal effect as if fully set out herein.

1.2.90.01- Amendments

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

1.2.90.02 - Interpretation of Zone Boundaries

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

a. Boundaries indicated as approximately following property lines shall be construed as following such lines;

b. Boundaries indicated as approximately following railroad lines shall be construed as midway between the main track or tracks;

c. Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;

d. Boundaries indicated as parallel to, or extensions of natural or human-made features indicated in "a," through "c," above, shall be so construed as following these features;

e. Where a lot or parcel of land that is one acre or less in size is divided by a zone boundary, the applicable uses and development standards shall be those of the zone that contains the majority of the land area of the lot or parcel of land as it existed as of December 31, 2006.

If a lot or parcel of land that is greater than one acre in size is divided by a zone boundary, the portions of the lot or parcel of land within each given zone shall be subject to the applicable uses and development standards, unless a portion of the lot or parcel of land within a given zone is less than 8,000 square feet in size, in which case, the applicable uses and development standards shall be those of the zone that contains the majority of the land area of the lot or parcel of land as it existed as of December 31, 2006 ; and

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

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

[Section 1.2.90 amended by Ordinance 2012-17, effective December 13, 2012]

Section 1.2.100 - DEVELOPMENT REVIEW FEES

1.2.100.01 - Required Fees

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

1.2.100.02 - Annual Review

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

Section 1.2.110 - DEVELOPMENT REVIEW PROCESS

1.2.110.01 - Ministerial Development

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

1.2.110.02 - General Development

General Development includes development activities that require at least some discretion. General Development requires less discretion than Special Development and involves review and approval by staff without a public hearing. General Development requires public notice prior to a staff decision. A Notice of Disposition is provided to persons who respond in writing to the public notice. Except for decisions on Residential Subdivisions, and Director-level Historic Preservation Permits, appeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19 - Appeals. Notwithstanding any other language in this Code to the contrary, for Residential Subdivisions, appeals are made to the Planning Commission and then the City Council. As with Ministerial Development, approval of a General Development use is subject to zoning standards and other development provisions of this Code and City ordinances and requirements.

General Development activities that may be approved by staff without a public hearing are described in the following sections of Article II - Administrative Procedures:

Chapter 2.2	-	Zone Changes - limited to Administrative Zone Changes. See Section 2.2.50 for procedures.
Chapter 2.3	-	Conditional Development - limited to Conditional Development Modification. See Section 2.3.40 for procedures.
Chapter 2.4	-	Subdivisions and Major Replats - limited to Residential Subdivisions and Subdivision Modifications. See Sections 2.4.30 and 2.4.80, respectively, for procedures.
Chapter 2.5	-	Planned Development - limited to Minor Planned Development Modifications, Conceptual Development Plan Nullifications for residentially designated property, and Expedited Land Divisions. See Sections 2.5.60, 2.5.80.a, and 2.5.100, respectively, for procedures.
Chapter 2.9	-	Historic Preservation Provisions - limited to Director-level Historic Preservation Permits. See Section 2.9.90 for procedures.
Chapter 2.10	-	Minor Master Site Plan Modification. See Section 2.10.50 for procedures.
Chapter 2.12	-	Lot Development Option. See Section 2.12.30 for procedures.
Chapter 2.13	-	Plan Compatibility Review. See Section 2.13.30 for procedures.
Chapter 2.14	-	Partitions, Minor Replats, and Property Line Adjustments. See Section 2.14.30 for procedures.

Chapter 2.16	-	Request for Interpretations. See Section 2.16.30 for procedures.
Chapter 2.18	-	Solar Access Permits. See Section 2.18.40 for procedures.

1.2.110.03 - Special Development

Special Development includes development activities that require considerable discretion. It involves a public hearing, in accordance with the provisions of Chapter 2.0 - Public Hearings, as well as approval by an established hearing authority. As with Ministerial Development, approval of a Special Development use is subject to zoning standards and other development provisions of this Code and City ordinances and requirements.

Special Development activities are described in the following sections of Article II - Administrative Procedures:

Chapter 2.1	-	Comprehensive Plan Amendments. See Section 2.1.30 for procedures.
Chapter 2.2	-	Zone Changes. See Sections 2.2.30 and 2.2.40 for procedures.
Chapter 2.3	-	Conditional Development. See Section 2.3.30 for procedures.
Chapter 2.4	-	Subdivisions and Major Replats. See Section 2.4.30 for procedures.
Chapter 2.5	-	Planned Developments - limited to Conceptual and Detailed Development Plans, Major Planned Development Modifications, Conceptual Development Plan Nullifications not addressed by Section 2.5.80.a, Detailed Development Plan Nullifications, and Refinement Plans. See Sections 2.5.40, 2.5.50, 2.5.60, 2.5.80.b, and 2.5.90, respectively, for procedures.
Chapter 2.6	-	Annexations. See Section 2.6.30 for procedures.
Chapter 2.7	-	Extension of City Services Outside the City Limits. See Section 2.7.50 for procedures.
Chapter 2.8	-	Vacating of Public Lands and Plats. See Section 2.8.40 for procedures.
Chapter 2.9	-	Historic Preservation Provisions - limited to HRC-level Historic Preservation Permits. See Section 2.9.90 for procedures.
Chapter 2.10	-	Major Neighborhood Center Master Site Plan Review - limited to Master Site Plans and Major Master Site Plan Modifications. See Sections 2.10.40 and 2.10.50.03, respectively, for procedures.
Chapter 2.11	-	Floodplain Development Permit Variance. See Section 2.11.50 for procedures.

1.2.110.04 - Conditions of Approval

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

Section 1.2.120 - ROUGH PROPORTIONALITY

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

a. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or convenience;

b. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;

c. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and

d. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

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

Section 1.2.130 - DEADLINE FOR FINAL ACTION and EXTENSION OF DEADLINE FOR REVIEW OF LAND USE APPLICATIONS

Consistent with state law, the City's review of all land use applications subject to Oregon Revised Statute 227.178, as amended, shall be completed within 120 days of the date an application is deemed complete, allowing for any possible appeals at the local level. This 120-day period may be extended only by written authorization of the applicant. Such authorization shall specify the length of time by which the 120-day deadline is extended.

Consistent with federal law, the City's review of a land use application associated with a collocated wireless telecommunication facility shall be completed within 90 days of the date an application is deemed complete. For this reason, an expedited review process for collocated wireless telecommunication facilities is provided in this Code. This 90-day period

may be extended only by written authorization of the applicant. Such authorization shall specify the length of time by which the 90-day deadline is extended.

[Section 1.2.130 amended by Ordinance 2012-17, effective December 13, 2012]

CHAPTER 1.3
ENFORCEMENT

Section 1.3.10 - RESPONSIBLE OFFICER

This Code shall be administered and enforced by the Director, except that matters relating to Chapters 2.11 - Floodplain Development Permit and 4.5 - Floodplain Provisions may also be administered and enforced by the Floodplain Administrator or designee.

Section 1.3.20 - BUILDING PERMIT

No Building Permit shall be issued by the Building Official for any development unless the Director or Floodplain Administrator or designee, as applicable, has determined that the:

a. Proposed development complies with the provisions of this Code, including any Conditions of Approval established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, the Historic Resources Commission, or otherwise authorized by this Code, City Ordinances, or state law;

b. Proposed development complies with all applicable City ordinances and requirements, including all City-adopted plans such as the Transportation Plan, the public facilities master plans, the Park and Recreation Facilities Plan, etc.;

c. Proposed development complies with the Building and Fire Codes; and

d. Required Special or General Development permit(s) have been issued.

It is the applicant's responsibility to ensure that Building Permit applications are consistent with applicable state and federal standards and regulations, such as those of the State Department of Environmental Quality (DEQ), the State Department of State Lands (DSL), etc., that are not regulated by the City through this Code, City ordinances and requirements, and/or Conditions of Approval.

Section 1.3.30 - CERTIFICATE OF OCCUPANCY

No certificate of occupancy shall be issued by the Building Official for any development unless all requirements of this Code have been met, including any Conditions of Approval established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, the Historic Resources Commission, or otherwise authorized by this Code, City Ordinances, or state law, or until the applicant has provided some written form of assurance acceptable to the Director or Floodplain Administrator or designee, as applicable, and guaranteeing the completion of all requirements.

Section 1.3.40 - NONCOMPLIANCE WITH THE APPROVED DEVELOPMENT PLANS

If the Director or Floodplain Administrator or designee, as applicable, determines that a development substantially differs from the approved plans or the provisions of this Code, including any Conditions of Approval established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, the Historic Resources Commission, or otherwise authorized by this Code, City Ordinances, or state law, the Director or Floodplain Administrator or designee, as applicable, shall notify the developer and Building Official in writing. Thereafter, the Building Official may issue orders to the developer as are within the range of authority available to the Building Official, and upon continued non-compliance may withhold site development permits and/or Building Permits for further construction or revoke those permits previously issued until compliance is achieved.

Section 1.3.50 - STOP WORK ORDER

Whenever any work is done contrary to the provisions of this Code, including any Conditions of Approval established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, the Historic Resources Commission, or otherwise authorized by this Code, City Ordinances, or state law, the Director or Floodplain Administrator or designee, as applicable, may order the work stopped by notice in writing served on any persons engaged in the work, and any such persons shall immediately stop such work until authorized by the Director or Floodplain Administrator or designee, as applicable, to proceed.

Section 1.3.60 - VIOLATIONS

Use of land in the City of Corvallis not in accordance with the provisions of this Code, including any Conditions of Approval established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, the Historic Resources Commission, or otherwise authorized by this Code, City Ordinances, or state law, constitutes a violation. Upon receiving information concerning a violation of this Code, the Director or Floodplain Administrator or designee, as applicable, may conduct an investigation to determine whether a violation exists. The Director or Floodplain Administrator or designee, as applicable, may request the assistance of other City agencies and officers in conducting such investigations.

The Director or Floodplain Administrator or designee, as applicable, may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable Code sections, and other information provided by the staff.

1.3.60.01 - Classification of Violation

Violations shall be identified by the Director or Floodplain Administrator or designee, as applicable, under one of the following classifications:

a. **Type I** - Violations which represent a serious threat to public health, safety, and welfare, or those unapproved actions deemed potentially to create serious adverse environmental or land use consequences as the result of continued development activity; or

b. **Type II** - Violations which do not pose a serious threat to public health, safety, and welfare, but do violate provisions of this Code, including any Conditions of Approval, as described in Section 1.3.60 above.

1.3.60.02 - Notice of Violation

a. **Type I** - After receiving a report of an alleged Type I violation, the Director or Floodplain Administrator or designee, as applicable, will determine whether the violation requires that a citation be issued immediately or whether to provide notice of the violation prior to the issuance of a citation. Notice shall be in writing and shall be provided to the owner of record for tax purposes or to the person in charge of the property. Such a notice shall indicate the following:

1. Location and nature of the violation; and

2. Provision or provisions of this Code or Conditions of Approval which allegedly have been violated; and

3. Whether immediate enforcement will be sought or if a specified time period will be allowed to correct or remove the violation.

b. **Type II** - After receiving a report of an alleged Type II violation from the Director or Floodplain Administrator or designee, as applicable, the City Attorney shall, if he/she determines that probable cause exists, promptly give notice of the alleged violation by certified first-class mail, return receipt requested, or by personal service to the owner of record for tax purposes and to the person in charge of the property. Such a notice shall indicate the following:

1. Location and nature of the violation; and

2. Provision or provisions of this Code or Conditions of Approval which allegedly have been violated; and

3. Whether immediate enforcement shall be sought or if 15 days will be allowed to correct or remove the violation; and

4. The date when the notice was personally served or, if the notice was sent by first-class mail, the date three days after mailing if the address to which it was mailed is within this state and seven days after mailing if the address to which it was mailed is outside this State. However, a defect in the notice of violation with respect to this notice delivery provision shall not prevent enforcement of this Code.

1.3.60.03 - City Attorney to Pursue Enforcement

When the compliance deadline expires, the City Attorney shall proceed with any legal or equitable action deemed appropriate unless:

a. It has been demonstrated to the City Attorney that the violation has been corrected, removed, or will not be committed; or

b. A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding concerning the violation.

1.3.60.04 - Penalties

Code violations may be subject to criminal, civil, or other sanctions authorized under ordinance of the City.

a. **Criminal Penalties** - Unless specified otherwise , every violation of the terms of this Code is a Class A infraction, punishable by a fine of up to $500.00. Each day such violation continues shall be considered a separate offense. Sign Code violations are addressed in Chapter 4.7- Sign Regulations.

b. **Civil Penalties and Remedies** - In addition to, or in lieu of, criminal actions, a violation of this Code or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement. Sign Code violations are addressed in Chapter 4.7- Sign Regulations.

1. The Director or Floodplain Administrator or designee, as applicable, is authorized to impose a civil penalty of up to $1,000.00 for any violation of this Code.

2. In imposing a penalty amount pursuant to the schedule authorized by this section, the Director or Floodplain Administrator or designee, as applicable, shall consider the following factors:

   a) The history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;

   b) Any prior violations of statutes, rules, orders, and permits pertaining to development regulations;

   c) The economic and financial conditions of the person incurring a penalty;

   d) The gravity and magnitude of the violation,

   e) Whether the violation was repeated or continuous; and

   f) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act.

3. Imposition and enforcement of civil penalties is not an exclusive remedy, but shall be in addition to any other procedures or remedies provided by law. Imposition or payment of a civil penalty under this section shall not bar any criminal proceeding authorized under this ordinance.

4. A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each 30 days the condition continues. The notice of penalty shall be provided in the manner as described under "5," below.

5. Any civil penalty imposed under this section shall become due and payable when the notice of penalty is served upon the person incurring the penalty. Service shall be by personal service or by certified mail, return receipt requested, to the last known address of the person incurring the penalty. The notice of penalty shall include a:

a) Reference to the particular provision or law violated;

b) Statement of the matters asserted or charged;

c) Statement of the amount of the penalty or penalties imposed;

d) Statement of the owner's right to appeal the penalty; and

e) Statement that if the penalty is not paid within the time required under "10," below, the penalty and any costs of service and recording fees shall be recorded by the City Recorder in the City Lien Docket and shall become a lien on the property of the person incurring the penalty.

6. If the notice of penalty is returned to the City without service upon the named person, the Director or Floodplain Administrator or designee, as applicable, shall post a notice of penalty on the premises where the violation has occurred. The notice shall be posted so as to be visible from the public right-of-way and shall be delivered to a person, if any, occupying the premises. The posted notice shall be affixed to the premises and shall also indicate that tampering or removal of the notice shall constitute a misdemeanor.

7. The person to whom the notice of penalty is issued shall have 20 days from the date of service of the notice in which to appeal the penalty before the municipal judge, after which time the notice of penalty becomes a final order. The appeal shall be as provided in "8," and "9," below.

8. Any appeal shall be in writing and signed by the person against whom the penalty has been assessed or the attorney for that person. The appeal shall state the grounds of the appeal. The appeal shall be accompanied by a deposit in the amount of the civil penalty assessed and an appeal fee of $50.00. The appeal shall be filed with the municipal court and served upon the City Attorney. Failure to comply with these provisions shall result in the appeal’s dismissal.

9. The only issues to be decided by the municipal judge are determinations of whether the condition of the property was as alleged in the notice of penalty and if so, whether that condition violated this Code. If the judge finds that the alleged condition existed at the time and date specified on the notice of penalty, and that the condition

violated this Code, the municipal judge shall issue an order affirming the penalty. The order shall contain a provision for court costs to be paid by the violator in the amount of $100.00. If the judge finds that the condition alleged in the notice of penalty did not exist at the time and date specified on the notice, the municipal judge shall void the notice of penalty. The order voiding the notice of penalty shall provide for return of the deposit, including the appeal fee. The judge's order is final.

10. Unless the amount of penalty imposed under this Section is paid within 10 days after the notice of penalty or the order becomes final by operation of law or after appeal, the order shall constitute a lien on the owner's subject property and shall be recorded in the City Lien Docket. Where the service has been made by certified mail or other means providing a receipt, the returned receipt shall be attached to and made a part of the recorded order. The penalty and any added costs imposed by the order become a lien upon the real property. That lien shall have priority over all other liens and encumbrances of any form. The lien shall accrue interest at the rate applicable for municipal assessment liens from the date of docketing until clearance. The lien may be foreclosed on and the property sold as may be necessary to discharge the lien in the manner specified in ORS 223.505 through 223.650, as amended.

11. Any lien for a civil penalty shall be released when the full amount determined to be due has been paid to the City, the owner or person making such payment shall receive a receipt stating that the full amount of penalties, interest, recording fees, and service costs have been paid, and that the lien is thereby released and the record of the lien satisfied.

1.3.60.05 - Tampering with Official Notices.

a. No person shall remove or tamper with a notice posted on property pursuant to the provisions of this chapter unless authorized by the Director or Floodplain Administrator or designee, as applicable.

b. A violation of this provision shall be a Class "C" misdemeanor.

CHAPTER 1.4
NONCONFORMING DEVELOPMENT

Section 1.4.10 - BACKGROUND

As used in the Code, Legal Nonconforming Development includes Legal Nonconforming Structures and Legal Nonconforming Uses. A Legal Nonconforming Structure does not fully comply with zoning provisions for setbacks, building height, and/or off-street parking, or does not fully comply with some other standard of the zone. A Legal Nonconforming Use is not permitted outright or has not received conditional approval in the zone in which it exists, but was lawfully begun prior to its becoming nonconforming.

Within the development zones established by this Code, development may exist that was lawful at the time it began, but would be nonconforming and prohibited in the future under the terms of this Code or future amendments.

In order to avoid undue hardship to developers, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried out diligently. Construction is considered to have started if excavation, demolition, or removal of an existing building has begun in preparation for rebuilding, and a Building Permit has been acquired, prior to the effective date of adoption or amendment of this Code.

[Section 1.4.10 amended by Ordinance 2012-18, effective December 13, 2012]

Section 1.4.20 - PURPOSES

a. Permit Legal Nonconforming Development to continue, but not to encourage its perpetuation.

b. Ultimately bring development into conformance with this Code and the Comprehensive Plan.

[Section 1.4.20 amended by Ordinance 2012-18, effective December 13, 2012]

Section 1.4.30 - LEGAL NONCONFORMING STRUCTURES

1.4.30.01 - Alteration of a Legal Nonconforming Structure

Where the use of a structure is permitted by the applicable zone but the structure is legally nonconforming, an alteration, expansion, or relocation may be Ministerially

approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a Vision Clearance Area as defined in Chapter 1.6 - Definitions, and/or as determined by the City Engineer.

For structures in existence prior to December 31, 2006, reconstruction of structures (both residential and nonresidential) may occur consistent with how the structures previously existed in their legal nonconforming state, **except for the following:**

a. Any Substantial Improvement to a Legal Nonconforming Structure located within the 100-year Floodplain shall conform to the provisions of Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions and shall be accompanied by bringing the entire structure into conformance with those provisions. These requirements apply to all Legal Nonconforming Structures within the 100-year Floodplain, regardless of when the structure(s) was originally constructed, and irrespective of any prior improvements to the Legal Nonconforming Structures; and

b. Where a structure is designated as Designated Historic Resource, any alteration, expansion, enlargement, extension, reconstruction, relocation, or demolition shall be consistent with the provisions in Chapter 2.9 - Historic Preservation Provisions.

1.4.30.02 - Damage to a Nonconforming Structure within the 100-Year Floodplain

If a Nonconforming Structure within the 100-year Floodplain is Substantially Damaged, then the provisions of Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions apply and shall be accompanied by bringing the entire structure into conformance with those provisions. These provisions apply to all Nonconforming Structures within the 100-year Floodplain, regardless of when the structure(s) was originally constructed, and irrespective of any prior damage to the Nonconforming Structures. See Chapter 1.6 - Definitions for a definition of Substantial Damage.

[Section 1.4.30 amended by Ordinance 2012-18, effective December 13, 2012]

Section 1.4.40 - LEGAL NONCONFORMING USES

1.4.40.01 - Alterations of a Legal Nonconforming Use

No building, structure, or land area devoted to a Legal Nonconforming Use shall be expanded. Reconstruction, relocation, or structural alteration shall conform to the provisions of this Code. Nothing in this Chapter shall be construed as prohibiting

normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

1.4.40.02 - Continuance of a Legal Nonconforming Use

A Legal Nonconforming Use shall not be expanded or relocated to a different or greater area of land, buildings, or structures than it occupied at the time it became nonconforming. Additionally, where a Legal Nonconforming Use exists on a site, its Use Type may continue to exist, provided it is in accordance with the provisions of this Code.

1.4.40.03 - Discontinuance of a Legal Nonconforming Use

Whenever a Legal Nonconforming Use is discontinued for more than 18 months, further use shall conform with the provisions of this Code. For purposes of this Code, rental payments or lease payments and taxes shall not be considered a continued use. Discontinued shall mean non-use and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the Legal Nonconforming Use.

1.4.40.04 - Damage to a Legal Nonconforming Use

If a structure containing a Legal Nonconforming Use is Substantially Damaged, any future development on the site shall use a Use Type conforming to those allowed within the applicable zone in which it is located. See Chapter 1.6 - Definitions for a definition of Substantial Damage.

1.4.40.05 - Reclassification to Conditional Development

Whenever a Legal Nonconforming Use is permitted conditionally, it shall be reclassified as conforming upon receipt of an approved Conditional Development application in accordance with Chapter 2.3 - Conditional Development.

[Section 1.4.40 amended by Ordinance 2012-18, effective December 13, 2012]

Section 1.4.50 - EXCEPTIONS

1.4.50.01 - Commercial Uses in RS-12 Zone Along SW 3rd, SW 5th, and SW 6th Streets

a. Specific Commercial Use Types in existence on individual sites as of December 31, 2006, in the RS-12 Zone along SW 5th and SW 6th Streets from SW Adams Avenue to Western Boulevard, shall not be classified as Nonconforming Development.

b. Specific Commercial Use Types in existence on individual sites as of December 31, 2006 (*e.g.*, Automotive and Equipment - Light Equipment Repairs), in the Mixed Use Community Shopping (MUCS) Zone at 2220 SW 3rd Street (Assessor's Map #12-5-11BC, Tax Lots 700 and 701), shall not be classified as Nonconforming Development. Upon further development, perimeter buffers shall be established consistent with Mixed Use Community Shopping (MUCS) Zone standards.

1.4.50.02 - Existing Uses

Uses that were permitted by the underlying zone prior to a subject property's re-zoning via ZDC00-00009 (the Zoning Map changes related to the Code Update Project), shall not be classified as Legal Nonconforming Development unless the use(s) on the subject property has been discontinued for a period of more than 18 months, in which case Section 1.4.40.03 shall apply.

1.4.50.03 - Office Uses in the RS-9, RS-9(U), RS-12, RS-12(U), and RS-20 Zones

Office Uses, defined in Chapter 1.6 - Definitions, in existence as of December 31, 2006, in the RS-9, RS-9(U), RS-12, RS-12(U) and RS-20 zones shall not be classified as Nonconforming Development.

1.4.50.04 - North Campus Area (defined in Chapter 1.6 - Definitions)

a. Multi-dwellings in existence as of December 31, 2006, shall not be classified as Nonconforming Development. However, redevelopment or expansion requires compliance with current parking standards contained in Chapter 4.1-Parking, Loading, and Access Requirements.

b. Office Uses, defined in Chapter 1.6 - Definitions, in existence as of December 31, 2006, shall not be classified as Nonconforming Development. However, redevelopment or expansion requires compliance with current

parking standards contained in Chapter 4.1- Parking, Loading, and Access Requirements.

1.4.50.05 - Legal Nonconforming Lots of Record

A lot of record may not meet the lot size requirements of the zone in which it is located. Such a lot may be occupied by a Use permitted in the zone. If, however, the lot is smaller than the size required in its zone, Residential Use shall be limited to one dwelling unit or to the number of dwelling units consistent with density requirements of the zone.

1.4.50.06 - Street and Drainageway Dedications

The act of conveyance to or appropriation by the City for street or drainage purposes shall not in itself render as nonconforming the use of land, structure, or other improvement maintained upon a lot.

1.4.50.07 - Legal Nonconforming Duplexes

Where a Duplex fails to meet the Building Type requirements in the zone in which it is located, and has been Substantially Damaged as described in Chapter 1.6 - Definitions, it may be reconstructed provided such reconstruction commences within one year of the Substantial Damage and complies with required development standards.

1.4.50.08 - Residential Uses

Any residential Building Type permitted prior to December 31, 2006 by this Code, but which is no longer allowed as a new use, may be modified, enlarged or rebuilt, provided it complies with required development standards of the zone.

1.4.50.09 - OSU Campus Buildings

Any buildings on the OSU Campus existing or approved prior to December 31, 2006, shall not be classified as Nonconforming Development, notwithstanding the height limitations established in the Primary and Secondary Transition Areas of the OSU Zone.

[Section 1.4.50 amended by Ordinance 2012-18, effective December 13, 2012]

CHAPTER 1.6
DEFINITIONS

Section 1.6.10 - GENERAL MEANING OF WORDS

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

Section 1.6.20 - COMMON WORDS

a. All words in present tense include the future tense.

b. All words in plural include the singular, and all words in singular include the plural unless the context clearly indicates to the contrary.

c. The word "shall" is mandatory and the word "may" is permissive.

d. The word "building" includes the word "structure."

e. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

f. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

g. The words “lot” and “parcel” are used interchangeably unless the context clearly indicates to the contrary.

Section 1.6.30 - SPECIFIC WORDS AND TERMS

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

Access - Place, means, or way by which ingress and egress are provided. See also definition for Solar Access.

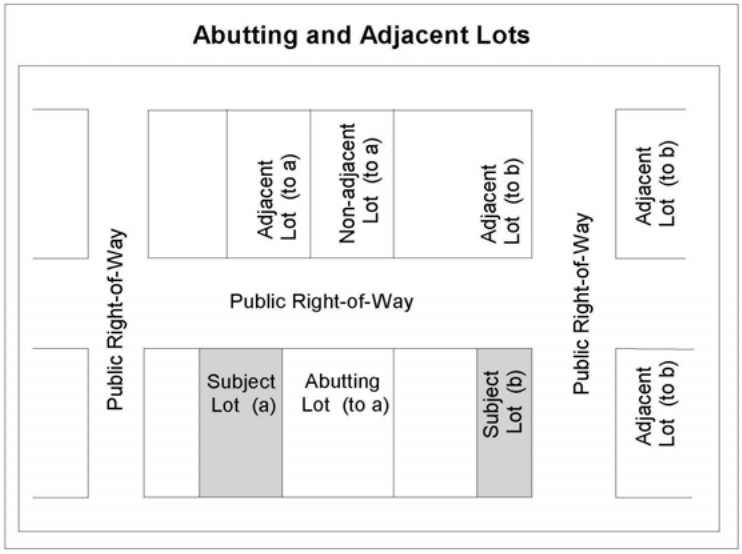


Figure 1.6-1 - Abutting and Adjacent Lots

Accessory Dwelling - See Chapter 4.9 - Additional Provisions.

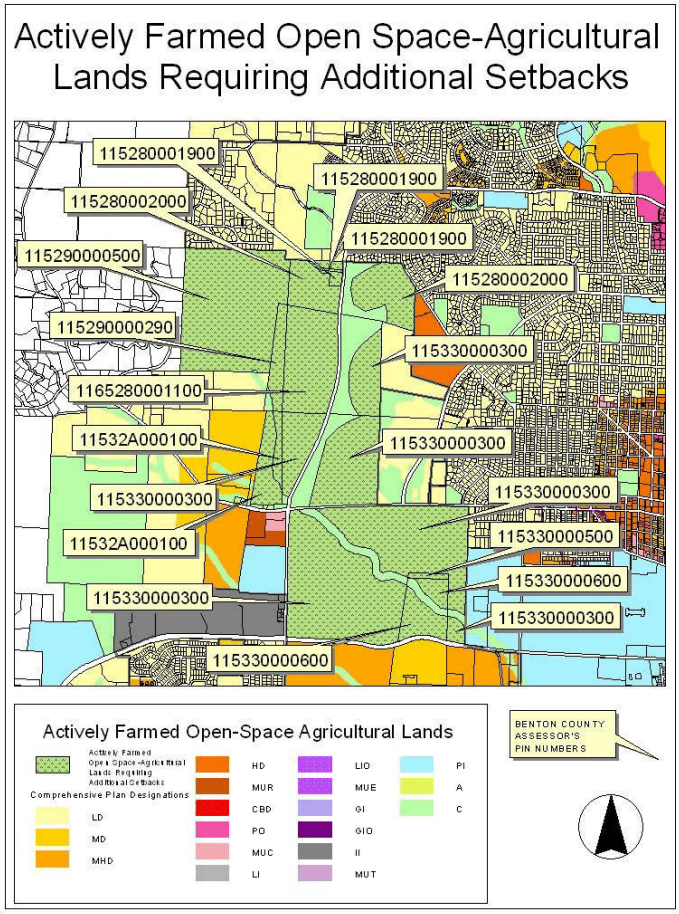
Accessory Structure - Structure customarily incidental and subordinate to the main use of a property and located on the same lot as the main use; freestanding and structurally separated from the main use.

Accessory Use - Use customarily incidental and subordinate to the main use of a property and located on the same lot or site as the main use.

Accessway - Narrow strip of land connecting a parcel to a public street right-of-way or a private street located within its own separate tract. The accessway ensures access to the parcel. Actual pavement widths within an accessway are in accordance with the City's Off-street Parking and Access Standards established by and available through the City Engineer and amended over time.

Acre - Unit of land equal to 43,560 sq. ft.

Actively Farmed Open Space-Agricultural Lands - Properties that are designated as Open Space-Agricultural on the Comprehensive Plan Map and are used for Agricultural Uses as defined in Section 3.0.30.05. For the purposes of requiring additional OS-AG setbacks, the setback requirements are limited to sites next to lands designated as OS-AG on the Comprehensive Plan Map and listed in the Benton County Assessor's Office as the Oregon State University Lands identified (on December 31,2006) as Parcel Identification Numbers: 115290000500;115280002000; 115290000290; 115280001100; 115280001900; 115280001100; 115330000300; 11532A000100; 115330000500; or 115330000600 as shown.



Actual Construction - Permanent placing and fastening of construction materials.

Adjacent - Adjacent properties are either abutting or, in the absence of right-of-way, would be considered abutting. Uses are considered adjacent if they exist on adjacent properties, as shown in Figure 1.6-1 - Abutting and Adjacent Lots.

Administrative Zone Change - Amendment to the boundaries of zones shown on the Official Zoning Map. A detailed definition for an Administrative Zone Change is contained in Section 2.2.50.b. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Section 2.2.50 - Quasi-Judicial Change Procedures for Administrative Changes.

Affordable Housing - Housing for which ownership costs (mortgage loan principal, interest, property taxes, and insurance) or rental costs (unit rent and utilities) require no more than 30 percent of the gross monthly income of a household that has income at or below 80 percent of the Corvallis area median. The Corvallis area median is calculated annually by the U.S. Department of Housing and Urban Development (HUD) and applied based on household size. These numbers are updated annually by HUD and are on file in the City's Housing Division.

Agriculture - Nursery, horticulture, and similar activities for the cultivation of commercial crops; pasturing, breeding, dairying, and similar uses of animals; and poultry farming for commercial use. Specific Agricultural Use Types are defined in Section 3.0.30.05 - Agricultural Use Types.

Alley - Public or private right-of-way designed and intended to serve as secondary access to the side or rear of those properties having a street as primary access.

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

Annexation - Land use process that evaluates whether a property meets the criteria for incorporation into the City limits and meets the requirements to be forwarded to the voters for a final decision on its incorporation. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 2.6 - Annexations. The State of Oregon can mandate, without voter approval, the annexation of property on which a health hazard exists. See Health Hazard Annexation.

Apartment - Dwelling unit located within a Multi-dwelling, but excluding condominiums. See Multi-dwelling under Building Types.

Application - Materials submitted or to be submitted.

Area, Gross - Total area of a parcel or site, usually expressed in acres.

Area, Net - Total area of a parcel or site, usually expressed in acres and excluding existing public street rights-of-way and, if a developer desires, excluding public parks, Significant Natural Feature areas dedicated to the public, and/or other areas permanently precluded from development due to development constraints or conservation easements. Planned streets shall not be excluded from the net area.

Area of Shallow Flooding - See “Area of Shallow Flooding” in Section 1.6.40.

Area of Special Flood Hazard - See “Special Flood Hazard Area” in Section 1.6.40.

Average Setback (weighted by length of wall) - Formula for determining Average Setback is as follows: $AS = (y_1 \times SD_1) + (y_2 \times SD_2) + (y_n \times SB_n)$, as shown below in Figure 1.6-2 - Average Setback, where:

AS	=	Average Setback
y	=	Percent of wall length at a particular distance from property line
SD	=	Setback Distance (actual distance from the property line)

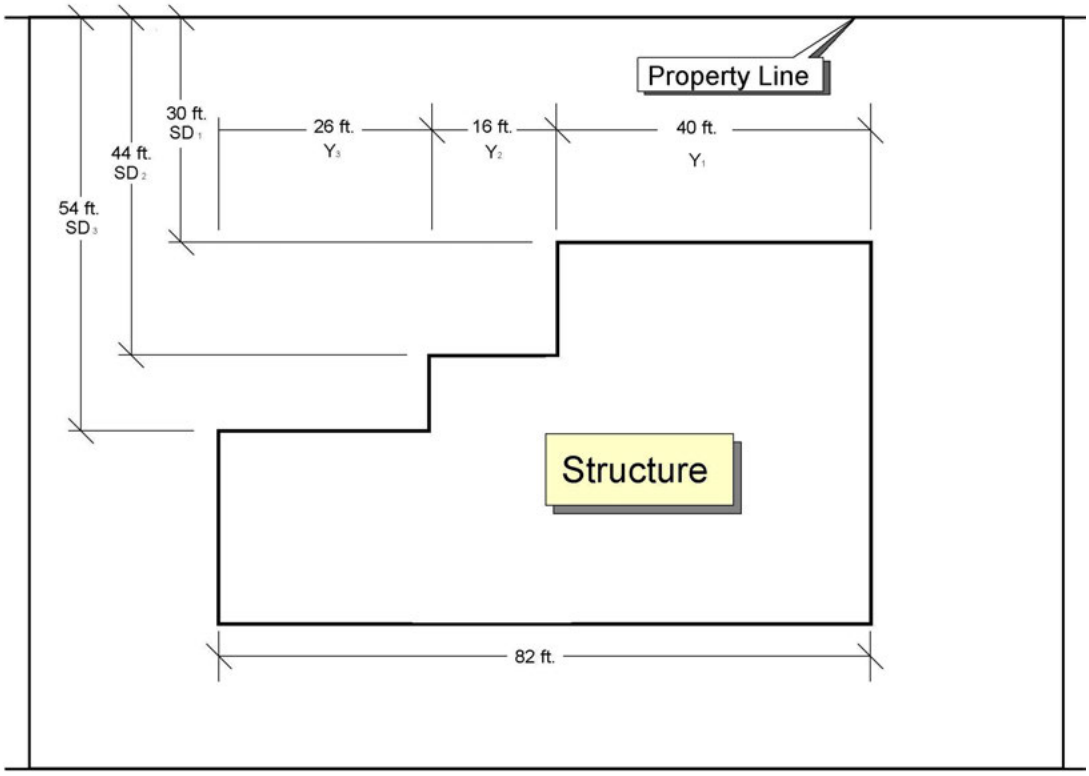


Figure 1.6-2 - Average Setback

Example: Average Setback = 40.34 ft.

y_1	=	40 ft. ÷ 82 ft. = 0.4878% = 49%
SD_1	=	30 ft.
y_2	=	16 ft. ÷ 82 ft. = 0.1951% = 19%
SD_2	=	44 ft.
y_3	=	26 ft. ÷ 82 ft. = 0.3171% = 32%
SD_3	=	54 ft.

(0.4878 X 30) + (0.1951 X 44) + (0.3171 X 54) = 40.34 ft. Average Setback

Base - Lowest (and often widest) visible part of a building, often distinctively treated. A base is distinguished from a foundation or footing in being visible rather than buried.[1]

Base Flood - See "Base Flood" in Section 1.6.40.

Base Flood Elevation - See "Base Flood Elevation" in Section 1.6.40.

Basement - See "Basement" in Section 1.6.40.

Basin - Topographical entity within which all the surface water draining to a certain point falls; some of the surface water may come from ground water fed by geologic strata outside the Basin.

Bed and Breakfast - See Home Business for Bed and Breakfast businesses that rent up to two bedrooms within owner-occupied dwellings. See Section 3.0.30.03.u.3 for other Bed and Breakfast businesses.

Below-grade Crawlspace - See "Below-grade Crawlspace" in Section 1.6.40.

Best Management Practices - Strategies for improving runoff water quality that are accepted throughout the industry . They include structural and nonstructural measures to control pollutants at the source before they enter a stream.

a. Structural BMPs include:
1. Retention Basins
2. Detention Basins
3. Constructed Wetlands
4. Infiltration Practices
5. Filters
6. Bioretention
7. Biofilters (swales and filter strips).

b. Nonstructural BMPs include:
1. Street sweeping
2. Illicit connection identification and elimination
3. Public education and outreach
4. Land use modifications to minimize the amount of impervious surface area
5. Waste collection
6. Proper materials storage.

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[1] Harris, Cyril M. "Dictionary of Architecture and Construction, Fourth Edition" 2006

Beneficial Uses - Beneficial Uses assigned by basin in the Oregon Administrative Rules for water quality and for Corvallis streams are as follows: public and private domestic water supplies, industrial water supplies, irrigation, livestock watering, anadromous fish passage, salmonids fish rearing and spawning, resident fish and aquatic life, wildlife and hunting, fishing, boating, water contact recreation, aesthetic quality, and hydro power, unless changed through a use attainability analysis.

Bioswale - Constructed shallow, wide vegetated ditch through which storm runoff travels and that uses natural methods of cleaning water such as sediment trapping and microorganism activity to remove pollutants.

Block - Tract of land bound by a connecting network of public or private streets with sidewalks. When necessary to minimize impacts to a designated wetland, to slopes greater than 15 percent, to parks dedicated to the public, and/or to Significant Natural Features, blocks may be bound by walkways without streets.

Bond - Form of security in an amount and form satisfactory to the City. See Performance Guarantee in Section 2.4.40.09.

Buffer - Area designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce impacts of adjacent development.

Building - Structure having a roof supported by columns or walls and used or intended for the shelter, housing, or enclosure of any individuals, animals, processes, equipment, goods, or materials of any kind.

Building Codes - See “Building Codes” in Section 1.6.40.

Building Elevation - Scale drawing of the side, front, or rear of a given structure.

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

Building Height - See Height of Buildings.

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

Building Official - Development Services Manager.

Building Types -

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

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

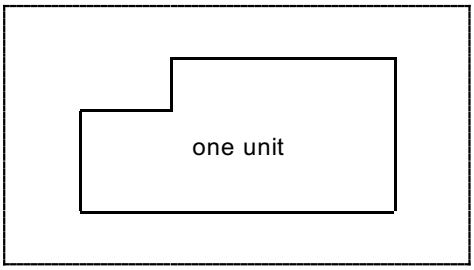

Figure 1.6-3 - Nonresidential Detached

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.

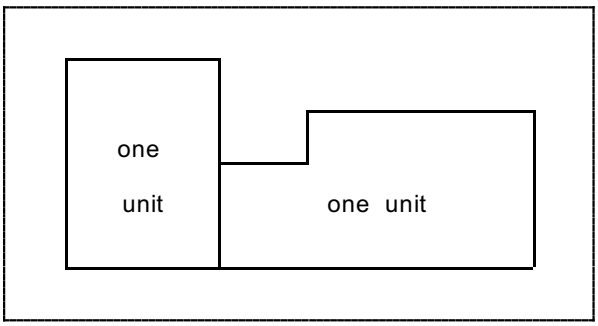

Figure 1.6-4 - Nonresidential Attached

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.

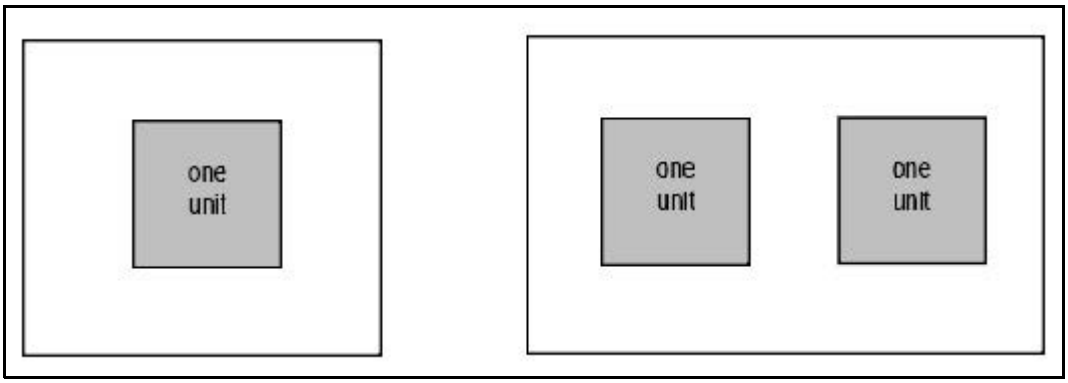

Figure 1.6-5 - Residential Single Detached

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

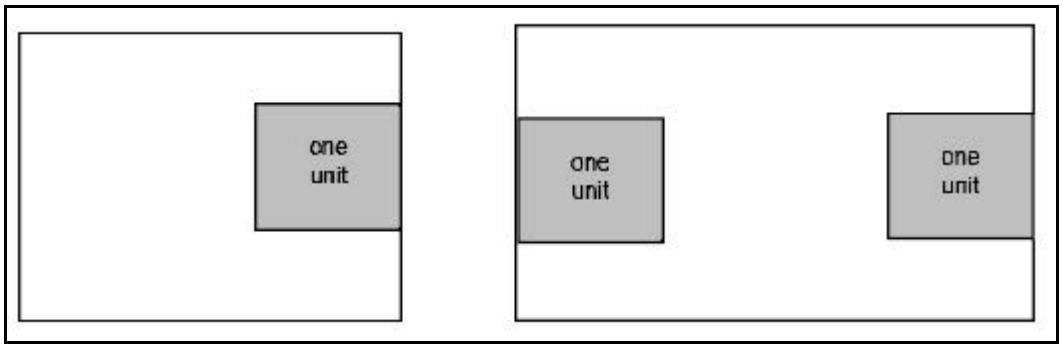

Figure 1.6-6 - Residential Single Detached (Zero Lot Line)

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

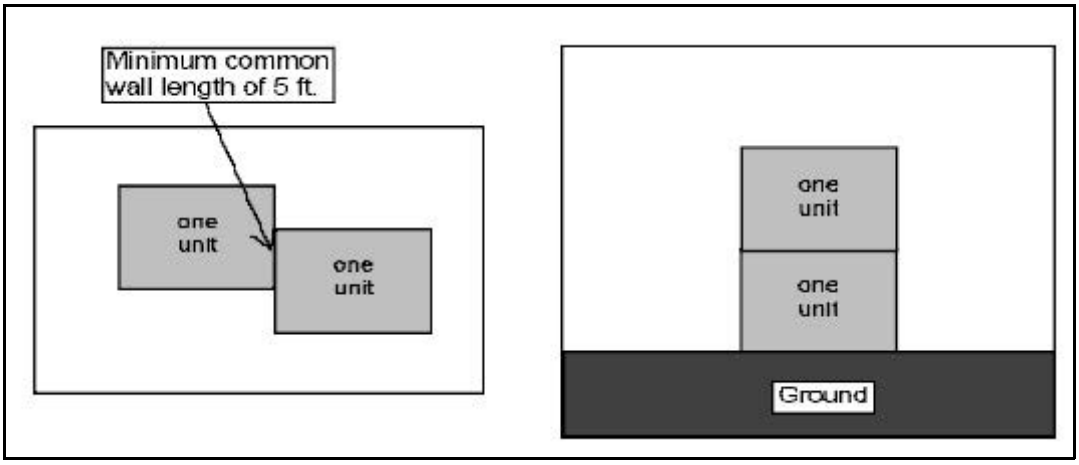

Figure 1.6-7 - Residential Duplex

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

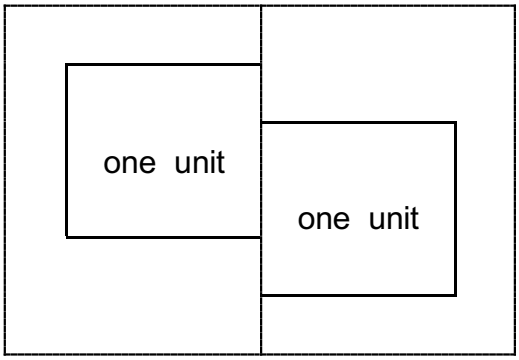

Figure 1.6-8 - Residential Single Attached (Zero Lot Line)

5. Attached - Three or more dwelling units on separate lots, but placed side by side so that some building walls are in common for a minimum length of five

ft. at a common property line. Fences, trellises, etc. attached between buildings do not create Attached structures.

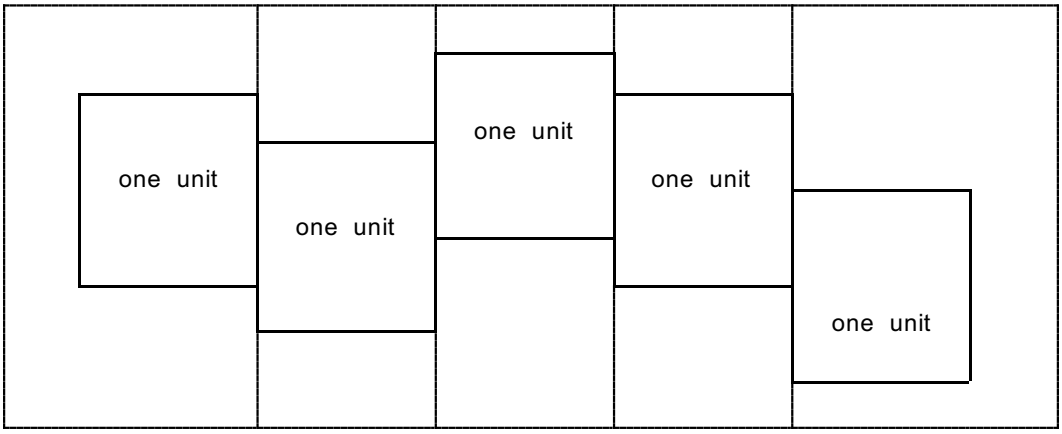

Figure 1.6-9 - Residential Attached

6. Multi-dwelling - Three or more dwelling units in any vertical or horizontal arrangement, located on one lot or development site. The graphic below is an example of a possible site layout. All density and development standards (minimum lot size, setbacks, etc.) shall be as specified per unit in the underlying zoning designation, including situations where this building type is combined with another building type on the same lot or development site.

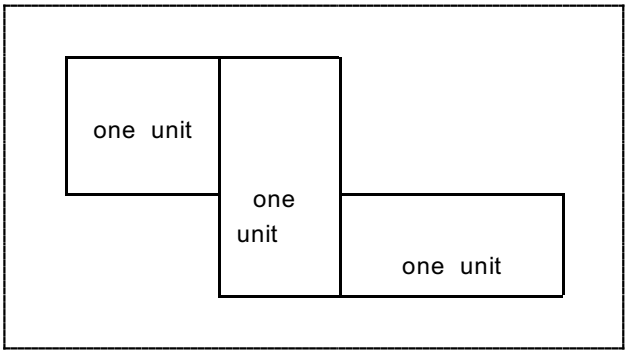

Figure 1.6-10 - Residential Multi-dwelling

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 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.

Carport - Roofed structure or a portion of a building open on two or more sides; used primarily for parking of motor vehicles.

Catchment - Watersheds that are defined by the lowest points of elevation in a site. The Catchment includes all watersheds defined by streams exiting the site and by streams draining to the interior of the site.

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

Certified Local Government (CLG) - City or county that has been certified by the National Park Service, U.S. Department of the Interior, to carry out the purposes of the National Historic Preservation Act of 1966, as amended. The CLG program is administered by the State Historic Preservation Office (SHPO). The City of Corvallis is a Certified Local Government.

Church - Permanently located, fully enclosed building used primarily for religious worship.

City - City of Corvallis, a municipal corporation of the State of Oregon, involved in activities in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context; or City Manager where the context does not clearly indicate a specific officer, department, or agency.

City Limits - Boundary line that identifies land within the City.

Compatible - Ability of different uses to exist in harmony with each other. "Making uses compatible with each other" implies site development standards that regulate the impact of one use on another.

Comprehensive Neighborhood - Primarily residential area that offers a range of uses to provide for the daily needs and activities of residents within easy walking distance of residences. Comprehensive Neighborhoods contain a variety of housing opportunities, at overall densities that can support appropriately scaled commercial development and viable public transportation. The core of a Comprehensive Neighborhood contains a Major Neighborhood Center that serves community-wide shopping and office needs. The design of a Comprehensive Neighborhood fosters a sense of community with safe, vital public areas, while working to ensure compatibility and effective transitions between diverse uses.

Comprehensive Plan Amendment - Amendment to either the boundaries of Comprehensive Plan Map designations shown on the Official Comprehensive Plan Map or an amendment to the text of the Comprehensive Plan. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 2.1 - Comprehensive Plan Amendment Procedures.

Conceptual Development Plan - Land use process that is a type of Conditional Development and that provides a mechanism for achieving greater flexibility and improved design where the scope of the proposed modifications to this Code's pre-stated standards

exceeds that permitted through Chapter 2.12 - Lot Development Option. This type of land development project is comprehensively planned as an entity via a unified site plan. Often it is proposed to allow for better preservation of Significant Natural Features and/or for innovation in site planning and architectural design. Approval requires compensating benefits that off-set the requested development standard modifications. The request must be followed by or processed concurrently with a Detailed Development Plan and the issuance of Building Permits is withheld until a Detailed Development Plan is approved. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development, Chapter 2.5 - Planned Development, and Section 2.5.40 - Conceptual Development Plan Review Procedures.

Conditional Development - Land use process that provides an opportunity to allow a use when potential adverse effects can be mitigated or deny a use if concerns cannot be resolved to the satisfaction of the hearing authority. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 2.3 - Conditional Development.

Conditional Development Modification - Land use process that provides an opportunity to allow a limited amount of flexibility with regard to site planning and architectural design for a previously approved Conditional Development and provides benefits within the development site that compensate for requested variations from approved Conditional Development such that the intent of the original approval is still met. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Section 2.3.40 - Conditional Development Modification.

Conditions of Approval - Requirements placed on a development for a number of purposes, which include but are not limited to:

a. Ensuring adherence to the proposal that is approved;

b. Ensuring that adequate public and private services and facilities are provided, consistent with adopted transportation and facility plans and applicable regulations;

c. Ensuring that Natural Resources and Natural Hazards issues are addressed consistent with the applicable criteria and regulations;

d. Bringing the development into compliance with applicable criteria and regulations, including but not limited to Comprehensive Plan Policies and/or this Code's standards;

e. Helping to assure that negative impacts of a development are mitigated up front, particularly in the case of Conditional Development approvals; and

f. Assisting applicants by identifying some of the requirements that will affect subsequent related application requests such as Final Plats, Building Permits, construction permits, Public Improvement by Private Contract (PIPC) Permits, etc.

Conservation Easement - Nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; ensuring its availability for agricultural, forest, recreational, or open space use; protecting Natural Resources or Natural Hazards; maintaining or enhancing air or water quality; or preserving the historical, architectural, archaeological, or cultural aspects of real property. Also defined in ORS 215.715, as amended.

Consolidation - Elimination of property line(s) of unplatted land to create a single unit of land.

Contiguous - Same as Adjacent. Properties separated by a street may also be considered contiguous.

Contractor Sidewalk/Street Stamps - Insignia or mark stamped into a sidewalk or street that includes information, such as the contractor's name and the date the work was performed, and which indicates that the stamp dates from 1956 or before.

Cornice - Any molded projection which crowns or finishes the part to which it is affixed. Also, the exterior trim of a structure at the meeting of the roof and wall; usually consists of bed molding, soffit, fascia, or crown molding.[2] See Figure 1.6-11 - Cornice

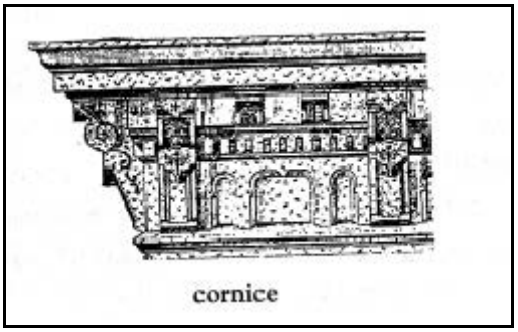

Figure 1.6-11 - Cornice

Corvallis Register of Historic Landmarks and Districts (Local Register) - City's official list of Locally-designated Historic Resources.

Corvallis Streams – All streams that are located either in part or entirely within the City's Urban Growth Boundary.

[2] Harris, Cyril M. "Dictionary of Architecture and Construction, Fourth Edition" 2006

Critical Facility - See “Critical Facility” in Section 1.6.40.

Cupola - Small dome or tower-like structure on a roof.

Datum - The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

Day(s) - Calendar days unless working days are specified.

Day Care, Commercial Facility - Institution, establishment, or place that commonly receives at one time more than 16 children not of common parentage, for a period not to exceed 12 hours per day. The facility provides the persons with board, care, or training apart from their parents or guardians for compensation or reward in accordance with ORS 657A.250-440, as amended. Refer to Section 4.9.70 of Chapter 4.9 - Additional Provisions for additional development standards (area per child and buffering).

Day Care, Family - Babysitting, care of 16 or fewer children, including resident family members, as accessory to any residential use. Family day care is not subject to the definition of Home Business.

Density - Number of dwelling units per acre of land, calculated in accordance with the definition for Density Calculation.

Density Calculation - Density is calculated as either gross density or net density. The minimum density for a site is net density and the maximum density is gross density.

a. **Density, Gross** - Number of dwelling units per gross area, in acres. See definition for Area, Gross. Additionally, in calculating gross density for a Minor Land Partition site, applicants may include in their calculation 50 percent of the area of any street rights-of-way that front the subject site, for the distance the streets front the subject site.

b. **Density, Net** - Number of dwelling units per net area, in acres. See definition for Area, Net.

c. **Fractions** - When the sum of the dwelling units is a fraction of a dwelling unit, and the fraction is equal to or greater than 0.5, an additional dwelling unit shall be required (minimum density) or allowed (maximum density). If the fraction is less than 0.5, an additional dwelling unit shall not be required or allowed.

Density Transfer - Permits residential density under a single development application to be shifted from one part of a development site and added to another part of the same site. It can be used to protect Significant Natural Features that are on the development site without losing overall density in the development. Density transfer does not permit an increase in the gross density for the entire development site.

Dentil - See Figure 1.6-12 - Dentils. One of a band of small, square, tooth-like blocks forming part of the characteristic ornamentation of the Iconic, Corinthian, and Composite orders, and sometimes Doric.[3]

Dentil Band - See Figure 1.6-12 - Dentils

a. Molding that occupies the position of a row of Dentils in classical architecture.

b. Course of masonry that resembles a row of Dentils; for example, in brickwork, the tooth-like effect produced by the projection of alternate headers and smaller blocks.[3]

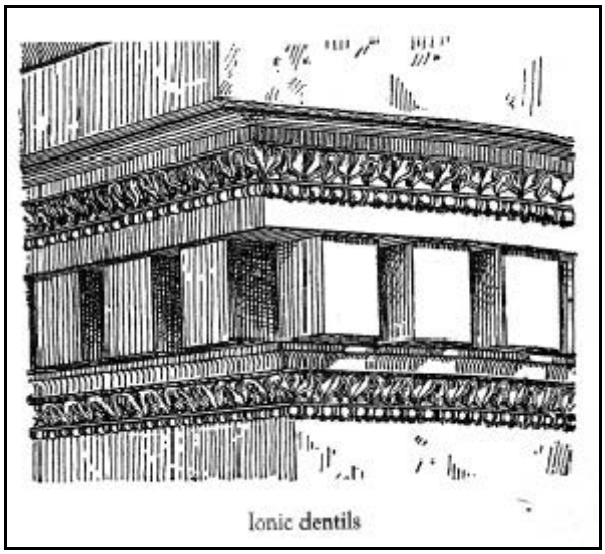

Figure 1.6-12 - Dentils

Designated Historic Resource - Historic resource that has been determined through an official action to meet criteria for Historic Significance, resulting in the resource being Locally-designated and/or Nationally-designated, as more specifically defined below. Chapter 2.9 - Historic Preservation Provisions applies to all Designated Historic Resources, regardless of whether they are Locally- or Nationally-designated. Some Designated Historic Resources are listed in both the Local Register and the National Register of Historic Places.

a. **Locally-designated** - Locally-designated Historic Resource is listed in the Corvallis Register of Historic Landmarks and Districts (Local Register). To list a property in the Local Register, a property owner must obtain approval for a Zone Change to apply a Historic Preservation Overlay to the subject property. A Historic Preservation Overlay denotes the Locally-designated Historic Resource on the City's Zoning Map. Property owner approval for local designation is required.

b. **Nationally-designated** - Nationally-designated Historic Resource is listed in the National Register of Historic Places. To list a property in the National Register of Historic Places, approval must be obtained in accordance with state and federal

[3] Harris, Cyril M. "Dictionary of Architecture and Construction, Fourth Edition" 2006

processes and criteria listed in 36 CFR 60. Local level input regarding a proposed National Register of Historic Places nomination normally is solicited; however, official local action does not occur. Because Nationally-designated Historic Resources are subject to the Historic Preservation Provisions of Chapter 2.9, a notation indicating that a property is listed in the National Register of Historic Places is included on the City's Zoning Map.

DSL - Oregon Department of State Lands.

Detailed Development Plan - Land use process that is a type of Conditional Development and that provides a mechanism for achieving greater flexibility and improved design where the scope of the proposed modifications to this Code's pre-stated standards exceeds that permitted through Chapter 2.12 - Lot Development Option. This type of land development project is comprehensively planned as an entity via a unified site plan and must be based on a previously or concurrently approved Conceptual Development Plan. Such Plans are often proposed to allow for better preservation of Significant Natural Features and/or for innovation in site planning and architectural design. Approval requires compensating benefits that off-set the requested modifications to development standards. A Detailed Development Plan provides sufficient information for the issuance of building permits. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development, Chapter 2.5 - Planned Development, and Section 2.5.50 - Detailed Development Plan Review Procedures.

Detention Basin - Constructed pond and/or underground facility that is designed to temporarily collect runoff from a development to maintain the runoff rate to a specified pre-development flow.

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

Development - Making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development. For the definition of Development as applied to the 100-year Floodplain regulations contained in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions, please see Section 1.6.40, below.

Development Constraints - Conditions that limit or preclude development of an area or site such as location within: a Natural Hazard on the Natural Hazards Map; a Riparian Corridor or Wetlands on the Riparian Corridors and Wetlands Map; an area of Significant Vegetation on the Significant Vegetation Map; a 4th-level water service area (not served by City water); and/or an area that is permanently preserved via a conservation easement or a drainageway easement/dedication.

Development Constraints - Former - Development Constraints that no longer preclude development due to the application of the Minimum Assured Development Area (MADA) provisions. A formerly constrained area is one which would be protected through the Development Constraints in Chapters 4.5, 4.11, 4.12, 4.13, or 4.14, but can be developed by applying the MADA provisions in Chapter 4.11. Development can occur on the site and

the constraining factors such as significant vegetation, etc. may be removed or reduced to accommodate the development. However, for MADA development in Floodway Fringe Areas, there are default standards required and they are the Partial Protection Floodplain Provisions. See Section 4.5.20.03 and **Formerly Constrained Areas**.

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

Development-related Concerns - Issues that are worthy of special attention for the developer or for permitting agencies. These issues are identified on the Notice of Disposition for a development approval and are generally raised during the development review process.

Development Site - Legally established lots, parcels, or tracts of land involved in a land use application or building/construction permit application. Sites that are occupied or capable of being occupied by a building or group of buildings including accessory structures and accessory uses, together with yards or open spaces, setback areas, and access as required by this Code.

Digital Flood Insurance Rate Map - See "Digital Flood Insurance Rate Map" in Section 1.6.40.

Director - Community Development Director of the City of Corvallis, or the Director's official designee, with responsibility for administration of this Code.

Director's Interpretation - Land use process that seeks the Director's interpretation of either this Code or Comprehensive Plan provisions. These Interpretations may be legislative or quasi-judicial in nature. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Chapter 2.16 - Request for Interpretation.

Discontinued Use - Use that has ceased to be active. Shall not require a determination of the voluntary or involuntary nature of the discontinuance or intent to resume the use. Rental payments or lease payments and taxes are not considered a continued use.

Dominant Cover Type - One or more vegetative species that provide a minimum of 20 percent area cover within the corresponding vegetative layer.

Downtown Parking Assessment District - Portion of the downtown in which property owners contributed to the construction of parking facilities. Within the area shown below in Figure 1.6-13 - Downtown Parking Assessment District, new development has no required new parking to be constructed.

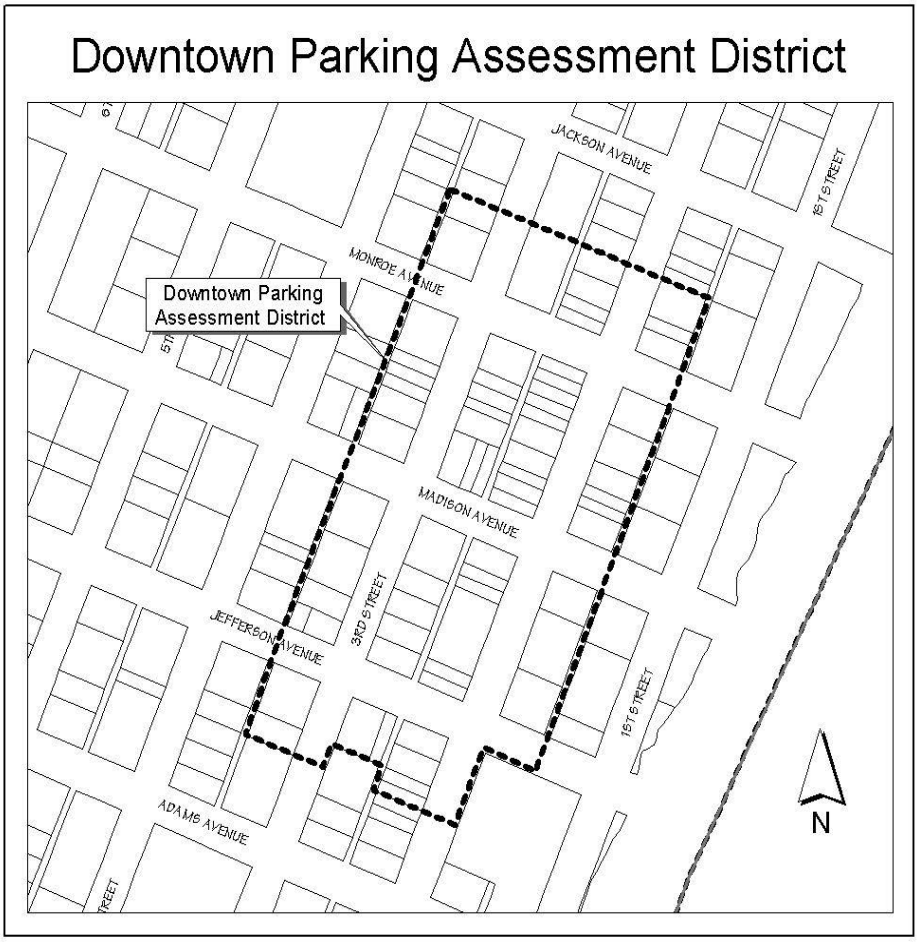

Figure 1.6-13 - Downtown Parking Assessment District

Downtown Pedestrian Core Area - As indicated below in Figure 1.6-14 - Downtown Pedestrian Core Area, an area bound by the Willamette River on the east, Fifth Street on the west, Jackson Avenue on the north (excluding the Benton County Courthouse),and Jefferson Avenue on the south (including Adams Avenue between Second and Third Streets).

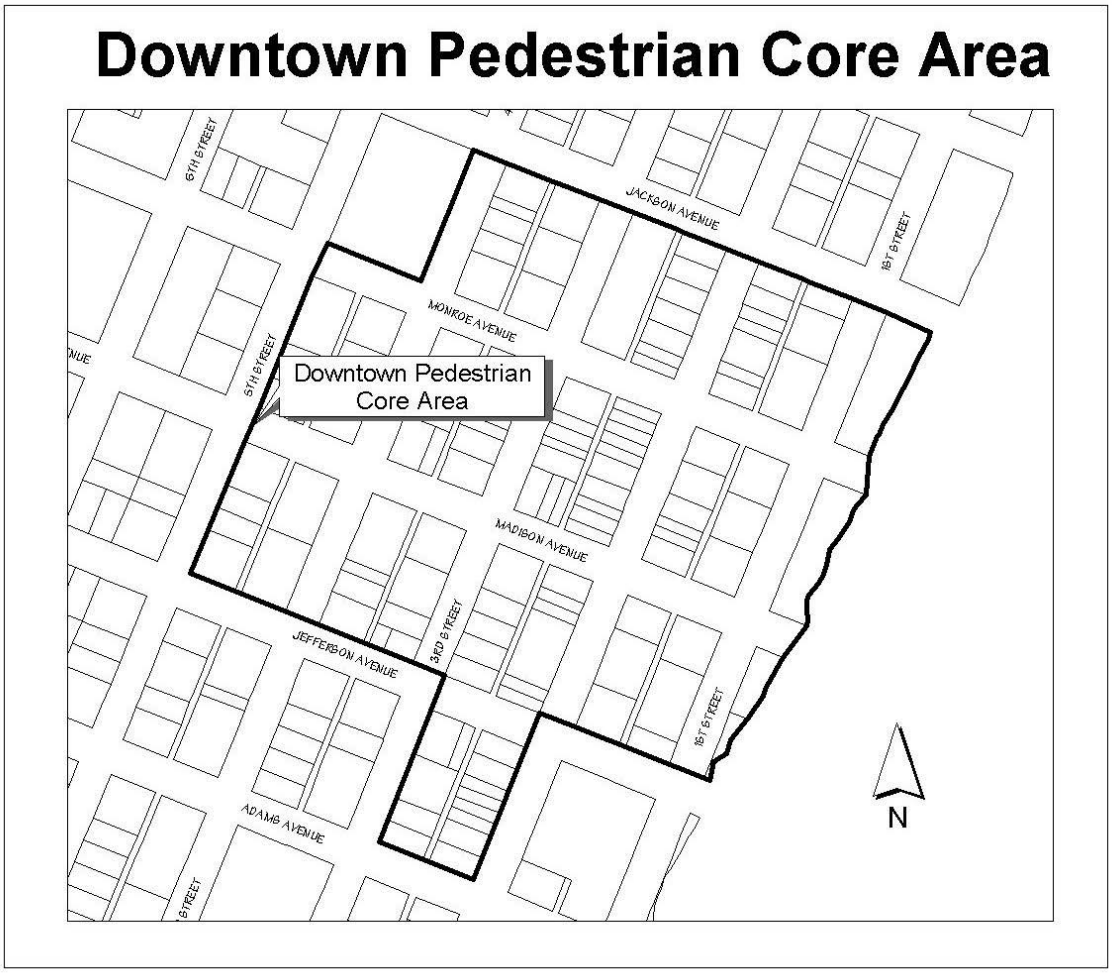

Figure 1.6-14 - Downtown Pedestrian Core Area

Downtown Residential Neighborhood - Area generally bound by Sixth Street on the east, Ninth Street on the west, Fillmore Avenue on the north, and Mary's River on the south. This area is intended to provide housing in close proximity to the Central Business Zone and is identified below in Figure 1.6-15 - Downtown Residential Neighborhood.

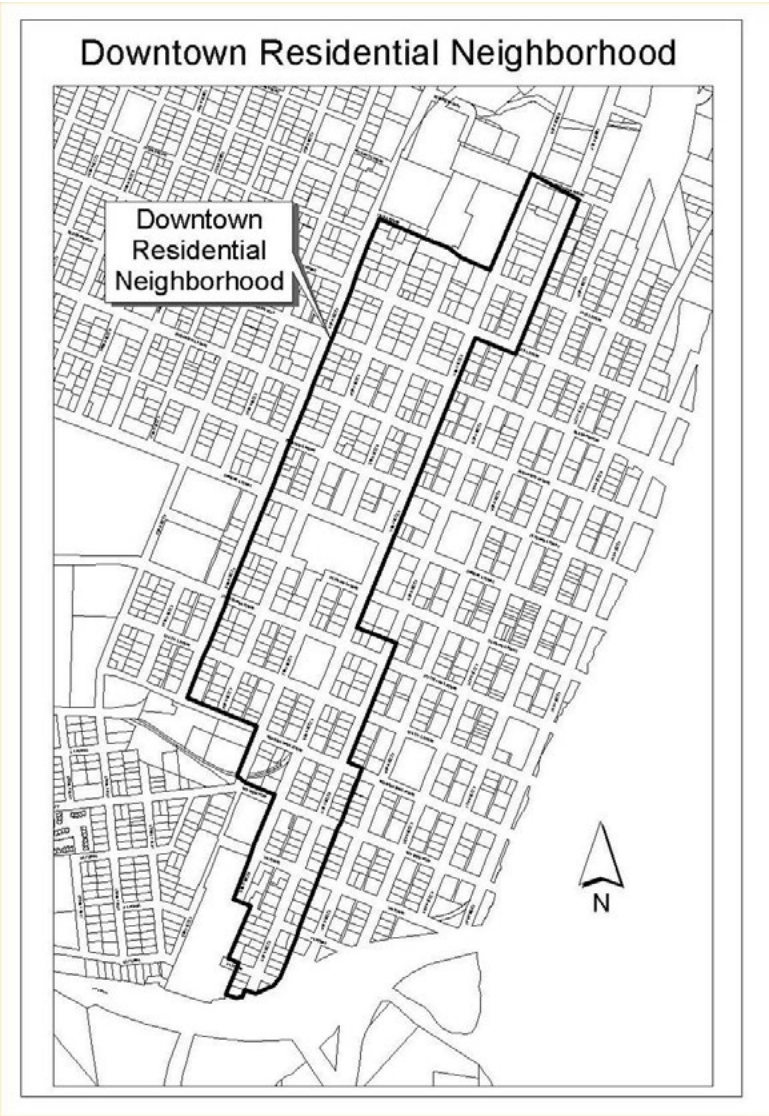

Figure 1.6-15 - Downtown Residential Neighborhood

Drainageway - Natural or artificial Watercourse, including adjacent Riparian Vegetation, that transmits natural Stream or stormwater runoff from a higher elevation to a lower elevation.

Drainageway Dedication - Transfer, in fee-simple, of ownership of a given piece of property for the purpose of stormwater functions.

Drive-Through Facilities - Facilities that provide services directly to patrons in motor vehicles. These types of facilities typically rely on a long driveway or lane that provides adequate room for vehicle stacking at a drive-up service window.

Dwelling Unit - One or more rooms, with bathroom and kitchen facilities (limited to one kitchen only), designed for occupancy by one family. See Family.

Easement - Right that a person has to use another's land for a specific purpose, such as for access or for utilities.

Ecological Restoration - Restoration is the process of repairing damage to the diversity and dynamics of ecosystems. Ecological Restoration is the process of returning an ecosystem as closely as possible to pre-disturbance conditions and functions.

Economically Feasible Rehabilitation - Relative to Designated Historic Resources, rehabilitation is economically feasible where the cost required to bring the structure up to

minimum Building Code standards while maintaining its Historic Integrity does not exceed 75 percent of the structure's replacement value at a similar quality of construction. Calculations required in this definition shall be developed as follows:

a. Estimates for the cost of bringing a structure up to minimum Building Code standards shall be limited to the costs associated with improving a structure to meet minimum Building Code standards - without regard to costs associated with other desired improvements;

b. With respect to estimates for the cost of bringing a structure up to minimum Building Code standards, three estimates from contractors licensed in the State of Oregon shall be provided; and

c. Replacement Value as used in this definition shall equal the Benton County Assessor's Office figures for Replacement Value.

Effects of Buoyancy - Uplift force of water on a submerged or partially submerged object.

Elevated Building - See "Elevated Building" in Section 1.6.40.

Endangered Species - Any species that is in danger of extinction throughout all or a significant portion of its range.

Endangered Species Act (ESA) - Federal regulatory program to protect fish, wildlife, and plants from extinction. It provides a means whereby the ecosystems upon which threatened and endangered species depend may be conserved to ensure the continued survival of the species.

Enhance - To augment into a more desirable condition. In the context of natural features regulations, to improve the functions and values of an existing Natural Resource.

Erosion - Movement or displacement of soil resulting from natural and human-induced processes including weathering, dissolution, abrasion, corrosion, and transportation.

Excavation - Process of mechanically altering the natural grade by stripping or cutting and/or filling the earth. See Grading.

Existing Building or Structure - See "Existing Building or Structure" in Section 1.6.40.

Extension of Services - Land use process that implements City Charter Section 51 and allows an extension of City sanitary sewer, storm sewer, and/or water services outside the City limits in limited circumstances. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 2.7 - Extension of City Services Outside the City Limits.

Family - Individual or two or more persons related by blood, adoption, or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling

unit. As used in this Code, Family also refers to not more than five unrelated physically or mentally handicapped, elderly, or drug- or alcohol-dependent persons receiving treatment, and any number of resident staff persons engaged in their care. The relevant Oregon Revised Statutes that pertain to this definition include ORS 197.660(2) and ORS 197.665, as amended.

Family Day Care - See Day Care, Family.

FAR - See Floor Area Ratio.

Federal Emergency Management Agency (FEMA) - See "Federal Emergency Management Agency (FEMA)" in Section 1.6.40.

Final Plat - Final recorded version of a Subdivision plat, Replat, or Partition plat.

Final Plat, Partition - Final recorded map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions, easements, dedications, and information concerning a partition.

Final Plat, Subdivision - Final recorded map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions, easements, dedications, and information concerning a Subdivision.

Fire Fuel Break Safety Area - Area maintained or constructed, through the reduction of combustible vegetation and other fire fuel materials around structures, to prevent the spread of fires, and the resulting damage to life and property, and/or the area provided for safer fire suppression operations.

Fish-bearing Streams - Fish-bearing streams are those indicated on maps developed by the Oregon Department of Fish and Wildlife and the Oregon Department of Forestry or those where fish presence is documented by the Natural Features Inventory or a recognized fish biologist.

Fish Habitat - Areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

Flag Lot - Lot not meeting the minimum street frontage requirements and that gains access to the nearest public or private street (private street must be within a separate tract) by means of a narrow strip of land.

Flood or flooding - See "Flood or flooding" in Section 1.6.40.

Flood Insurance Rate Map (FIRM) - See "Flood Insurance Rate Map (FIRM)" in Section 1.6.40.

Flood Insurance Study (FIS) - See "Flood Insurance Study" in Section 1.6.40.

Flood, 100-year - See “Flood, 100-year” in Section 1.6.40.

Floodplain - See “Floodplain” in Section 1.6.40.

Floodplain Development Permit - See “Floodplain Development Permit” in Section 1.6.40.

Floodplain Functions - See “Floodplain Functions” in Section 1.6.40.

Floodplain, 100-year - See “Floodplain, 100-year” in Section 1.6.40.

Floodway (Regulatory Floodway) - See “Floodway (Regulatory Floodway)” in Section 1.6.40.

Floodway, 0.2-ft. - See “Floodway (Regulatory Floodway)” in Section 1.6.40.

Floodway, 1.0-ft. - See “Floodway (Regulatory Floodway)” in Section 1.6.40.

Floodway Fringe - See “Floodway Fringe” in Section 1.6.40.

Floor Area Ratio (FAR) - Gross floor area of all buildings on a lot or development site divided by the net area of a lot or development site on which the buildings are located. See Area, Net. In cases where outdoor areas are directly related to the subject land use(s) (e.g., outdoor storage areas; planting areas for nurseries, tree farms, and agricultural businesses; portions of parking lots used for storage and circulation of moving vans associated with moving businesses; etc.), these outdoor areas may be included in the Floor Area Ratio square footage calculation. However, unless specified otherwise, in no case shall standard parking and circulation areas, landscaping, etc., be included in the Floor Area Ratio square footage calculation.

Flow-through Design - See “Flow-through Design” in Section 1.6.40.

Formerly Constrained Areas - Areas that contain areas that would be protected through the Development Constraints in Chapters 4.5, 4.11, 4.12, 4.13, or 4.14, but can be developed by applying the MADA provisions in Chapter 4.11. Formerly Constrained Areas can be developed, and the constraining factors such as significant vegetation may be removed or reduced to accommodate the development. However, for MADA development in Floodway Fringe Areas, there are default standards required and they are the Partial Protection Floodplain Provisions. See Section 4.5.20.03 and **Development Constraints - Former**.

Frontage - Portion of a development site that abuts a public or private street.

Full-line Department Store - Store that provides a depth and variety of general merchandise, apparel, furniture, appliances, and home furnishings.

General Development Decision - Development decision that requires some discretion in applying the criteria and standards of this Code. Requires review and approval by staff

without a public hearing; public notice prior to the staff decision; and the mailing of a Notice of Disposition to persons who responded in writing to the public notice. Appeals are made in accordance with Chapter 2.19 - Appeals.

Geographic Information System (GIS) - System of hardware, software, and data storage that allows for the analysis and display of information that has been geographically referenced.

Grade - (1) Average elevation of the land; (2) the percent of rise or descent of a sloping surface. Usually described as Finished Grade or Natural Grade, and measured in feet above sea level. There is a distinction between percent of slope and degree of slope. For example, a forty-five degree slope is a 100 percent grade. See also Slope.

Grade, Finished - As shown in Figure 1.6-17 - Cut and Fill Cross Section, final elevation of the ground level after development.

Grade, Natural - As shown in Figure 1.6-17 - Cut and Fill Cross Section, elevation of the ground level in its natural state, before construction, filling, or excavation.

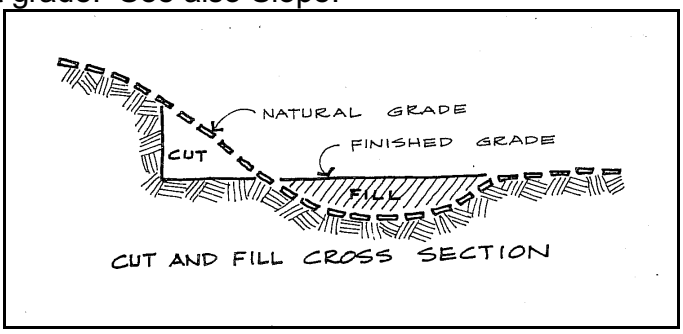

Figure 1.6-17 - Cut and Fill Cross Section

Grading - Stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Green Area - Includes a site's landscaping, private preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, unenclosed patios, and decks. Does not include areas covered by buildings, covered structures enclosed on one or more sides, parking areas, or vehicle circulation areas.

Greenhouse - A glass- or clear plastic-enclosed structure designed to trap and hold heat to facilitate the growth of plants and out-of-season fruits and vegetables under protected conditions. A greenhouse is a permanent structure, not easily disassembled, and is distinct from a "hoop house" or other temporary or seasonal structure designed for a purpose similar to that of a greenhouse.

Habitable Floor - Floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination of these.

Health Hazard Annexation - Land use process that addresses health hazard situations and evaluates whether a property meets the criteria for incorporation into the City limits. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 2.6 - Annexations.

Hearing Authority - City Council or an agency or officer of the Council designated by this Code to conduct public hearings regarding applications for development.

Height of Buildings - Vertical distance above a reference datum measured to the highest point of any non-gabled roof (including a “mansard” roof), or to the average height of the highest gable of a pitched roof. To calculate building height for a gambrel roof, the midpoint of the total height of all roof pitches (from roof peak to eave) shall define the height of the structure. If the eave height is less than 10 ft. above the reference datum, then it is assumed to be 10 ft. for the purpose of computing building height. To calculate the height of a hip roof, the midpoint of the highest roof pitch (from roof peak to eave) shall define the height of the structure. The height of a stepped or terraced building is the maximum height of any segment of the building.

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

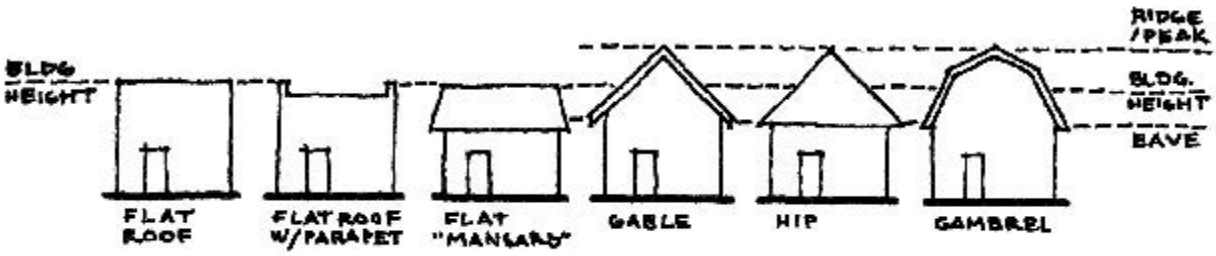

Figure 1.6-18.a - Calculation of Height of Building Using Various Roof Types

a. As shown in Figure 1.6-18.b - Method 1 below, elevation of the highest adjoining sidewalk or ground surface within a five-ft. horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 ft. above lowest grade.

b. As shown in Figure 1.6-19 - Method 2 below, elevation 10 ft. higher than the lowest grade when the sidewalk or ground surface described in "a", is more than 10 ft. above lowest grade.

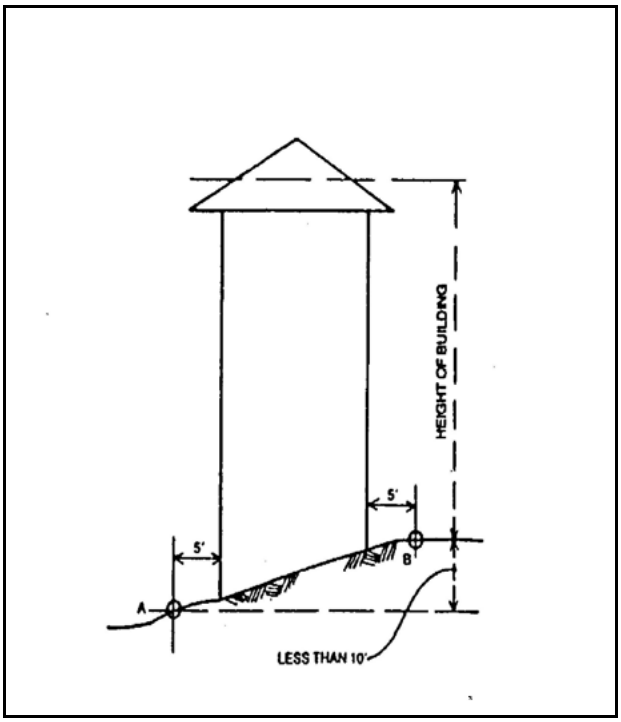

Figure 1.6-18.b - Method 1

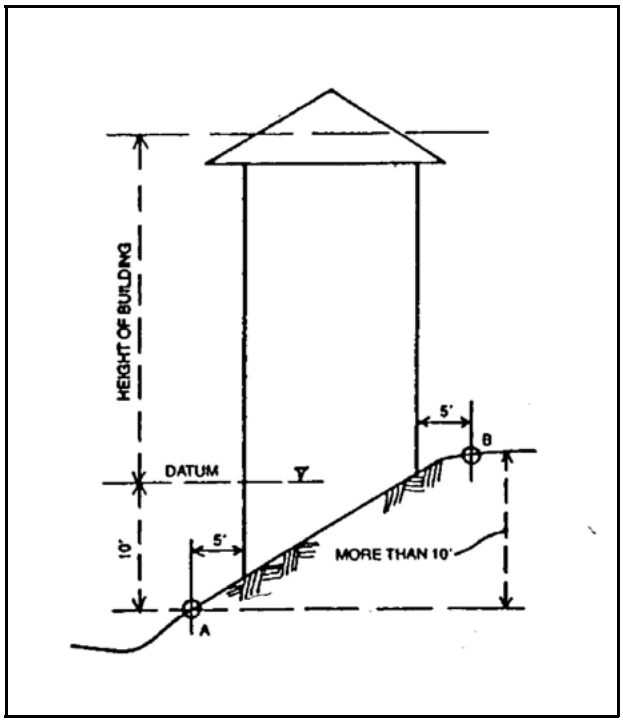

Figure 1.6-19 - Method 2

Highest Adjacent Grade - See “Highest Adjacent Grade” in Section 1.6.40.

Historic Integrity - Integrity of setting, location, materials or workmanship which is determined to be historic by fulfilling at least two of the following criteria:

a. The historic resource is in its original location or is in the location in which it made a historical contribution;

b. The historic resource remains essentially as originally constructed;

c. Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given Period of Significance;

d. The immediate setting of the historic resource retains land uses, or landscaping and relationship with associated structures, consistent with the Period of Significance;

e. The historic resource contributes to the architectural continuity of the street or neighborhood;

f. The site is likely to contain artifacts related to prehistory or early history of the community; or

g. The historic resource is now one of few remaining prime examples of an architectural style or design, or a type of construction that was once common.

Historic Preservation Permit (HRC-level) - Land use process for review of changes to Designated Historic Resources. The changes address Alteration or New Construction, Demolition, and Moving activities not covered by Director-level Historic Preservation Permits, and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific procedures and discretionary review criteria for this type of permit are listed in Sections 2.9.60.c, 2.9.90, 2.9.100, 2.9.110, and 2.9.120. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 2.9 - Historic Preservation Provisions.

Historic Preservation Permit (Director-level) - Land use process for review of changes to Designated Historic Resources. The changes address Alteration or New Construction activities that are minor in nature, not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements, and decided upon by the Director. Specific procedures and clear and objective review criteria for this type of permit are listed in sections 2.9.60.c, 2.9.90, and 2.9.100. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Chapter 2.9 - Historic Preservation Provisions.

Historic Resource - Building, district, object, site, or structure that has a relationship to events or conditions of the human past, as defined in OAR 660-023-0200(1)(c) and 40 CFR 60.3.

Historic Significance (or Historically Significant) - Determination made for a resource that is in and of itself significant or that contributes to historic and cultural resources of the community. Such a determination is made when the resource is 50 years old or older and when at least one of the additional criteria listed below applies to it. Resources that are less than 50 years old may be considered eligible for historic designation if they are of exceptional importance, based on National Register of Historic Places Criteria for Evaluation (36 CFR 60).

a. It is associated with events that have made a significant contribution to the broad patterns of political, economic, cultural, or industrial history of the City, county, state or nation;

b. The resource is fundamentally related to the work, achievements, or life story of a person, group, organization, or institution that has made a significant contribution to the City, county, state or nation;

c. It embodies distinctive characteristics of a type, Period of Significance, or method of construction;

d. It may be a prime example of an architectural style or design, or may represent a type of construction that was once common and is now one of few remaining examples;

e. It represents the work of a master, i.e., it is a noteworthy example of the work of a craftsman, builder, architect, or engineer significant in City, County, State, or national history;

f. It demonstrates high artistic values in its workmanship or materials;

g. It yields or is likely to yield information important in prehistory or history;

h. It is a visual landmark; or

I. It contributes to the continuity or the historic character of the street, neighborhood, and/or community, or contributes to the Historic Integrity of the Period of Significance represented.

Historically Significant Tree - Historically Significant Tree is defined as a tree that meets the criteria described in “a," “b," or “c," below:

a. A tree that meets all of the following criteria:

1. The tree is located on a Designated Historic Resource property, is at least 50 years old, and has been in existence since a time prior to, or during, the Designated Historic Resource’s Period of Significance;

2. The tree meets the definition of Significant Tree in this Chapter, with the exception that the minimum eight-inch caliper at four ft. above grade requirement does not apply to a tree which, due to its species type, is not anticipated to reach a minimum eight-in. caliper by a 50-year date of maturity; and

3. The tree is consistent with at least one of the statements in “a.3.a” below, in the opinion of the Director. The Director’s opinion shall be based on the items in “a.3.b," below:

   a) Statements -

      1) The tree can be correlated to a Historically Significant event that contributed to Corvallis’ history;
      2) The tree marks the site of a historic event; or
      3) The tree is fundamentally related to the work, achievements, or life story of a person or group, organization, or institution that has made a significant contribution to the City, County, State or nation.

   b) Information for Use by the Director-

      1) Documentation in Section 2.9.60.c and any additional documentation provided by the property owner; and
      2) Consideration of the criteria referenced in “a.3(a)(3),” above relative to the Designated Historic Resource’s Period of Significance.

b. A tree that is either:

1. Identified as a Designated Historic Resource on an individual basis; or

2. In or adjacent to a National Register of Historic Places Historic District, within a private street right-of-way or a public right-of-way, and which meets both criteria “a.1" and “a.2" above, relative to the District.

c. Individually identified as Historically Significant in an official historic inventory for a Designated Historic Resource or an approved National Register of Historic Places nomination;

Historic Structure - See Section 1.6.40.

Home Business - Lawful commercial activity commonly conducted within a dwelling by members of the family occupying the dwelling, with up to one additional employee not to exceed 40 hours per week. The residential character of the dwelling shall be maintained and the activity conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. The activity also does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Garage sales are considered to be home businesses. Bed and Breakfast businesses that rent up to two bedrooms within owner-occupied dwellings are also considered to be Home Businesses. To be considered a Home Business, the Use must comply with all of the following:

a. No display shall indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling, except that signage consistent with Section 4.7.90.01 of Chapter 4.7 - Sign Regulations is allowed. Garage sales are exempt from this provision.

b. No outside storage of merchandise or materials. Garage sales are exempt from this provision.

c. The amount of commercial activity is less intensive than activities permitted in a commercial zone.

d. The use will not cause excessive or unusual traffic in the vicinity because of deliveries, pick-ups, parking, sales, or other activities.

e. Noise, smoke, or odors do not exceed those created by normal residential use.

f. Each garage sale is limited in duration to two consecutive days. No more than six garage sales in one calendar year may be conducted at a residence.

Home Occupation - See Home Business.

Homeowners’ Association - Private, incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a Planned Development or other described land area is automatically subject to a charge for a proportionate share of the

expenses for the organization's activities, such as maintaining a common property. Homeowners' associations are authorized by ORS Chapter 94, as amended, and are not City government organizations.

Household - Domestic establishment including a member or members of a family and/or others living under the same roof.

Housing Types - Residential Housing Types consisting of the following:

a. **Single Detached ≤ 1,200 sq. ft.** - Same as Building Type Single Detached, but containing a total footage less than or equal to 1,200 sq. ft.

b. **Single Detached 〉 1,200 sq. ft.** - Same as Building Type Single Detached, but containing a total footage greater than 1,200 sq. ft.

c. **Single Detached (Zero Lot Line) ≤ 1,200 sq. ft.** - Same as Building Type Single Detached (Zero Lot Line), but containing a total footage less than or equal to 1,200 sq. ft.

d. **Single Detached (Zero Lot Line) 〉 1,200 sq. ft.** - Same as Building Type Single Detached (Zero Lot Line), but containing a total footage greater than 1,200 sq. ft.

e. **Accessory Dwelling Unit** - Same as Building Type Accessory Dwelling Unit.

f. **Single Attached (Two units)** - Same as Building Type Single Attached (Zero Lot Line).

g. **Duplex** - Same as Building Type Duplex.

h. **Attached (Three - Five Units)** - Same as Building Type Attached, but containing three to five dwelling units. Can include such housing types as townhouses, rowhouses, flats, and condominiums.

I. **Attached (〉 five units)** - Same as Building Type Attached, but containing greater than five dwelling units. Can include such housing types as townhouses, rowhouses, flats, and condominiums.

j. **Triplex** - Same as Building Type Multi-dwelling, but containing three dwelling units.

k. **Fourplex** - Same as Building Type Multi-dwelling, but containing four dwelling units.

l. **Apartment Buildings** - Same as Building Type Multi-dwelling, but containing greater than four dwelling units.

Human Occupancy - Consistent with the definition for Habitable Space (Room) from Section 209-H of the 1998 Oregon Structural Specialty Code. Refers to space in a structure for

living, sleeping, eating, or cooking. Does not include bathrooms, toilet compartments, closets, halls, storage and utility spaces, and similar areas.

Human Scale - Synonym of pedestrian scale, Human Scale is an informal and relative standard. It suggests that the relationship between a person and the environment, whether natural or human-made, is comfortable, intimate, and contributes to the person's sense of accessibility. Additionally, Human Scale refers to the proportional relationship of a particular building, structure, or streetscape element to the human form and function.

Hydrodynamic Load - See "Hydrodynamic Load" in Section 1.6.40.

Hydrostatic Load - See "Hydrostatic Load" in Section 1.6.40.

Impact - Consequences of a course of action; the effect of a goal, guideline, plan, or decision.

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

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.

In-kind Repair or Replacement - Repair or replacement of existing materials or features that match the old in design, color, texture, materials, dimensions, shape, and other visual qualities. This includes replacement of roofing, doors, windows, siding, and other structural elements, provided the replacements match the old in the manners described herein. Repair or replacement of windows or doors containing glass that substitute double-pane glass for single-pane glass is not considered to be In-kind Repair or Replacement. Additionally, while the repair or replacement of deteriorated materials In-kind is allowed, it is recommended that repair be considered by the property owner prior to replacement.

Intermittent Stream - See Stream, Intermittent.

Invasive and/or Noxious Vegetation - Vegetation identified in the Oregon Department of Agriculture's Noxious Weed Policy and Classification System, as amended, including weeds designated as "A," "B," and/or "T."

Noxious weeds, for the purpose of this system, shall be designated "A" or "B" and may be given the additional designation of "T" according to the Oregon Department of Agriculture Noxious Weed Classification System.

- **"A" Designated Weed** - a weed of known economic importance which occurs in the state in small enough infestations to make eradication or containment possible; or is not known to occur, but its presence in neighboring states make future occurrence in Oregon seem imminent (Table 1).

Recommended action: Infestations are subject to eradication or intensive control when and where found.

- **"B" Designated Weed -** a weed of economic importance which is regionally abundant, but which may have limited distribution in some counties (Table 2).

  Recommended action: Limited to intensive control at the state, county or regional level as determined on a case-by-case basis. Where implementation of a fully integrated statewide management plan is not feasible, biological control (when available) shall be the main control methods.

- **"T" Designated Weed -** a priority noxious weed designated by the Oregon State Weed Board as a target on which the Oregon Department of Agriculture will develop and implement a statewide management plan. "T" designated noxious weeds are species selected from either the "A" or "B" list (Table 3).

Irrigation System - Manual or mechanically controlled method of supplying water to an area that needs it.

Jurisdictional Wetlands - See Wetlands, Jurisdictional.

Key Areas of Exchange - Locations within a watershed where ground water recharge from surface water occurs (e. g., permeable depressions) or where streams are fed by ground water (e.g., springs).

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

Land Area, Net - See Area, Net.

Land Development Code Text Amendment - Amendment to the text of this Code. Procedures for this type of land use application are outlined in Section 1.2.80.

Land Division - Land divided to create legally separate areas in one of the following ways:

a. **Partition** - Division of land that creates three or fewer parcels within a calendar year when such parcels exist as a unit or contiguous units of land under single ownership at the beginning of the year. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

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

1. Establishment or modification of a tax lot by the County Assessor;

2. A lien foreclosure, foreclosure of a recorded contract for the sale of real property, or creation of cemetery lots;

3. An adjustment of a property line where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zone criteria established by this Code; or

4. Sale or grant by a person to a public agency or public body for state highway, county road, City street, or other right-of-way purposes provided that such road or right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r), as amended. See Property Line Adjustment.

b. **Subdivision** - Division of land that creates four or more lots within a calendar year when such lots exist as a unit or contiguous units of land under a single ownership at the beginning of such year. A Subdivision does not include division of land resulting from any of the activities in "a," above. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development, Section 1.2.110.03 - Special Development, and Chapter 2.4 - Subdivisions and Major Replats.

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

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

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

Lateral Addition - See "Lateral Addition" in Section 1.6.40.

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

Legislative Decision - Formulation of policy characteristic of the actions by a city council. *Ex parte* contact requirements are not applicable to legislative hearings. In general, personal notice to citizens of proposed changes is not required, although this Code specifies that in some cases, notice shall be mailed to property owners if a decision will change the land use designation. In general, the burden of being informed rests on the citizen. See also Limited Land Use Decision and Quasi-judicial Decision.

Letter of Map Change (LOMC) - See "Letter of Map Change (LOMC) in Section 1.6.40.

Limited Land Use Decision - Land use decision made by City staff through an administrative process and that qualifies as a Limited Land Use Decision under ORS 197.195, as amended. Limited land use decisions are among the types of decisions that are reviewed through the process set out in Chapter 1.2 - Legal Framework as General Developments.

Local Register - See Corvallis Register of Historic Landmarks and Districts.

Local Wetlands Inventory (LWI) - See Wetlands, Local Wetlands Inventory.

Locally Protected Locally Significant Wetlands (LPLSW) - See Wetlands, Locally Protected Locally Significant Wetlands (LPLSW) .

Locally Significant Wetlands - See Wetlands, Locally Significant (LSW).

Lot - Unit of land created by a Subdivision of land and intended as a unit for the purpose, whether immediate or future, of transfer of ownership and/or for development.

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

Lot, Corner - Lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Coverage - Unless otherwise noted in a development zone, portion of a development site covered by building footprints, structures enclosed on one or more sides, parking areas, and vehicle circulation areas (including all gravel and paved surface areas).

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

Lot Development Option - Land use process that applies only to individual lots and provides a means to vary the development standards normally applied in a particular zone. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Chapter 2.12 - Lot Development Option.

Lot, Interior - Lot with frontage on only one street.

Lot Line - Property line bounding a lot.

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

a. Location of the front door;

b. Location of the driveway (when accessed off a public or private street); or

c. Legal street address.

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

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

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

a. Runs parallel to the front lot line or its chord; and

b. Intersects the other lot lines at points most distant from the front lot line.

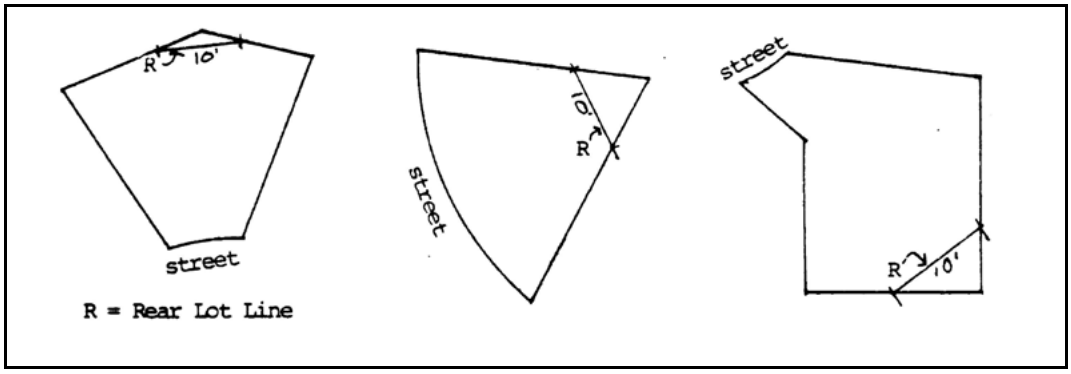

Figure 1.6-20 - Rear Lot Line

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

Lot, Reversed Corner - Corner lot with a rear lot line bordering the side yard of another lot, whether or not separated by an alley.

Lot, Tax - Parcel of real property shown on the County Assessor's map and identified by a tax lot number. A Tax Lot is not necessarily a Lot of Record.

Lot, Through - See Through Lot.

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

Lowest Floor - See "Lowest Floor" in Section 1.6.40.

Maintain - Support, keep, and continue in an existing state or condition without decline.

Manufactured Dwelling Facility - See definition under Building Types.

Manufactured Dwelling - A structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term Manufactured Dwelling does not include a Recreational Vehicle.

Manufactured Dwelling Space - Portion of a Manufactured Dwelling Facility designated for occupancy of a Manufactured Dwelling or Mobile Home. Includes space for accessory structures and outdoor living areas, but excludes common areas such as roadways, guest parking, etc. See Manufactured Dwelling Facility under Building Types.

Manufactured Dwelling Stand - Portion of a Manufactured Dwelling space reserved solely for the location of a Manufactured Dwelling or mobile home structure. See Manufactured Dwelling Space.

Map Refinements - Adjustments made through professional analyses to refine the actual boundaries of some Natural Resources and Natural Hazards. Map Refinements must be made in accordance with this Code's provisions in Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, and are specifically allowed to determine the location and extent of: the 0.2-ft. Floodway; the 1.0-ft. Floodway; the Floodway Fringe (in accordance with FEMA regulations); the Top-of-bank of streams and rivers; Riparian Corridors (once Top-of-bank is accurately determined); and Wetlands (through delineations approved by the Oregon Department of State Lands).

Mean Sea Level - See "Mean Sea Level" in Section 1.6.40.

Minimum Assured Development Area (MADA) - Minimum area on a development site that is permitted to be disturbed for development, regardless of the Natural Resources or Natural Hazards Overlay designation(s) on the site. The methodologies for determining the MADA are listed in Chapter 4.11 - Minimum Assured Development Area (MADA).

Ministerial Decision - Nondiscretionary decision made at a City staff level using the criteria and standards of this Code.

Mitigation - Methods used to alleviate or lessen the impact of development and/or to increase or improve Natural Resource functions within Natural Resource areas.

Mobile Home - Dwelling constructed for movement on public highways and constructed prior to adoption of June 15, 1976 U.S. Housing and Urban Development (HUD) standards, but meeting the requirements of Oregon's mobile home laws in effect at the time of original construction.

Mobile Home Park - See Manufactured Dwelling Facility under Building Types.

Modillion - As shown in Figure 1.6-21- Modillion, horizontal bracket or console, usually in the form of a scroll with acanthus, supporting the corona under a Cornice. Found in Corinthian, Composite, and, less frequently, Roman Iconic orders.[4]

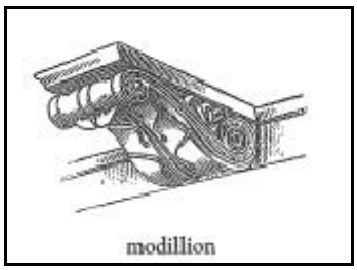

Figure 1.6-21 - Modillion

Modular Structure - Structure built off-site, but placed on a permanent foundation. Meets State Building Code standards.

Mullion - As shown in Figure 1.6-22.a - Mullion, vertical member separating (and often supporting) windows, doors, or panels set in series.[5]

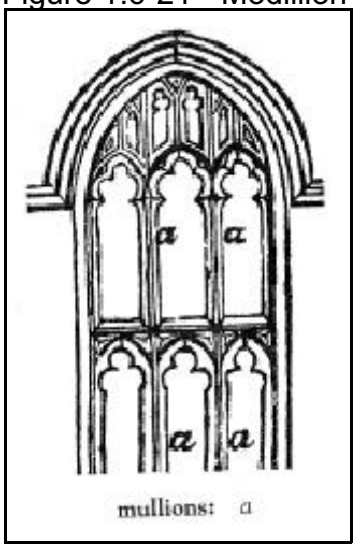

Figure 1.6-22.a - Mullion

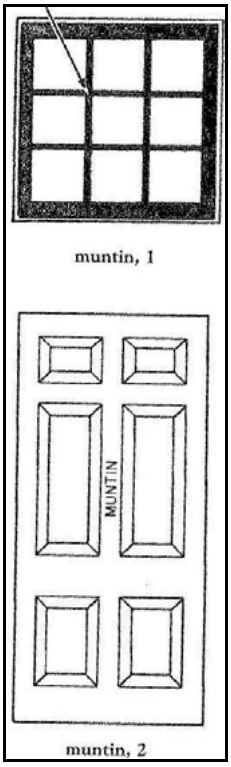

Figure 1.6-22.b
Muntin

Muntin, Window - A secondary framing member to hold panes within a window, window wall or glazed door, as shown in Figure 1.6-22.b.[6]

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[4] Harris, Cyril M. "Dictionary of Architecture and Construction, Fourth Edition" 2006

[5] Harris, Cyril M. "Dictionary of Architecture and Construction, Fourth Edition" 2006

[6] Harris, Cyril M. "Dictionary of Architecture and Construction, Fourth Edition" 2006

National Geodetic Vertical Datum - Elevation reference mark used in determining a flood boundary and floodway maps, formerly referred to as Mean Sea Level

National Register of Historic Places (National Register) - Nation's official list of significant historic resources worthy of preservation, as authorized by the National Historic Preservation Act of 1966, as amended. The National Register of Historic Places is administered by the National Park Service, U.S. Department of the Interior. Historic resources may be added to the National Register of Historic Places on an individual basis and/or as part of a Historic District. Under state law, National Register of Historic Places historic resources are defined as historic resources of statewide significance. All National Register of Historic Places historic resources are defined as Designated Historic Resources in this Code.

National Register of Historic Places Historic District Classifications - Historic resources in an approved National Register of Historic Places Historic District are classified as Historic/Contributing, Historic/Noncontributing, or Nonhistoric/Noncontributing. The components of these classifications are defined as follows:

a. Historic - At least 50 years old at the time of designation and called out as Historic in the Historic District Nomination.

b. Nonhistoric - Not yet 50 years old at the time of designation or called out as Nonhistoric in the Historic District Nomination.

c. Contributing - A resource in a National Register of Historic Places Historic District which, at the time of designation, retained a sufficient amount of Historic Integrity relevant to the Period of Significance to convey its historic appearance and Historic Significance.

d. Noncontributing - A resource in a National Register of Historic Places Historic District which, at the time of designation, lacks Historic Integrity relevant to the Period of Significance, and/or which is not historic.

The City shall refer to the final approved National Register of Historic Places Historic District nomination forms to determine the appropriate classification that applies. In some cases, more than one classification may apply to a property; for example, a primary structure on a site, such as a Single-family detached home, may be classified as Historic/Contributing, while an accessory structure, such as a detached garage, may be classified as Nonhistoric/Noncontributing.

Vacant lots or parking lots shall be evaluated per the requirements for Nonhistoric/Noncontributing resources contained in this Code. Any reclassifications for these or any other Designated Historic Resources listed in a National Register of Historic Places Historic District shall be accomplished per state and federal requirements.

Natural Features Map Overlays - Comprehensive Plan and Zoning overlay designations for Natural Hazard areas and Natural Resource areas. Natural Features Map Overlays are designated on the Comprehensive Plan Map and the Official Zoning Map. The natural

features are further identified on the Official Zoning Map's sub-maps entitled the Natural Hazards Map, the Significant Vegetation Map, and the Riparian Corridors and Wetlands Map.

Natural Hazards - Hazards regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Natural Resources - Resources regulated by Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; as well as Significant Trees and Significant Shrubs, regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Natural Swale - Naturally-occurring linear depression that carries surface water only after rainfall. It also transports sub-surface water either seasonally or throughout the year.

Net Aggregate Natural Features Area - As shown in Figure 1.6-23, the area containing protected Natural Hazards, plus the area containing protected Natural Resources, minus the overlap area containing both Natural Hazards and Natural Resources so that areas are not double-counted.

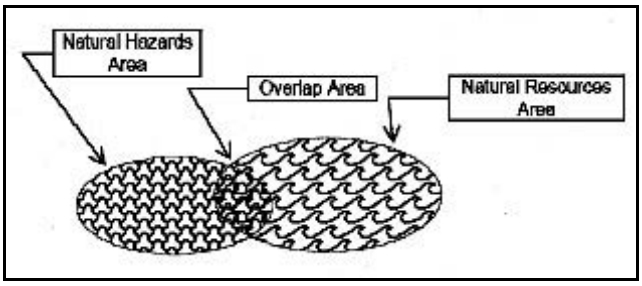

Figure 1.6-23 - Net Aggregate Natural Features Area

New Construction - See "New Construction" in Section 1.6.40.

Nonconforming Development - See Legal Nonconforming Development. Also pertains to an unlawful existing structure or use that does not conform to the requirements of this Code or any of its predecessors.

Nonhistoric - For historic resources not already specifically classified as part of a National Register of Historic Places Historic District (classifications for said District include Historic/Contributing, Historic/Noncontributing, and Nonhistoric/Noncontributing), the term Nonhistoric means resources that are less than 50 years old.

North American Vertical Datum of 1988 - The North American Vertical Datum of 1988 (NAVD 88) is the vertical control datum established in 1991 by the minimum-constraint adjustment of Canadian-Mexican-U.S. leveling observations.

North Campus Area - As shown in Figure 1.6-24.a, area generally located north of Monroe Avenue, south of Fillmore Avenue, east of Arnold Avenue, west of Eighth Street, and as particularly described in City Ordinance 92-28.

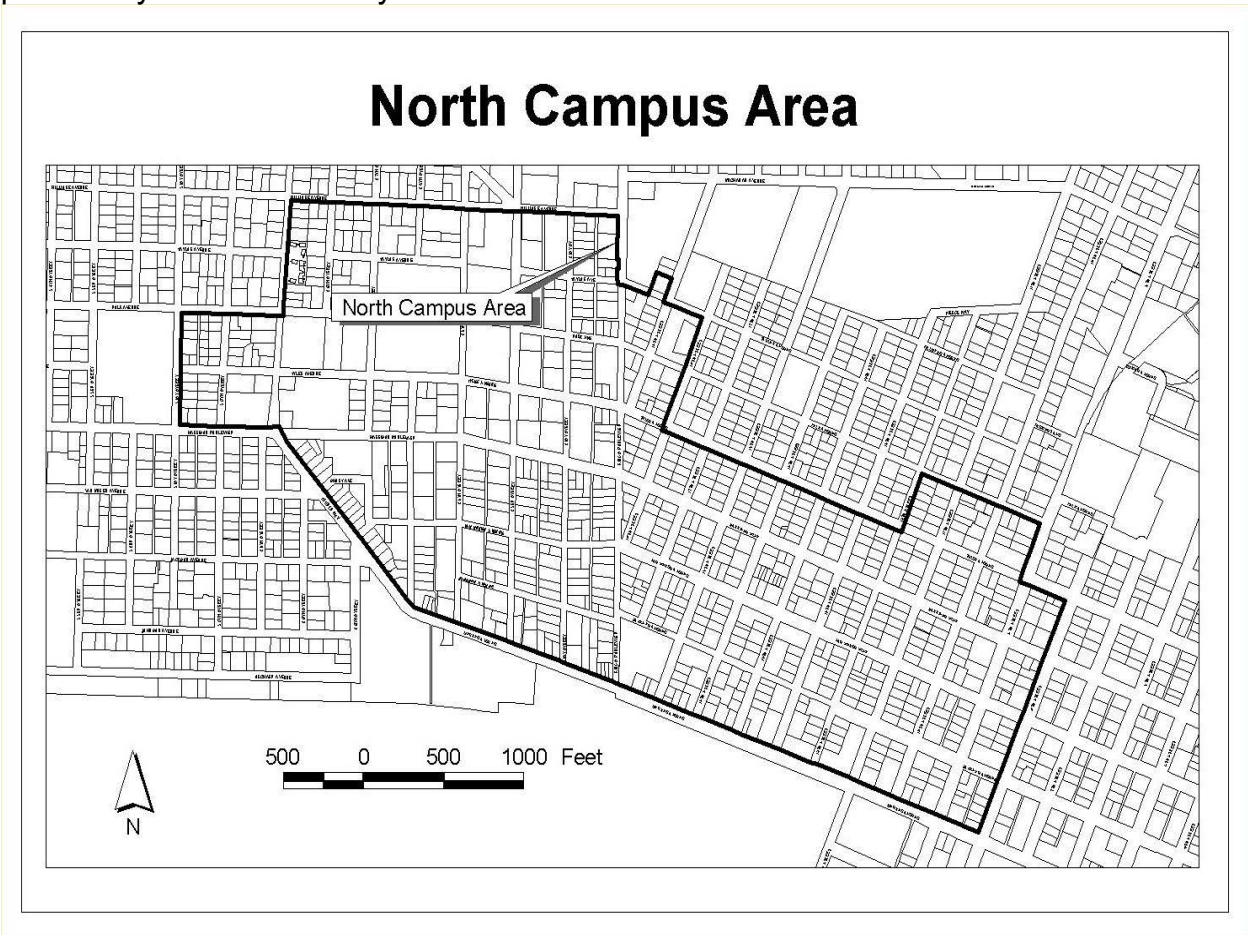

Figure 1.6-24 - North Campus Area

Notice of Disposition - Written communication that specifies the action of a Hearing Authority or Director concerning a development proposal.

NPDES – Refers to the National Pollution Discharge Elimination System, which is the permitting system established by the Environmental Protection Agency to administer the Federal Clean Water Act.

Nuisance - That which interferes with the enjoyment and use of property and is annoying, unpleasant, and/or obnoxious.

Office - Place designated for the Civic and Commercial Use Types of Administrative Services; Business Support Services; Financial, Insurance and Real Estate Services; Medical Services; and Professional and Research Services. See Chapter 3.0 - Use Classifications for definitions of these Use Types.

Open Space - Undeveloped or predominately undeveloped land, including waterways, in and around an urban area. Open Space lands are reserved for general community use, and

include parks, preserves, general drainageway corridors, and other areas permanently precluded from development.

Order - Final disposition of a case which can be affirmative, negative, injunctive, or declaratory in form. Includes grant, conditional grant, or denial of an application for development.

Outdoor Space, Common - Areas intended for common outdoor active or passive recreational use. Normally includes swimming pools, recreation courts, patios, open landscaped areas, preserved natural areas, and/or greenbelts with pedestrian, equestrian, and/or bicycle trails, etc. Does not include off-street parking, loading areas, or driveways. Can be privately owned and maintained, or dedicated to the City.

Outdoor Space, Private - Areas intended for private outdoor active or passive recreational use by residents of an individual dwelling unit. Normally includes patios and landscaped areas. Does not include off-street parking, loading areas, or driveways.

Overlay - Overlay on a development zone created by ordinance in recognition of a property's or area's unique characteristics, such as Historic Resources, Natural Resources, Natural Hazards, or Willamette River Greenway; or an overlay created by ordinance to signify that a Planned Development exists or is needed. An overlay is applied over the top of a property's main zone. For example, a Planned Development applied to all or a portion of a Low Density Residential (RS-6) property would result in a PD (RS-6) Overlay . See Natural Features Map Overlays.

Parcel - Unit of land created from a Partition and intended for immediate or future transfer of ownership and/or development. See also Land, Parcel of and Lot.

Partition - See Land Division.

Patio - Inner courtyard or a space for dining or recreation, adjacent to a dwelling, that has a permanent hard surface for a floor (not gravel).

Pedestrian-friendly - Built environment or development pattern that provides direct and convenient access for handicapped persons and persons on foot (pedestrians) within a development and from a development to adjacent public transportation facilities, Such as sidewalks, bus routes, and bus shelters. A pedestrian-friendly environment also provides amenities such as window space for visual relief along sidewalks (rather than parking areas), doorways adjacent to public sidewalks for ease of access, awnings and other weather protection, benches, plazas, etc., which help to make walking an efficient and desirable method of transportation.

Perennial Stream - See Stream, Perennial.

Periodic Review - Process between the state, local governments, and others, requiring local governments to update their Comprehensive Plans and land use regulations to carry out State and local goals and objectives. Required every four to 10 years.

Period of Significance - Period of Significance is the length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for National Register of Historic Places listing and/or Local Register listing. Period of Significance usually begins with the date when significant activities or events began giving the property its Historic Significance; this is often a date of construction. Period of Significance usually ends with the date when the significant activities or events stopped giving the property its Historic Significance. For prehistoric properties, the Period of Significance is the broad span of time about which the site or district is likely to provide information; it is often the period associated with a particular cultural group.

Permeability – Ability of the soil to absorb water.

Permitted Outright - Development activity not subject to discretionary review. An example is a detached Single-family residence in an RS-3.5 Zone.

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

Plan Compatibility Review - Land use process that provides an additional review of certain uses to ensure that the intensity and characteristics of the uses are compatible with particular sites and nearby land uses. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Chapter 2.13 - Plan Compatibility Review.

Planned Development - See Conceptual Development Plan and Detailed Development Plan.

Planned Development Modification (Major) - Land use process that provides an opportunity to allow flexibility with regard to site planning and architectural design for previously approved Conceptual or Detailed Development Plans. Such flexibility is in excess of the thresholds that define a Minor Planned Development Modification and provides benefits within the development site that compensate for requested variations from the approved Conceptual or Detailed Development Plan such that the intent of the original approval is still met. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Section 2.5.60 - Planned Development Modification.

Planned Development Modification (Minor) - Land use process that provides an opportunity to allow a limited amount of flexibility with regard to site planning and architectural design for previously approved Conceptual or Detailed Development Plans; and provides benefits within the development site that compensate for requested variations from the approved Conceptual or Detailed Development Plan such that the intent of the original approval is still met. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Section 2.5.60 - Planned Development Modification.

Planned Development Overlay - One of two types of overlays. One type is a zoning overlay that exists for the life of an active Conceptual or Detailed Development Plan. Procedures for this first type of Planned Development land use application are outlined in

Section 1.2.110.03 - Special Development and Chapter 2.5 - Planned Development. The other type is a zoning overlay established without an associated Conceptual or Detailed Development Plan. Procedures for this second type of Planned Development Overlay land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 3.32 - PD (Planned Development) Zoning Overlay.

Plat - See Final Plat.

Plat, Partition - See Final Plat, Partition.

Plat, Subdivision - See Final Plat, Subdivision.

Policy – Decision-making guideline for actions to be taken in achieving goals and the community's vision.

Practicable - Capable of being effected; feasible.

Pre-existing Condition – Phrase used in the Stormwater Master Plan (SWMP) as a reference to the land characteristics and habitat condition prior to man-made modifications.

Preservation Treatment (as applied to Designated Historic Resources) - As used in this Code, preservation treatment means activities that stabilize and maintain properties at a high level of Historic Integrity. When repair of a feature is no longer possible, preservation includes actions such as In-kind Repair and Replacement and often allows review through a Ministerial process.

Preserve – To save from change or loss and reserve for a special purpose. The most strict non-degradation standard.

Pretreatment – Treatment of urban runoff prior to discharging into a public water body.

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

Primary Use - Main, principal, or predominant use.

Principal Use - See Primary Use.

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

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

1.2.110.02 - General Development, Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments, and Section 2.14.60.

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

Proximate Wetlands - See Wetlands, Proximate.

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

Recreational Vehicle - A vehicle that is:

a. Built on a single chassis;

b. 400 sq. ft. or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towed by a light duty truck; and

d. Designed primarily not for use as a primary dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Rehabilitation Treatment (as applied to Designated Historic Resources) - As used in this Code, Rehabilitation Treatment includes activities that modify properties. Though removal of Historically Significant features is discouraged, replacement with new materials and even new additions may be allowed, if they are compatible with the property's historic materials, features, size, scale and proportion, and massing to protect the Historic Integrity of the property and its environment. Approval generally requires quasi-judicial review by the Historic Resources Commission.

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

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

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

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

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

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

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

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

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

Riparian Assessment Area - Bounded area inventoried for the Riparian Assessment portion of the Natural Features Inventory.

Riparian Corridor - See Riparian Area.

Riparian Management Zone - Area within the Willamette River Greenway, extending from the edge of the waterway to either the Top-of-bank or to the 10-year Floodplain, whichever is greater.

Riparian Corridors, Regulated - Riparian and associated upland areas regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions to protect Riparian Areas and water resources. Regulated Riparian Corridors are clearly defined on the Comprehensive Plan Map, Official Zoning Map, and Riparian Corridors and Wetlands Map. Regulated Riparian Corridors have been identified for both Intermittent and Perennial Streams and widths are measured from Top-of-bank and based on areas drained. See Top-of-bank and Upland Natural Resources.

Riparian Function - A characteristic action or role provided by riparian areas, such as water quality, flood management, thermal regulation, and wildlife habitat.

Riparian Vegetation - For the purposes of these regulations, vegetation located within the Regulated Riparian Corridor.

Sash, Window - Any framework of a window; may be movable or fixed; may slide in a vertical plane (such as a double-hung window) or may be pivoted (such as a casement window). For the purposes of this definition, a window sash also includes the top and bottom rails and stiles as shown in Figure 1.6-24.b.[7]

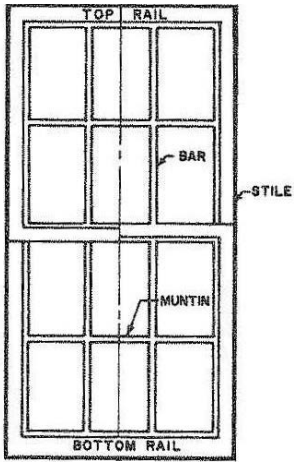

Figure 1.6-24.b - Sash

Secondary Source Material - Pertains to Designated Historic Resources. Secondary Source Material includes information such as photos, design drawings, or other information depicting structures or appurtenances similar to and/or from the same Period of Significance as the Designated Historic Resource for which a Historic Preservation Permit is being requested.

Setback - Minimum allowable horizontal distance from a property line (unless otherwise noted) to the nearest vertical wall of a building or structure, fence, or other element as defined by this Code.

Shall – Expressing what is mandatory.

Shallow Flooding, Area of - See “Area of Shallow Flooding” in Section 1.6.40.

Sharrow – A shared-lane marking in the center of a paved travel lane of a street indicating to motorists that bicyclists may use the full travel lane.

Should – Expressing what is desired, but not mandatory.

Sign - Device or medium affixed to property (including the device or medium’s structure, lighting, materials, and component parts) which by reason of its form, color, wording, symbol, design, and illumination, visually communicates, identifies, advertises, informs, announces, or attracts attention to the subject thereof.

Sign, Area - As shown in Figure 1.6-25 - Sign Area, square footage of a sign face within a single continuous rectilinear perimeter that encloses the extreme limits of a sign. Excludes the pole or base of free-standing signs. Where a sign is more than one ft. thick, has more than two faces, or is three dimensional, the Sign Area calculation is based on 50 percent of the surface area of the four vertical faces of the smallest rectangular solid that can be formed around the sign.

The area of a sign on an awning, where the awning projects more than six ft. from the building face over a walkway to provide weather protection, is determined using the smallest rectangle around the graphic on the awning. A sign on an awning that projects less than six ft. shall be considered a three-dimensional sign.

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[7] Harris, Cyril M. “Dictionary of Architecture and Construction, Fourth Edition” 2006

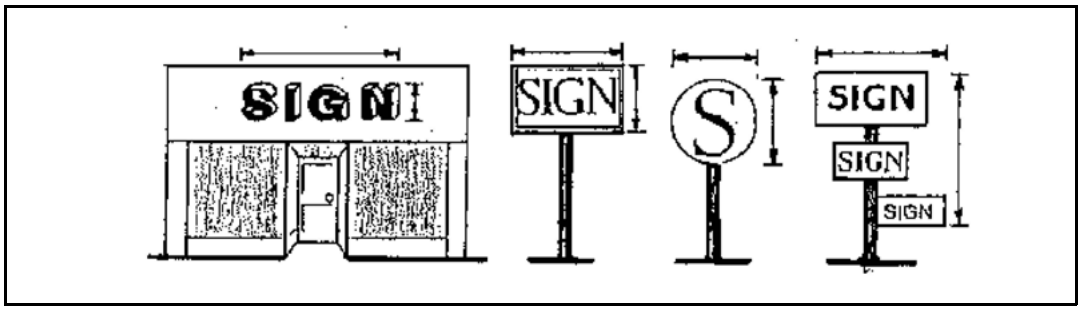

Figure 1.6-25 - Sign Area

Sign, Attached - Sign attached to the primary building on the subject property. Includes wall, projecting, fin, parapet, marquee, and awning signs.

Sign, Blade - Narrow sign extending perpendicular to a building over a sidewalk.

Sign Clearance - Height measured from the highest grade directly beneath the sign to the bottom of the sign structure enclosing the sign face.

Sign, Detached - Structurally self-supporting sign not attached to a building, including pole, ground, and monument signs.

Sign Frontage, Primary - Length of the property line parallel to and along the street right-of-way adjacent to a property. On Through Lots, primary frontage corresponds to the legal street address, auto entrance, building entrance, or front yard of the property.

Sign Frontage, Secondary - Face of a building oriented toward an on-site parking lot, private roadway, or public alley.

Sign Height - As shown in Figure 1.6-26a - Sign Height, height as measured from the lowest grade directly beneath the sign to the top of the sign structure enclosing the sign face.

Sign, Permanent - Sign permanently affixed or attached to a building, structure, or to the ground.

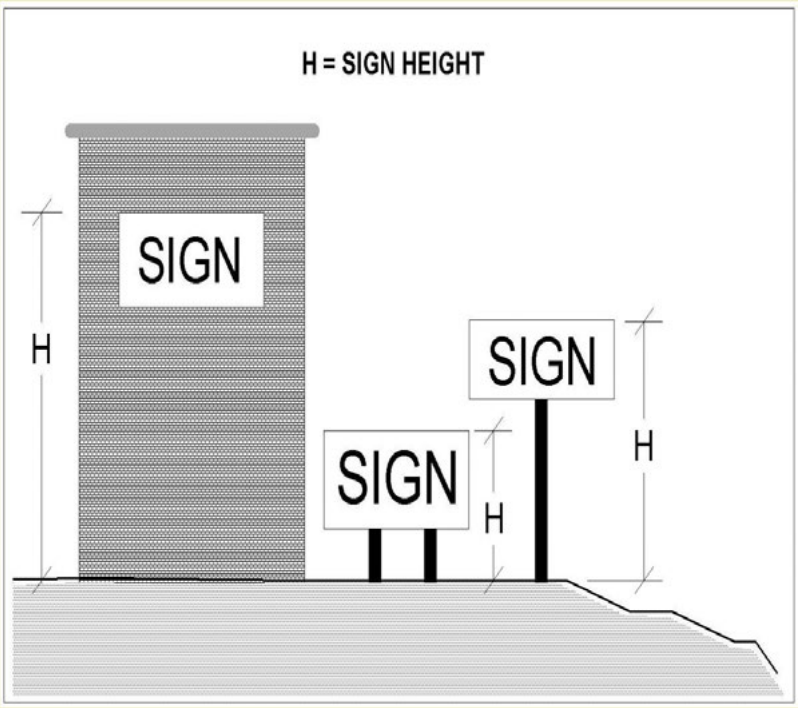

Figure 1.6-26a - Sign Height

Sign, Portable - Applicable only in the Central Business (CB) Zone and the Riverfront (RF) Zone, and subject to the provisions in Section 4.7.90.04.c. A sign not permanently attached to the ground or other permanent structure, including A-frame signs (also called sandwich board signs), pedestal signs, easels, and vertically oriented, pole-mounted banners that are secured to poles at the top and bottom.

a. Sign, A-frame - Often called sandwich board sign. A folding sign consisting of two surfaces, which when open form a self-supporting triangular shape. No larger than six sq. ft. per sign face and no taller than 4 ft. in total height.

b. Sign, Pedestal - A sign supported by one or two pedestals. No larger than six sq. ft. per sign face and no taller than 4 ft. in total height. A pedestal is an architectural support or base for a column or statue or, in this case, a sign. The pedestal can be square, octagonal, or circular.

c. Sign, Easel - A sign displayed on and supported by an upright standing frame, typically with a tripod configuration. No larger than six sq. ft. per sign face and no taller than six ft. in total height.

d. Sign, Vertically-oriented Pole-mounted Banner - A sign mounted on a pole or pedestal and secured into the sidewalk in a flush-mounted fashion that does not create a trip hazard. Constructed of canvas, nylon, vinyl, or other flexible, weather-resistant fabric. No larger than six sq. ft. and secured to the pole or pedestal at the top and bottom of the banner. See Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign.

Sign, Temporary - Sign temporarily affixed or attached to a building, structure, or to the ground, and/or intended to be displayed for a limited time.

Sign, Variable Message - Sign which utilizes manual, mechanical, electro-mechanical, electronic, radio-frequency, fiberoptic, or other automated means of changing the sign message or copy at timed intervals. Includes LED, incandescent luminaries, electronic message centers, and video display boards.

Sign Variance - Land use process to request a deviation from the provisions of Chapter 4.7 - Sign Regulations. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Section 4.7.110.

Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign

Significant – Feature that has been specifically identified as worthy of special recognition or protection such as a Significant Wetland, etc., or a resource that has been formally identified by the City through adopted plans and ordinances.

Significant Natural Features - See Natural Hazards and Natural Resources.

Significant Shrub - Excluding Invasive and/or Noxious Vegetation, a Significant Shrub is a living, standing plant that is either:

a. Required to be preserved through the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and/or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; or

b. Over four ft. in height and located outside any area inventoried by the Natural Features Inventory.

Significant Tree - Excluding Invasive and/or Noxious Vegetation, a Significant Tree is a living, standing woody plant that is either:

a. Required to be preserved through the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and/or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; or

b. Located outside any area inventoried by the Natural Features Inventory and of a trunk size that is eight in. or greater in caliper at four ft. above existing grade.

Significant Vegetation - Vegetation identified and assessed in the Natural Features Inventory and determined to be significant through the Natural Features Project. Significant Vegetation is clearly identified on the Significant Vegetation Map and through the provisions of Chapter 4.12 - Significant Vegetation Protection Provisions.

Significant Vegetation Management Plan - Plan required by Chapter 4.12 - Significant Vegetation Protection Provisions prior to the removal of any vegetation governed by the provisions of Chapter 4.12, and required either prior to or as part of a land use application, building permit application, or construction permit application, whichever comes first.

Slope - As shown in Figure 1.6-27 - Slope, the deviation of a surface from the horizontal, usually expressed in percent or degrees. See also Grade.

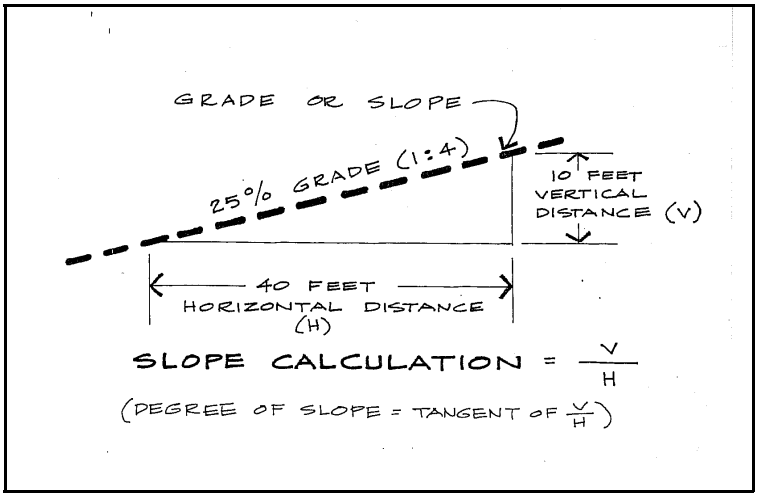

Figure 1.6-27 - Slope

Soil Bioengineering - Method of soil or land stabilization that uses living plant material selected for the specific site situation as the major structural or engineering component of the stabilization.

Solar Access - Line-of-sight path to the sun during hours that provide beneficial use of solar energy.

Solar Access Easement - Private agreement between property owners that protects Solar Access. Solar Easements are prepared and recorded pursuant to ORS 105.880-105.895, as amended.

Solar-access-friendly Trees - Trees with minimal effect on Solar Access during winter months because of their leafing and branching characteristics; deciduous trees.

Solar Access Permit (Type 1) - Land use process that provides and protects Solar Access for use of a property owner(s) by limiting shading of a solar collector by trees on adjacent properties. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Chapter 2.18 - Solar Access Permits.

Solar Access Permit (Type 2) - Land use process that provides and protects Solar Access for use of a property owner(s) by limiting shading of a solar collector by structures on adjacent properties. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Chapter 2.18 - Solar Access Permits.

Solar Access Protection - Right to unobstructed Solar Access for at least four hours between 9 a.m. and 3 p.m. on November 21 of each year.

Solar Building Line - Southern-most place that the south wall of a house can be located and still receive shade protection from buildings located off-site to the south.

Solar Collector - Heating or cooling system in which the thermal energy of solar radiation is captured and stored for later release.

Solar Energy System - Set of devices used to collect solar energy and convert and store it for purposes including heating and cooling of buildings or for the production of power.

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

b. **Passive** - Solar energy system that uses natural and architectural components to collect and store solar energy using minimal or no external mechanical equipment.

Solar Envelope - Drawing or representation by contour lines of a three-dimensional space over a lot or development site representing the allowable height of structures and vegetation that provides Solar Access protection for neighboring lots.

Solar South - Thirty degrees east to 30 degrees west of true south. In Corvallis, true south is 20 degrees east of magnetic south.

Special Development Decision - Development decision that requires considerable discretion in applying criteria and standards of this Code. Involves a public hearing in accordance with the provisions in Chapter 2.0 - Public Hearings, as well as approval by an established Hearing Authority.

Special Flood Hazard Area - See “Special Flood Hazard Area” in Section 1.6.40.

Special Occupancy Structure - See “Special Occupancy Structure” in Section 1.6.40.

Special Zone - Zone created by ordinance in recognition of an area's unique characteristics such as environmental or historic resources, Natural Resources, Natural Hazards, or an identified need for redevelopment.

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

Staff - Administrative officers responsible for the operation and management of the City’s departments and divisions.

Start of Construction - See “Start of Construction” in Section 1.6.40.

State Historic Preservation Office (SHPO) - Agency of state government delegated the authority from the federal government to administer a state’s historic preservation program consistent with state and federal law.

Stormwater – Rainfall or snow melt that drains into streams or pipes.

Stormwater Functions – Includes interception and temporary storage of precipitation, natural surface conveyance, stream subsurface flow, infiltration, ground water recharge, sediment and pollutant filtration, cooling, sustaining aquatic habitats, cleansing, nutrient transfer, and other beneficial functions.

Stormwater Phase II Rules – Federal Clean Water Act regulations that deal with runoff water quality issues, including pollutants and construction sediments.

Stream - A channel such as a river or creek that carries flowing surface water, including Perennial Streams and Intermittent Streams with defined channels, and excluding man-made irrigation and drainage channels.

Stream Corridor – Corridor of land of variable width along each side of a stream channel that is primarily reserved for stormwater-related and other stream system functions and processes.

Stream Corridor Functions – Attributes (uses and processes) that are connected with a Stream Corridor. These include ecological functions like pollutant filtering, shading the channel, floodwater management, supplying food for fish (insects, leaves, etc.) and other aquatic life, providing space for channel movement, and providing large wood to the channel when trees die.

Stream, Ephemeral - Stream that has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral streambeds are located above the water table year-round. Ground water is not a source of water for Ephemeral Streams.

Stream, Intermittent - Stream that flows primarily during the wet seasons when the water table is high, and remains dry for a portion of the year. Most Intermittent Streams flow for a good portion of the year (DSL -- ORS 196.800, as amended). Typically, when Intermittent Streams lack surface flow, they continue to have ground water flow through gravels below the surface. Intermittent Streams in Corvallis, defined through the Natural Features Scoping Project, are further defined as natural drainageways that:

a. Do not have year-round flows in a water year (October 1 through September 30) based on a precipitation total at the time of determination that is within 20 percent of average total precipitation for the past 30 years; and

b. Drain at least 20 acres.

Upon field verification, an Intermittent Stream may be defined to include a distinct channel upstream from the 20-acre drainage basin, provided that Riparian Vegetation is present.

Stream, **Perennial** - Stream that has flowing water year-round during a typical year. The water table is located above the streambed for most of the year. Ground water is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow. Perennial Streams in Corvallis, defined through the Natural Features Scoping Project, are further defined as natural drainageways that include all stream segments inventoried through the City of Corvallis Endangered Species Act 2001 Inventory and other drainageways that:

a. Have year-round flows in a water year (October 1 through September 30) based on a precipitation total at the time of determination that is within 20 percent of average total precipitation for the past 30 years; and

b. Drain at least 20 acres.

Stream System – Channel, subsurface flow, and adjacent corridor, including the floodplain.

Streets - Designated in the City of Corvallis Transportation Plan as outlined in "a," through "h," below. See also Chapter 4.0 - Improvements Required with Development.

a. **Arterial Highways** - These consist of state highways, which are the primary gateways into Corvallis and carry nearly all vehicles entering, leaving, or passing through the Corvallis area. The ORE 34/US 20 corridor is designated a Statewide Highway on the National Highway System (NHS) and is a key corridor between I-5 and the Oregon coast.

b. **Arterial Streets** - These connect the state highways, linking major commercial, residential, industrial, and institutional areas. Arterial Streets are critical to the Corvallis street network because they generally serve the highest traffic volumes and longest trips. Access control is critical on these facilities to ensure safe and efficient operation.

c. **Collector Streets** - These provide both access and circulation within residential neighborhoods and commercial/industrial areas. Collector Streets differ from Arterial Streets in two ways:

1. Controlled access may not be required for all Collector Streets; and

2. Collector Streets penetrate neighborhoods, distributing vehicles from the Arterial Streets through the area to their ultimate destinations.

The standard Collector Street is characterized by a range of uses that typically result in a greater intensity of development along its route or at major intersections with other Collector Streets or Arterial Streets.

d. **Neighborhood Collector Streets** - These minimize the impact of traffic to adjacent land uses and provide necessary access to residential areas. Neighborhood Collector Streets are similar to standard Collector Streets in that controlled access is unnecessary and that they penetrate neighborhoods, distributing vehicles from the Arterial Streets through the area to their ultimate destinations. In the case of a Neighborhood Collector Street, however, land use along its route is generally Low to Medium Density Residential. The intensity of development at intersections along its route is also generally less intense than might occur for standard Collector Streets. Traffic calming devices, if used, can be constructed at the time of development.

e. **Cul-de-Sac** - Local Street with one outlet and a turnaround. Because emphasis should be placed on the creation of a roughly rectilinear street pattern that encourages the dispersion of local traffic through a number of streets, the use of Cul-de-sacs should be minimized. See Comprehensive Plan Policy 11.3.8.

f. **Local Streets** - These provide access to immediately adjacent land. Although through-traffic movement on new Local Streets usually is deliberately discouraged, this may not be practical for particular neighborhoods. Local Connector or Local Street designations shall be applied to newly developing areas based on review of a street network plan and, in some cases, a traffic study provided with the development application. These designations are based on a number of factors, including density of development, anticipated traffic volumes, and the potential for through traffic. Street network plans must provide for connectivity within the transportation system to the extent that, generally, both Local Connector and Local Streets shall be created within a development. Traffic calming devices can be constructed at the time of development.

g. **Local Connector Streets** - These provide some through-traffic functions within a particular development and access from Local Streets to Arterial, Collector, Neighborhood Collector, or other Local Streets. Local Connector Streets are generally the means by which traffic accesses the community Arterial-Collector Street system.

h. **Shopping Streets** - These are located within Neighborhood Centers and may include Local, Local Connector, Neighborhood Collector, and/or Collector Streets. Access control and traffic calming along Shopping Streets shall be typical; sidewalks shall be wider to enhance special pedestrian accessibility and shopping opportunities; and planting strips shall be reduced or eliminated, provided that tree wells and other vegetation amenities, such as permanent on-ground or hanging planters, are furnished and maintained**.**

Structure - Combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. For the definition of Structure as applied to the 100-year Floodplain regulations contained in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions, see Section 1.6.40.

Structure Height - See Height of Buildings.

Subdivision - See Land Division.

Substantial Damage - Damage to structures within the 100-year Floodplain and/or damage to structures containing Nonconforming Uses, as defined below:

a. **Substantial Damage to Structures within the 100-Year Floodplain** - For the definition of Substantial Damage as applied to the 100-year Floodplain regulations

contained in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions, see Section 1.6.40.

b. **Substantial Damage to Structures Containing Nonconforming Uses** - Damage of any origin sustained by a structure containing a Nonconforming Use, to an extent exceeding 50 percent of the structure's market value before the damage occurred.

Substantial Improvement - Rehabilitation, repair, reconstruction, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the structure's market value before the Start of Construction of the improvement. This term includes structures which have incurred Substantial Damage, regardless of the actual repair work performed. The market value of the structure is:

a. The appraised real market value of the structure prior to the start of the initial repair or improvement; or

b. In the case of damage, the appraised real market value of the structure prior to the damage occurring. The term does not include either:

1. A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or

2. Alteration of an Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

Sunchart - Photograph showing the sun's positions during different hours and seasons of the year and any trees, buildings, or topographies that obstruct Solar Access. The Sunchart shall include as coordinates the solar altitude in 10-degree or smaller increments and solar azimuth in 15-degree or smaller increments.

Sustainable - Able to be maintained or continued indefinitely.

Tentative Subdivision Plat - See "b" under Land Division.

Tentative Subdivision Plat Modification - Land use process that provides an opportunity to allow a limited amount of flexibility with regard to site planning for a previously approved Subdivision; and provides elements within the development site that compensate for requested variations from the approved Tentative Subdivision Plat such that the intent of the original approval is still met. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development and Section 2.4.80 - Tentative Subdivision Plat Modification.

Through Lot - Lot that fronts two parallel streets or that fronts two streets that do not intersect at the lot's boundaries.

Through Lot Easement - Landscape easement adjacent to a street and adjacent to or part of a Through Lot. Contains landscape screening.

Timber Harvest, Commercial - Cutting, removing, severing from the land, trees for wood production and/or for sale. Commercial Timber Harvesting may be regulated by the Oregon Forest Practices Act. Christmas tree farming is not a form of Commercial Timber Harvesting. It is an agricultural land use.

Timber Harvest, Noncommercial - Cutting, removing, severing from the land, trees for personal use such as fire wood, and/or clearance to create development areas. Wood is not sold to another party, and activities are generally not regulated by the Oregon Forest Practices Act.

Top-of-bank - Bankfull stage of a Stream or river which is the stage or elevation at which water overflows the natural banks of Streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage or delineate the Top-of-bank.

Tract - A piece of land created and designated as part of a land division that is not a lot, lot of record, or parcel. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private access tracts, private street or alley tracts, tree preservation tracts, landscaping or common area tracts, environmental resource tracts, and open space tracts, etc.

Traffic Calming - Use of devices to slow traffic speeds. Devices include bulbed intersections, speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials. Traffic Calming is addressed in the Transportation Plan and may be used on Neighborhood Collector and Local Streets.

Tree Canopy - A view which is dominated by the appearance of trees. As used in the Comprehensive Plan, Tree Canopy refers to those hillside areas where trees are the major visual feature when viewed from a horizontal plane or from lower elevations.

Tree Canopy Coverage - The percentage of a lot, parcel, tract, development site, and/or common area that is within the drip line of trees as measured on a horizontal plane.

a. **Mature Tree Canopy Coverage** - The area that is expected to be within the drip line at the anticipated time of maturity of the tree by species.

b. **Fifteen-year Mature Tree Canopy Coverage** - The area that is expected to be within the drip line at year fifteen from the date of planting based upon a planting of one- or 1.5-in. caliper trees and based upon the specific tree by species.

Tree Grove - A group of trees that are predominantly 25 ft. or more in height and have continuous canopy cover of 0.5 acre or more and are identified in the Natural Features Inventory.

Tree Grove, Isolated - Tree Groves that are not located within other resource areas.

Tree Grove, Mitigation - Tree Groves required to be planted or retained as mitigation for development.

Tree, Hazardous - Trees which are determined by a certified arborist and/or the City Urban Forester to be of immediate health, safety, or welfare threat to persons or property. Immediate health, safety, or welfare threat includes damage to persons or property from tree collapse or limb breakage that is imminent or expected during average annual winter storm events. Hazardous Trees include trees that are cracked, split, leaning, or physically damaged to the degree that they are likely to fail and injure persons or property. Hazardous Trees also include trees that are sufficiently diseased, damaged, and/or decayed that treatment to restore their health is not warranted, and that without reasonable treatment and pruning, the disease is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous.

Tree, Large Canopy - Trees that, at maturity, are expected to have a Tree Canopy Coverage of 30 ft. or more in diameter.

Tree, Medium Canopy - Trees that, at maturity, are expected to have a Tree Canopy Coverage of less than 30 ft. in diameter.

Undeveloped Land in the 100-year Floodplain - Either: (1) land that does not contain a primary structure; or (2) in cases where land does contain a primary structure, then land that can be divided and the resulting vacant parcels can be developed per this Code.

Unwanted Species – Species that are either nonnative or that do not contribute to the Properly Functioning Condition of an adjacent stream.

Upland Natural Resources – Natural Resources, Natural Hazards, and areas outside of the Stream Corridor and the 100-year Floodplain that influence stormwater function and management. They include uplands, Wetlands, vegetation, swales, and ground water zones.

Urban Fringe – Area within the Urban Growth Boundary and outside the City limits.

Urban Growth Boundary – Line that circumscribes the Urban Fringe and the City Limits and that is intended by state and local regulations to contain the area available to urban development.

Urban Stream – Seasonally or perennially surface-flowing Watercourse presently with a defined channel, including Watercourses in either a native or altered form.

Use - Purpose of or activity on a site.

Use Type - Classification of a Use or Uses on the basis of common functional, product, or compatibility characteristics, thereby regulating Uses in accordance with criteria directly relevant to the public interest. See Chapter 3.0 - Use Classifications for definitions of specific Use Types.

Vacate - Release of interest in a piece of property.

Vacating of Public Lands and Plats - Land use process that petitions to vacate all or parts of a public street, alley, easement, plat, or other public place if determined not to be harmful to the City or adjacent properties. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development and Chapter 2.8 - Vacating of Public Lands and Plats.

Vegetation Cover Types, ARA - ARA habitat classes in the Natural Features Inventory. The Vegetation Cover Types, or ARA habitat classes, are as shown below in Table 1.6-1 - Vegetation Cover Types.

Table 1.6-1 - ARA Vegetation Cover Types	
6. Conifer > 70% closed canopy	15. Seasonally inundated shrub wet valley
7. Mixed Forest > 70% closed canopy	20. Grass short (lawn, pasture)
8. Hardwood > 70% closed canopy	21. Grass natural/dry prairie
9. Conifer woodland 30-70% closed canopy	22. Grass tall (ryegrass, meadow)
10. Mixed woodland 30-70% closed canopy	23. Bare soil/rock/burnt
11. Hardwood woodland 30-70% closed canopy	26. Emergent/herb wetland or pond (seasonal)
12. Open (30% canopy) non-oak woods	27. Emergent wetland or pond (water year-round)
13. Oak savanna (30% canopy)	30. Developed
14. Shrub dry, tree open	

Vegetation Sub-polygon - A subarea within a wildlife habitat area containing a single Vegetation Cover Type such as conifer woodland or oak savanna. See the wildlife habitat assessment portion of the Natural Features Inventory for the definition of wildlife habitat area.

Vertical Addition - The addition of a room or rooms on top of an existing building.

Visible from Public Rights-of-way (Excluding Alleys) and Private Street Rights-of-way - As indicated by the arrows in Figure 1.6-28 - Visibility from Streets, structures and appurtenances that face public rights-of-way (excluding alleys) and private street rights-of-way are considered visible unless screened consistent with “a” or “b” below. In all cases the screen shall be of an equal or greater height and width as the structure being screened.

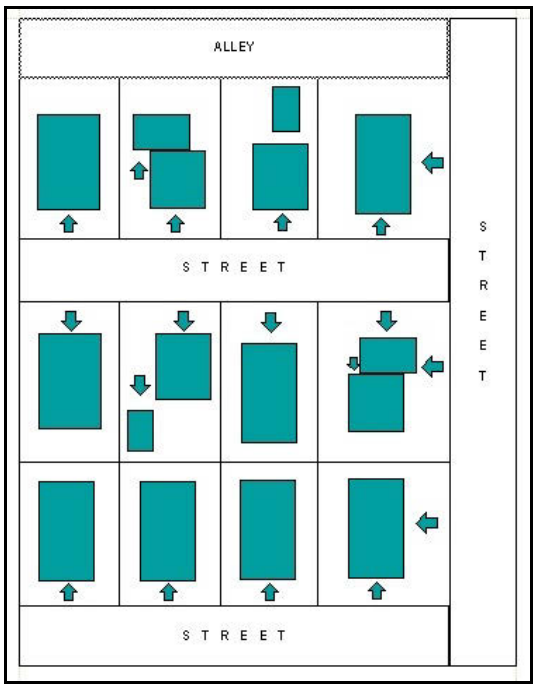

Figure 1.6-28 - Visibility from Streets

The structure or appurtenance shall be screened by:

a. A solid structure; or

b. A hedge or fence with a minimum opacity of 80%.

Vision Clearance Area - Specific distances and prohibitions on visual obstructions within Vision Clearance Areas are determined by the City Engineer.

Visual Obstruction - Fence, hedge, tree, shrub, device, wall, or structure between the elevations of two ft. and eight ft. above the adjacent curb height or above the elevation of the gutter line of a street edge where there is no curb, as determined by the City Engineer, and so located at a street, driveway, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles.

Watercourse - Any natural or artificial Stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water:

a. Flows in a definite direction or course, either continuously or intermittently;

b. Has a definite channel, bed, and banks; and

c. Includes an area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water-dependent - Use or activity that can be carried out only on, in, or adjacent to water areas because the Use requires access to the water source or to the water body for water-borne transportation, recreation, or energy production.

Water-related - Use not directly dependent upon access to a water body, but that provides goods or services directly associated with Water-dependent land or waterway use and that, if not located adjacent to water, would result in a public loss of quality in the

goods or services offered. Residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and Manufactured Dwelling Facilities are not generally considered Water-dependent or Water-related.

Water Service Levels - The Corvallis Urban Growth Boundary is divided into four Water Service Levels based on elevation and associated water pressure in each area. These elevation ranges are:

a. 1st level = 210 ft. to 290 ft.;

b. 2nd level = 290 ft. to 410 ft.;

c. 3rd level = 410 ft. to 560 ft.; and

d. 4th level = above 560 ft.

The 4th Water Service Level is not served by City water.

Watershed – Drainage area of a specific stream system. Small Watersheds are components of larger Watersheds.

Water Surface Elevation - The height, in relation to a specific Datum, of floods of various magnitudes and frequencies in the Floodplains of coastal or riverine areas.

Wetlands - Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are generally characterized by one of three parameters; certain soil types, aquatic plants, and hydrology.

Wetland Assessment - Determining the relative quality of a Wetland by assessing its functions and conditions. The methodology generally used to determine the relative quality of Wetlands for purposes of a Local Wetlands Inventory (LWI) is the Oregon Freshwater Wetland Assessment Methodology (Roth, et.al. 1996).

Wetland Delineation - Process of determining the boundary between a Wetland and an uplands. Delineations must be carried out following the guidelines of the U.S. Army Corps of Engineers and the Oregon Department of State Lands. A Wetland Delineation locates the boundary between the Wetland and upland, based on the field indicators of vegetation, soils, and hydrology.

Wetland Function - A characteristic action or behavior associated with a Wetland that contributes to a larger ecological condition such as wildlife habitat, water quality, and/or flood control.

Wetland Hydrology - Permanent or periodic inundation or prolonged soil saturation sufficient to create anaerobic conditions in the upper soil profile.

Wetlands, Jurisdictional - Wetlands regulated by the state and/or federal government.

Wetlands, Local Wetlands Inventory (LWI) - An inventory of all Wetlands greater than 0.5 acre within a jurisdiction using the standards and procedures of OAR 141-86-110 through 141-86-240, as amended over time. Local Wetlands Inventory information and mapping are intended for planning purposes only. Mapped Wetland boundaries are accurate to within 25 ft. However, there may be unmapped Wetlands that are subject to state and federal regulation. In all cases, actual field conditions determine specific Wetland boundaries.

Wetlands, Locally Protected Locally Significant Wetlands (LPLSW) - Locally Significant Wetlands that are protected through local government regulations, in addition to any state or federal regulations.

Wetlands, Locally Significant Wetlands (LSW) - Wetlands determined to be locally significant in compliance with Oregon Administrative Rules (OARs), which meet the Oregon Freshwater Assessment Methodology criteria for Locally Significant Wetlands; and which have been adopted in the Local Wetlands Inventory as being locally significant. Locally Significant Wetlands are identified on the Locally Significant Wetlands Map.

Wetlands, Proximate - Jurisdictional Wetlands within or adjacent to a Riparian Corridor that are not limited to Locally Significant Wetlands. These Proximate Wetlands enhance Riparian Function and receive protection as part of a Riparian-related area.

Wetlands Regulations - Regulations pertaining to Wetlands in the State or Oregon, including:

a. State of Oregon Department of State Lands regulations from the Removal-Fill Law outlined in ORS 196.800-196.990, as amended over time;

b. U.S. Army Corps of Engineers through Section 404 of the Clean Water Act, as amended over time; and

c. City of Corvallis regulations as amended over time and pertaining to:

1. Locally Protected Locally Significant Wetlands;

2. Wetlands located in Riparian Corridors, with respect to the Wetlands' Riparian Function and Floodplain Functions; and

3. Wetlands located in the 100-year Floodplain, with respect to the Wetlands' Riparian Function and Floodplain Functions.

Willamette River Greenway Conditional Development - Land use process that is a type of Conditional Development required for development within lands subject to a Willamette River Greenway (WRG) Zoning Overlay, when the development is not considered Exempt per the provisions of Section 3.30.30 - Exemptions. Procedures for

this type of land use application are outlined in Section 1.2.110.03 - Special Development, Chapter 3.30 - WRG (Willamette River Greenway) Zoning Overlay, and Chapter 2.3 - Conditional Development.

Yard - Open space unobstructed from the ground upward except as otherwise provided in this Code. In the case of a corner lot, the front, rear, and side yards that were determined at the time of original construction of structure(s) on the lot may be used for the purposes of remodeling, rebuilding, and/or constructing additions, accessory structures, etc.

Yard, Exterior Side - As shown in Figure 1.6-29 - Exterior Side Yard below, the yard extending from the front yard to the rear lot line on the street side of a corner lot.

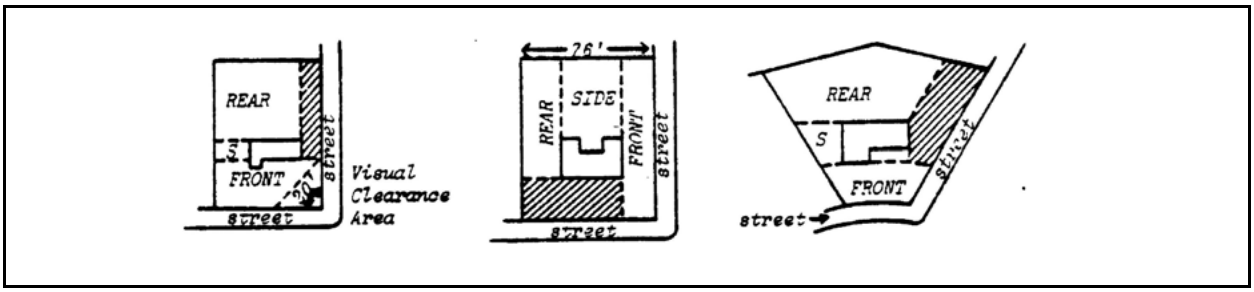

Figure 1.6-29 - Exterior Side Yard

Yard, Front - As shown in Figure 1.6-30 - Font Yard below, the yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the main building.

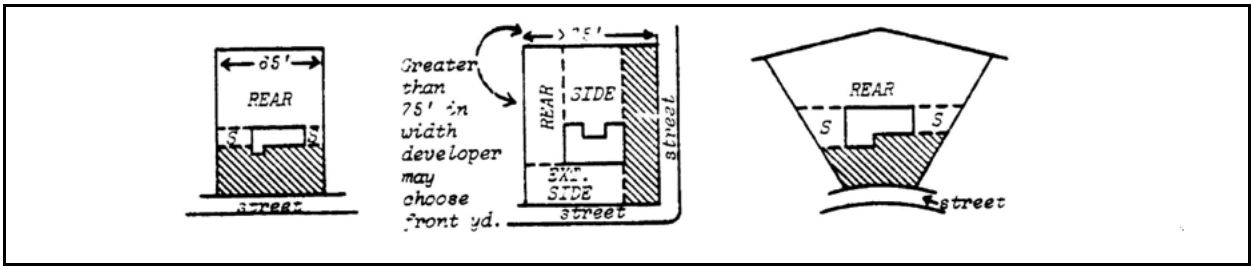

Figure 1.6-30 - Front Yard

Yard, Rear - As shown in Figure 1.6-31 - Rear Yard below, yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the main building.

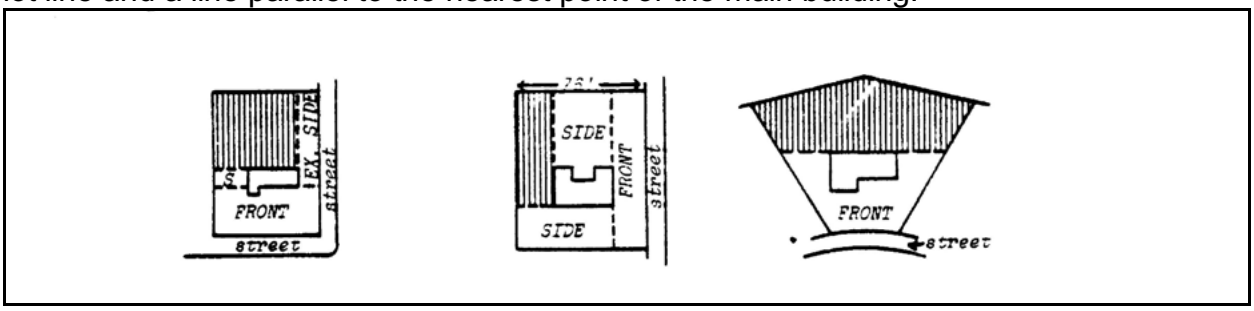

Figure 1.6-31 - Rear Yard

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

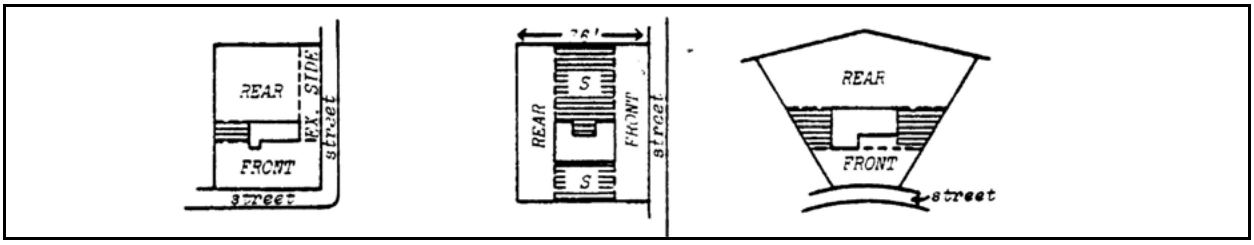

Figure 1.6-32 - Side Yard

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

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

[Section 1.6.30 amended by Ordinances 2012-16, 2012-17, 2012-18, and 2012-19, effective December 13, 2012]

Section 1.6.40 - SPECIFIC WORDS AND TERMS PARTICULAR TO THE 100-YEAR FLOODPLAIN REGULATIONS IN LDC CHAPTER 2.11 - FLOODPLAIN DEVELOPMENT PERMIT AND CHAPTER 4.5 - FLOODPLAIN PROVISIONS.

THE DEFINITIONS PROVIDED BELOW ONLY PERTAIN TO INSTANCES WHERE THE SUBJECT WORD OR TERM IS USED WITHIN THE CONTEXT OF 100-YEAR FLOODPLAIN REGULATIONS PRIMARILY PRESENTED IN LDC CHAPTER 4.5 - FLOODPLAIN PROVISIONS & LDC CHAPTER 2.11 - FLOODPLAIN DEVELOPMENT PERMIT. NOTE - WHERE DEFINED WORDS OR TERMS ARE USED WITHIN THE DEFINITIONS OF OTHER WORDS OR TERMS PROVIDED BELOW, THE DEFINITIONS FROM SECTION 1.6.40 APPLY	
Word or Term	**100-year Floodplain-Specific Definition**
Area of Shallow Flooding	A designated AO or AH Federal Flood Zone on a community's Flood Insurance Rate Map (FIRM) with base flood Depth Number(s) from one to three ft., and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Also includes additional areas that meet the FEMA definition for the AO or AH Federal Flood Zones, but which are located in areas not currently identified in the Flood Insurance Study for Benton County, Oregon and Incorporated Areas, dated June 2, 2011. Such additional areas must be identified in an independent study that is developed by the State of Oregon or a registered engineer and approved by the Floodplain Administrator or designee, in accordance with Section 4.5.50.03.p.
Area of Special Flood Hazard	See Special Flood Hazard Area" in this Section 1.6.40.
Base Flood	Flood that has a one percent chance of being equaled or exceeded in any given year. Also commonly referred to as the 100-year Flood, the Base Flood has been adopted by the Federal Emergency Management Agency (FEMA) for Floodplain management purposes, and refers to a flood event that inundates the entire 100-year Floodplain. See Floodplain, 100-Year and Flood, 100-Year.

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Word or Term	**100-year Floodplain-Specific Definition**
Base Flood Elevation	The water surface elevation during the Base Flood in relation to a specified Datum. The Base Flood Elevation (BFE) is depicted on the Flood Insurance Rate Map to the nearest foot and in the Flood Insurance Study to the nearest 0.1 foot. Not every potential Special Flood Hazard Area within the Urban Growth Boundary has been mapped by the Federal Emergency Management Agency through the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps. The Floodplain Administrator or designee is authorized through Sections 4.5.50.03.p and 4.5.60.01.b to obtain the information necessary to determine the presence and extent of unmapped Special Flood Hazard Areas and the associated Base Flood Elevation as part of reviewing development proposals that affect the 100-year Floodplain. Such information shall be used by the City of Corvallis to supplement the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps.
Basement	The portion of a structure with its floor sub grade (below ground level) on all sides.
Below-grade Crawlspace	An enclosed area below the Base Flood Elevation in which the interior grade is not more than two ft. below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 ft. at any point.
Building Codes	The combined specialty codes adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.

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Word or Term	**100-year Floodplain-Specific Definition**
Critical Facility	A facility that is critical for the health and welfare of the population and is especially important to be located above the Base Flood Elevation following hazard events. The following is the list of Critical Facilities for the purposes of Section 4.5.110.09: **a.** Hospitals and other medical facilities having surgery and emergency treatment areas; **b.** Fire and police stations; **c.** Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures. These tanks or other structures do not include City water distribution facilities; **d.** Emergency vehicle shelters and garages; **e.** Structures and equipment in emergency-preparedness centers; **f.** Standby power generating equipment for essential facilities; **g.** Structures and equipment in government communication centers and other facilities required for emergency response; and **h.** Other facilities as determined by the Floodplain Administrator or designee. Some types of facilities may be critical to a community, but require location within or partially within Special Flood Hazard Areas because of the nature of the facilities. The Taylor Water Treatment plant along the Willamette River is an example of such a facility. It is pulling water from the Willamette River. Because of this fact, these types of facilities have purposefully been excluded the list above.

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Word or Term	**100-year Floodplain-Specific Definition**
Depth Number	The depth of a Base Flood in a designated AO or AH Federal Flood Zone. These AO and AH Federal Flood Zones consist of an Area of Shallow Flooding and the Base Flood depths in those Areas of Shallow Flooding are the Depth Numbers. These Depth Numbers typically range from one to three ft. See "Area of Shallow Flooding" in Section 1.6.40.
Development	Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, fencing, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the Special Flood Hazard Area.
Digital Flood Insurance Rate Map	Depicts flood risk and Federal Flood Zones and flood risk information. The Digital Flood Insurance Rate Map (DFIRM) presents the flood risk information in a format suitable for electronic mapping applications.
Elevated Building	A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
Existing Building or Structure	A Structure for which the Start of Construction commenced before June 2, 2011.
Federal Emergency Management Agency (FEMA)	The agency with the overall responsibility for administering the National Flood Insurance Program.

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Word or Term	**100-year Floodplain-Specific Definition**	
Federal Flood Zone	Federal Flood Zones are geographic areas that the Federal Emergency Management Agency (FEMA) has defined according to varying levels of flood risk. These Federal Flood Zones are depicted on a community's Flood Insurance Rate Map (FIRM) or on Floodplain study maps approved by the Floodplain Administrator or designee. Each Federal Flood Zone reflects the severity or type of flooding in the area.	
	a. **High Risk Areas -** These areas are all in the Special Flood Hazard Area (the 100-yr. Floodplain). In communities that participate in the National Flood Insurance Program (NFIP), mandatory flood insurance purchase requirements apply to all of these Federal Flood Zones.	
	Federal Flood Zone	**Description**
	A	Areas with a one percent or greater chance of flooding in any given year and a 26 percent chance of flooding over the life of a 30-yr. mortgage. Because detailed analyses are not performed for such areas, no Depth Numbers or Base Flood Elevations are shown within areas with this Federal Flood Zone.
	AE & A1-A30	The base Floodplain where Base Flood Elevations derived from detailed analyses are shown at selected intervals. Areas with a one percent or greater chance of flooding in any given year and a 26 percent chance of flooding over the life of a 30-yr. mortgage. The AE Federal Flood Zone is now used on the new format Flood Insurance Rate Maps (FIRMs) instea d of the old format of A1 - A30 Federal Flood Zones.
	AH	Areas with a one percent or greater chance of shallow flooding in any given year, usually in the form of a pond, with an average Depth Number ranging from one to three ft. These areas have a 26 percent chance of flooding over the life of a 30-yr. mortgage. Base Flood Elevations derived from detailed analyses are shown at selected intervals within areas with this Federal Flood Zone.
	AO	River or stream flood hazard areas, and areas with a one percent or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average Depth Number ranging from one to three ft. These areas have a 26 percent chance of flooding over the life of a 30-yr. mortgage. Average flood Depth Numbers derived from detailed analyses are shown within areas with this Federal Flood Zone.
	AR	Areas with a temporarily increased flood risk due to the building or restoration of a flood control system (such as a levee or dam). Mandatory flood insurance purchase requirements will apply, but rates will not exceed the rates for unnumbered A Federal Flood Zones if the structure is built or restored in compliance with Federal Flood Zone AR Floodplain management regulations.

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Word or Term	**100-year Floodplain-Specific Definition**	
Federal Flood Zone definition continued	**Federal Flood Zone**	**Description**
	A99	Areas with a one percent or greater chance of flooding in any given year that will be protected by a Federal flood control system where construction has reached specified legal requirements. No Depth Numbers or Base Flood Elevations are shown within areas with this Federal Flood Zone.
	b.	**Moderate to Low Risk Areas -** These areas are **outside of** the Special Flood Hazard Area. In communities that participate in the National Flood Insurance Program (NFIP), flood insurance is available to all property owners and renters in these Federal Flood Zones.
	Federal Flood Zone	**Description**
	B & X (Shaded)	Area of moderate flood hazard, usually the area between the limits of the 100-yr. and 500-yr. floods. Federal Flood Zone B is also used to designate base floodplains of lesser hazards, such as areas protected by levees from the 100-yr. Flood, or shallow flooding areas with average Depth Numbers of less than one ft., or drainage areas less than one sq. mile.
	C & X (Unshaded)	Area of minimal flood hazard, usually depicted on Flood Insurance Rate Maps (FIRMs) as above the 500-yr. flood level. Federal Flood Zone C may have ponding and local drainage problems that don't warrant a detailed study or designation as base floodplain. Federal Flood Zone X is the area determined to be outside the 500-yr. flood and protected by levee from the 100-yr. flood.
	V	Coastal areas with a one percent or greater chance of flooding in any given year and an additional hazard associated with storm waves. These areas have a 26 percent chance of flooding over the life of a 30-yr. mortgage. No Base Flood Elevations are shown within areas with this Federal Flood Zone.
	V & V1 - 30	Coastal Areas with a one percent or greater chance of flooding in any given year and an additional hazard associated with storm waves. These areas have a 26 percent chance of flooding over the life of a 30-yr. mortgage. Base Flood Elevations derived from detailed analyses are shown at selected intervals on areas in this Federal Flood Zone.

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Word or Term	**100-year Floodplain-Specific Definition**	
Federal Flood Zone definition continued	**c. Undetermined Risk Areas -**	
	Federal Flood Zone	**Description**
	D	Areas with possible but undetermined flood hazards. No flood hazard analysis has been conducted. Flood insurance rates are commensurate with the uncertainty of the flood risk.
Flood or flooding	A general and temporary condition of partial or complete inundation of normally dry land areas from: **a.** the overflow of inland or tidal waters; or **b.** the unusual and rapid accumulation or runoff of surface waters from any source.	
Flood Insurance Rate Map (FIRM)	An official map of a community, issued by the Federal Insurance Administration, delineating the Special Flood Hazard Areas and/or risk premium Federal Flood Zones applicable to the community.	
Flood Insurance Study (FIS)	The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, floodway boundaries and water surface elevations of the Base Flood.	
Flood, 100-year	Flood with a one percent chance of being equaled or exceeded in any given year. This is the flood most commonly used for regulatory purposes and is called the Base Flood. As shown below in Figure 1.6-16 - Floodplain Cross Section, this flood event inundates the entire 100-year Floodplain. See Base Flood.	
Floodplain	As shown below in Figure 1.6-16 - Floodplain Cross Section, the area adjacent to a stream or river channel that is covered by water when the river or stream overflows its banks.	
Floodplain Development Permit	Federally required permit required prior to construction and other development in any Special Flood Hazard Area (100-yr. Floodplain). See Chapter 2.11 - Floodplain Development Permit.	

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Word or Term	**100-year Floodplain-Specific Definition**
Floodplain Functions	Hydrological and ecological functions including conveyance and temporary storage of floodwater, depositions of sediments outside of the channel, ground water recharge, filtering of pollutants, and reduction of floodwater velocity and erosive forces. Also included, but to a lesser extent in previously urbanized areas, are such functions as nutrient exchange, refuges, and feeding areas for fish.

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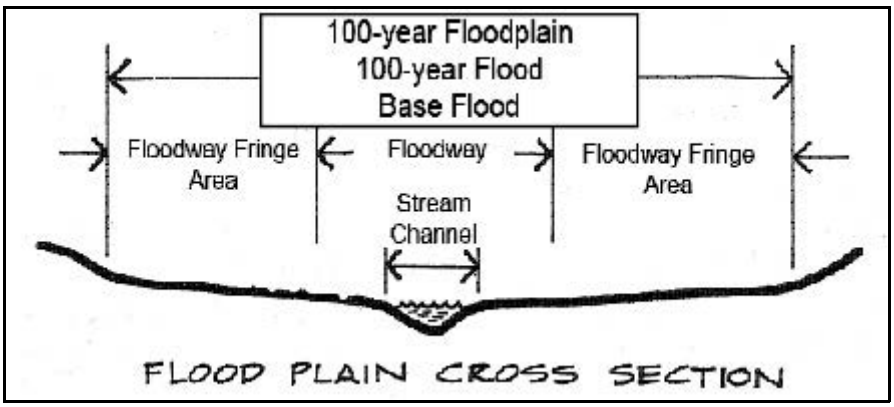
Word or Term	**100-year Floodplain-Specific Definition**
Floodplain, 100-year	As shown below in Figure 1.6-16 - Floodplain Cross Section, land area adjacent to a river, stream, or other water body that is subject to a one percent or greater chance of flooding in any given year. It consists of land ranging from that which is subject to annual flooding to that which has a one percent or greater chance of flooding in any given year. The 100-year Floodplain consists of the Floodway and the Floodway Fringe. The 100-year Floodplain is mapped by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Maps (FIRMs) and is the area subject to Base Flood regulations. Not every potential Special Flood Hazard Area within the Urban Growth Boundary has been mapped by the Federal Emergency Management Agency through the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps. The Floodplain Administrator or designee is authorized through Sections 4.5.50.03.p and 4.5.60.01.b to obtain the information necessary to determine the presence and extent of unmapped Special Flood Hazard Areas as part of reviewing development proposals that affect the 100-year Floodplain. Such information shall be used by the City of Corvallis to supplement the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps and these areas are also subject to Base Flood regulations. See Base Flood.  Figure 1.6-16 - Floodplain Cross Section

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Word or Term	**100-year Floodplain-Specific Definition**
Floodway (Regulatory Floodway)	The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge and store the floodwater or flood flows associated with the regulatory flood. **a.** **Floodway, 0.2-ft.** - As shown above in Figure 1.6-16 - Floodplain Cross Section, river channel or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood (100-year Flood) without cumulatively increasing the Water Surface Elevation more than 0.2 ft. The Regulatory Floodway for the City of Corvallis is the 0.2-ft. Floodway. **b.** **Floodway, 1.0-ft.** - As shown above in Figure 1.6-16 - Floodplain Cross Section, river channel or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood (100-year Flood) without cumulatively increasing the Water Surface Elevation more than 1.0 ft. The Federal Emergency Management Agency (FEMA) identifies the Regulatory Floodway as the 1.0-ft. Floodway, but also recognizes the City of Corvallis 0.2-ft. Floodway as the Regulatory Floodway for the City of Corvallis.
Floodway Fringe	As shown in Figure 1.6-16 - Floodplain Cross Section, the area of the 100-year Floodplain lying outside of the Floodway. Context is the 0.2-ft. Floodway, unless specifically identified as the 1.0-ft. Floodway. See Floodway (Regulatory Floodway).
Flow-through Design	Typically a structure that does not displace surface floodwater or hinder or obstruct the movement of surface floodwater.
Highest Adjacent Grade (HAG)	The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for more information.

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Word or Term	**100-year Floodplain-Specific Definition**
Historic Structure	A structure that is: **a.** Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register of Historic Places ; **b.** Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district; **c.** Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; **d.** Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either: 1. By an approved state program as determined by the Secretary of the Interior, or; 2. Directly by the Secretary of the Interior in states without approved programs.
Hydrodynamic Load	Force of water in motion.
Hydrostatic Load	Force of water at rest.
Lateral Addition	An addition that requires a foundation to be built outside of the foundation footprint of the existing building.

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Word or Term	**100-year Floodplain-Specific Definition**
Letter of Map Change (LOMC)	An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories: **a.** **Letter of Map Amendment (LOMA)** - A revision based on technical data showing that a property was incorrectly included in a designated Special Flood Hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a Special Flood Hazard Area. **b.** **Letter of Map Revision (LOMR)** - A revision based on technical data showing, usually due to manmade changes, alterations to Federal Flood Zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure has been elevated through the placement of fill above the Base Flood Elevation and is excluded from the Special Flood Hazard Area. **c.** **Conditional Letter of Map Revision (CLOMR)** - A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does NOT amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

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Word or Term	**100-year Floodplain-Specific Definition**
Lowest Floor	Lowest Floor is defined as follows: **a. Lowest Floor of Buildings and Structures Other Than Manufactured Dwellings -** The Lowest Floor of buildings and structures other than manufactured dwellings is the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's Lowest Floor, provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the state Building Code. **b. Lowest Floor of Manufactured Dwellings -** The Lowest Floor of a manufactured dwelling is the bottom of the longitudinal chassis frame beam.
Mean Sea Level	For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other Datum, to which Base Flood Elevations shown on a community's FIRM are referenced.
New Construction	A Structure for which the Start of Construction commenced after June 2, 2011, and includes subsequent Substantial Improvements to the Structure.
Shallow Flooding, Area of	See "Area of Shallow Flooding" in this Section 1.6.40.
Special Flood Hazard Area	The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Federal Flood Zone designations on FIRMs include the letters A or V. Also known as the Special Flood Hazard Area (SFHA). See also "Floodplain, 100-yr."

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Word or Term	**100-year Floodplain-Specific Definition**
Special Occupancy Structure	The following are Special Occupancy Structures: **a.** Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons; **b.** Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers; **c.** Buildings for colleges or adult education schools with a capacity greater than 500 persons; **d.** Medical facilities with 50 or more resident, incapacitated patients not included in subparagraphs “a” to “c,” above; **e.** Jails and detention facilities; and **f.** All structures and occupancies with a capacity greater than 5,000 persons.

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Word or Term	**100-year Floodplain-Specific Definition**
Start of Construction	Includes Substantial Improvement and means the date the Building Permit was issued, provided the actual Start of Construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a Substantial Improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.
Structure	A walled or roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.
Substantial Damage	Damage of any origin sustained by a structure located within the 100-year Floodplain, whereby the cost of restoring the structure to its prior condition would equal or exceed 50 percent of the structure's market value before the damage occurred.
Substantial Improvement	See "Substantial Improvement" in the main list of definitions for this Chapter 1.6 - Definitions.
Water Surface Elevation	See "Water Surface Elevation" in the main list of definitions for this Chapter 1.6 - Definitions.

CHAPTER 2.0
PUBLIC HEARINGS

Section 2.0.10 - BACKGROUND

The following procedures establish the conduct of legislative and quasi-judicial public hearings required by the provisions of this Code. Where this Code and a provision of state law address the same subject, the requirement of state law shall take precedence.

Section 2.0.20 - PURPOSES

a. Describe rules of conduct, notice requirements, order of proceedings, and action required for legislative and quasi-judicial hearings; and

b. Provide clear and consistent rules to ensure that the legal rights of individual property owners and the general public are protected.

Section 2.0.30 - DETERMINATION OF HEARING TYPE

Within seven days from the date of the Director's request for a hearing, the City Attorney shall determine whether a legislative or a quasi-judicial hearing is required. The decision shall be based upon consideration of applicable state regulations and relevant court decisions.

Section 2.0.40 - LEGISLATIVE HEARINGS

2.0.40.01 - Notice

a. **Notice Published in Newspaper** - Notice of the hearing shall be published in a newspaper of general circulation at least 10 days prior to the hearing and shall contain the following information:

1. Terms of, or a statement of, the proposed public action;

2. Department of the City from which additional information can be obtained; and

3. Time, place, date, and methods for presentation of views by interested persons.

b. **Notice Requirements Pursuant to ORS 227.175** - Notice shall be provided to property owners affected by legislative land use actions in the following manner:

1. Notice Recipients - The statutory notices required by Oregon Revised Statute 227.175, as amended over time, shall be provided in addition to any other notice required by the Code. These notices include:

   a) Notice to all owners of property that will be re-zoned to comply with a proposed legislative amendment to the Comprehensive Plan, when the proposed legislative amendment is not required as part of Periodic Review;

   b) Notice to all owners of property that will be re-zoned as a result of a proposed ordinance;

   c) Notice to all owners of property that will be affected by a text amendment that limits or prohibits uses permitted by that zone, when the proposed amendment is not required as part of Periodic Review; and

   d) Notice to all owners of property that will be re-zoned as the result of a proposed amendment to the Comprehensive Plan or Zoning Ordinance that is a component of the Periodic Review process.

2. Timing of Notices - Notices under “1.a,” “1.b,” and “1.c,” above, shall be sent within 20 to 40 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment. Notices under “1.d,” above, shall be sent 30 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment.

3. Re-zoning Defined - Notices under this policy are required only if the legislation will require a change to the development zone of the property affected or if the legislation limits or prohibits land uses previously allowed in the affected zone. In cases where zoning standards are changed, such as setback changes, landscaping requirements, etc., a determination shall be made regarding whether the change would limit or prohibit land uses previously allowed. In cases where a previously allowed use would be limited or prohibited, notice is required.

4. Re-notification Required - If, during the legislative land use action for which notices have been provided in accordance with ORS 227.175, as amended over time, the hearing authority has re-zoned property not previously noticed, or further limited or prohibited uses not previously identified, then re-notification shall occur in accordance with these provisions.

c. **Source of Information for Mailed Notification -** The County Assessor's Office most recent property tax assessment roll shall be used for mailed notification. Failure of property owners to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to mailed notice.

2.0.40.02 - Submission of Written Testimony

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

2.0.40.03 - Order of Proceedings

Components of the Proceedings - The public testimony portion of the proceedings identified in "f," through "h," below, is presented in the order in which it shall occur. The order of the remaining components of the proceedings may be varied at the discretion of the hearing authority.

a. The presiding officer shall state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed toward the applicable criteria for the case. The presiding officer shall also inform those present that failure to raise an issue in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes appeal to the State Land Use Board of Appeals on that issue. The presiding officer shall also state that any participant may request that the written record remain open an additional seven days in order to present additional evidence, arguments, or testimony regarding the case. The presiding officer may establish the time allowed for presentation of information.

b. City staff shall announce what the record contains.

c. Any objections on jurisdictional grounds shall be noted in the record.

d. Any abstentions or disqualifications shall be determined. Hearing authority members shall announce all potential conflicts of interest.

e. City staff shall present reports. Staff may also present additional information when allowed by the presiding officer.

f. Persons who support the proposed action shall present information or make inquiries.

g. Persons who oppose the proposed action shall present information or make inquiries.

h. Persons who do not necessarily support or oppose the proposed action shall present information or make inquiries.

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

j. Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals to the State Land Use Board of Appeals, the appeal period shall be 21 days from the date the decision is signed.

2.0.40.04 - Action by Hearing Authority

a. The hearing authority may:

1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;

2. Continue the public hearing;

3. Refer the matter to a committee;

4. Approve the action; or

5. Deny the action.

Findings of fact in support of any decision shall be required by state law and shall be in the record of proceedings prior to any final action by the hearing authority.

b. If a quorum of the hearing authority does not appear for a hearing, the hearing shall be continued to the date and time of the next regularly scheduled meeting.

2.0.40.05 - Findings of Fact

The hearing authority shall state findings of fact prior to any final action. These findings include:

a. Applicable policies, criteria, and standards against which a proposal was tested;

b. Statements ensuring the compliance or noncompliance of the proposed actions with each applicable policy, criterion, and standard; and

c. Reasons supporting a conclusion to approve or deny.

2.0.40.06 - Signing of the Order

A written order setting forth the action of the hearing authority shall be signed by the presiding officer and shall become effective upon the expiration of the appeal period unless an appeal has been filed in accordance with Chapter 2.19 - Appeals.

2.0.40.07 - Notice of Disposition

After the order is signed, the Director shall issue a Notice of Disposition that describes the decision of the hearing authority, a reference to findings leading to it, and appeal period deadline. The Notice of Disposition shall be issued to persons who participated in the public hearing orally and/or in writing. The Notice of Disposition shall also be sent to all owners of property proposed for re-designation.

Section 2.0.50 - QUASI-JUDICIAL HEARINGS

Where a quasi-judicial hearing is required by this Code, it shall be conducted in accordance with the procedures set forth below. Figure 2.0-1 - Estimated Time Frame for Quasi-judicial Hearings provides a summary of this process. **Applicants of development projects**

within the City are strongly urged to conduct their own informational meetings in the affected neighborhood. This would typically occur sometime prior to the application's initial submittal. Applicants are also urged to work closely with City staff and are strongly encouraged to attend a pre-application meeting prior to the application's initial submittal.

2.0.50.01 - Acceptance of Application

a. The Director shall review applications for completeness as soon as possible after they are filed. Within 30 days of the original filing, each application shall be formally accepted as complete or rejected as incomplete. The applicant shall be notified of the acceptance or rejection of the application. If the application is rejected, the applicant shall be advised on information needed to complete the application. The applicant also shall be advised that the hearing authority will be unable to approve an incomplete application if it cannot ensure that required criteria have been met.

b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.0.50.02 - Processing an Application

Unless ordered otherwise by the hearing authority, the Director shall process applications in the order in which they are filed.

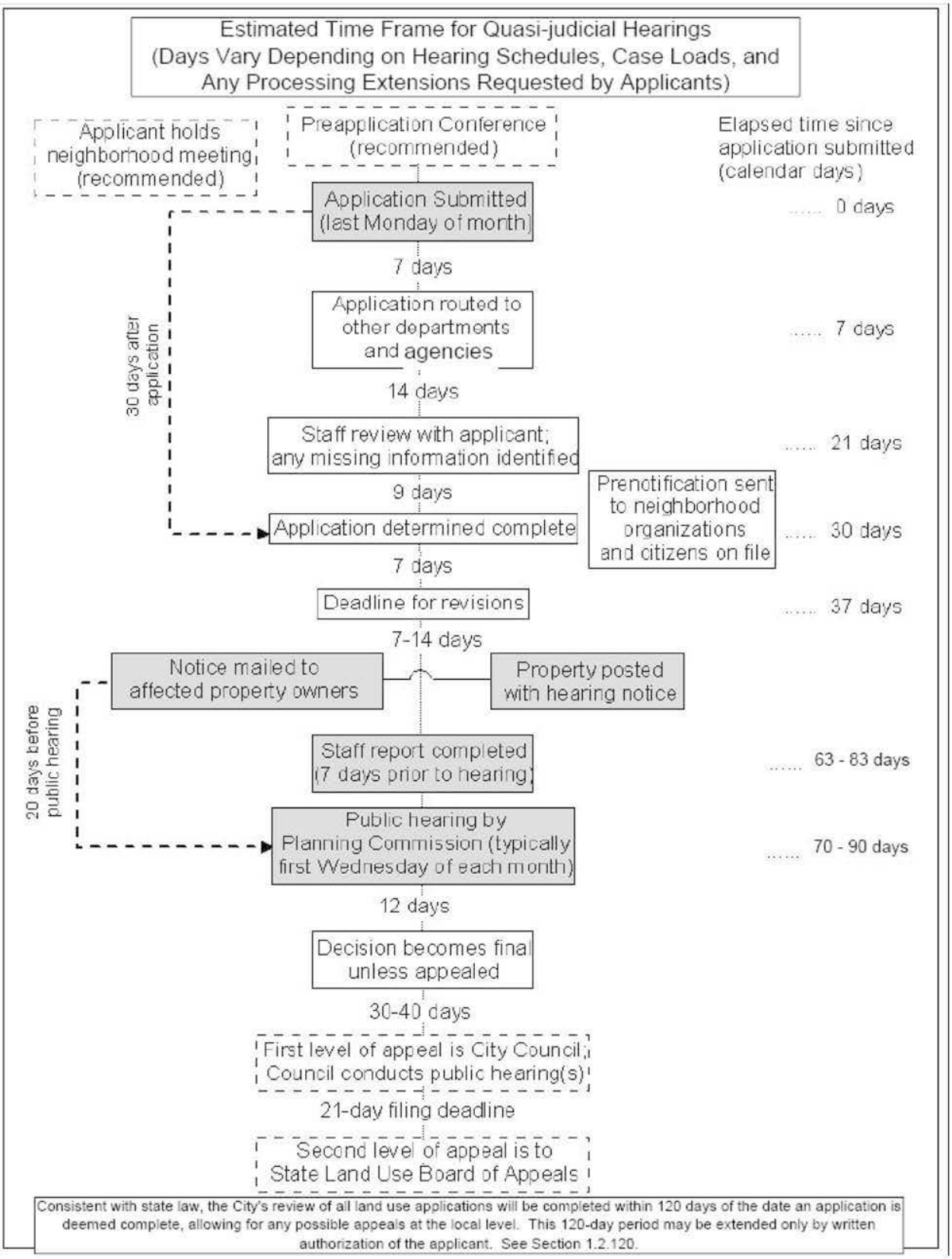

Figure 2.0-1 - Estimated Time Frame for Quasi-judicial Hearings

2.0.50.03 - Pre-notification to Neighborhoods

a. Pre-notification shall be provided to property owners and residents, neighborhood associations, organizations on file with the City as requesting such information, and organizations and persons whose property boundaries include or border the subject property. Pre-notification occurs before the 20-day time period referenced in Section 2.0.50.04.c. However, pre-notification is not required for: HRC-level Historic Preservation Permits and Zone Change applications to establish or remove a Historic Preservation Overlay.

Pre-notification shall contain the following information:

1. Date, time, and place of hearing;

2. Nature of the proposed development, and proposed uses that could be authorized;

3. Address, legal descriptions, or some other means of identifying the subject property; and

4. Name and phone number of a staff member from whom additional information can be obtained.

b. When pre-notification is required per "a," above, it shall be sent to neighborhood contact persons and any citizen or organization who has requested such information. These pre-notification mailing lists shall be updated annually.

c. When pre-notification is required per "a," above, it shall be mailed within approximately 30 days of a pending land use application's submittal, or when an application for a pending land use action is deemed complete by City staff.

2.0.50.04 - Public Notice

a. Notice for Quasi-judicial Comprehensive Plan Amendment Applications

Notice of hearings for quasi-judicial Comprehensive Plan Amendment applications shall be as follows:

1. Notice to all owners of property proposed to be re-designated, pursuant to Section 2.0.40.01.b;

2. Notice to all owners of property affected by a text amendment that limits or prohibits uses permitted by the property's land use designation pursuant to Section 2.0.40.01.b; and

3. Notice to applicants (who are not owners of property involved in the quasi-judicial Comprehensive Plan Amendment application) and surrounding property owners shall be consistent with "b," through "g," of this Section.

b. Notice for Quasi-judicial Applications Not Involving Comprehensive Plan Amendments

Notice for hearings for quasi-judicial applications not meeting "a.1," or "a.2," above, shall contain the following information:

1. Date, time and place of the hearing;

2. Nature of the proposed development and the proposed uses that could be authorized;

3. Legal description, address, or tax map designations;

4. Map showing the location of the proposed development;

5. Name and phone number of a staff member from whom additional information can be obtained;

6. Where a zone change or site development plan is involved, the notice shall state that the hearing authority may consider modifications to the applicant's request;

7. A list of Code and Comprehensive Plan criteria that apply to the decision;

8. A statement that failure to raise an issue orally or in writing during the hearing, with sufficient specificity to afford the hearing authority an opportunity to respond, will preclude appeal to the State Land Use Board of Appeals on that issue;

9. A statement that the following are available for inspection and will be duplicated upon request at reasonable cost:

a) The application;

b) All documents and evidence used by the applicant; and

c) Applicable criteria.

10. A statement that the staff report will be available for review at no cost seven days before the hearing and will be duplicated upon request at reasonable cost; and

11. A description of the hearing procedure with encouragement for concerned citizens to submit testimony orally or in writing.

c. Notice List - The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:

1. The applicant or authorized agent(s), and owner(s) of the property of the subject application if different from the applicant. For the purposes of this mailing, the property owner shall be determined using the most recent Benton County Assessor's database supplied to the City;

2. Any person who resides on or owns property within 300 ft., including street right-of-way, of a parcel of land proposed for:

a) Zone Changes or Comprehensive Plan Amendments - excluding establishing or removing Historic Preservation Overlay Zones and Research Technology Center time extensions;

b) Subdivisions and Major Replats (Non-Residential);

c) Conditional Development - including Willamette River Greenway Permits;

d) Annexation proposals;

e) Planned Developments, including:

1) Conceptual and/or Detailed Development Plans;

2) Major Planned Development Modifications; and

3) Planned Development Nullifications per Section 2.5.80.b:

f) Refinement Plans and Refinement Plan Nullifications;

g) HRC-level Historic Preservation Permits related to Demolitions;

h) Major Neighborhood Center Master Site Plans, including:

1) Master Site Plans; and

2) Major Master Site Plan Modifications;

i) Major Lot Development Options; and

j) Floodplain Development Permit Variances.

3. Any person who resides on or owns property within 100 ft., including street right-of-way, of a parcel of land proposed for:

a) Appeals of a General Development decision of the Director;

b) Establishing or removing a Historic Preservation Overlay zoning designation, in accordance with Chapter 2.2 - Zone Changes, including appeals of Administrative Zone Changes;

c) HRC-level Historic Preservation Permits, except those covered by “2.g,” above;

d) Minor Planned Development Modifications;

e) Expedited Land Divisions;

f) Major Neighborhood Center Minor Site Plan Modifications;

g) Request for Extension of Services outside the City limits. In addition, all property owners between the City limits and the subject property shall be mailed a notice;

h) Sign Variance;

i) Minor Lot Development Options;

j) Subdivisions and Major Replats (Residential); and

k) Conditional Development Permit Modifications

4. Tenants of an existing Manufactured Dwelling Facility for which a Zone Change is proposed;

5. Any other person, agency, or organization required to receive notice per the requirements for vacating public lands, including Subdivision plats and street rights-of-way, as provided in Chapter 2.8 - Vacating of Public Lands and Plats and ORS 271.080, as amended;

6. Any other person, agency, or organization that has filed a request to the Director to receive notices of hearings and has paid a reasonable fee to cover noticing therefor;

7. Any other person, agency, or organization that may be designated by this Code, the City Council, or its agencies;

8. Any other resident owner of property whom the Director determines is affected by the application; and

9. Historic Resources Commission and State Historic Preservation Office, for the following:

a) Appeals of Director-level and HRC-level Historic Preservation Permits; and

b) Zone Change applications to establish or remove a Historic Preservation Overlay zoning designation in accordance with Chapter 2.2 - Zone Changes, including appeals of Administrative Zone Changes.

10. Oregon Department of Parks and Recreation, for development on property with a Willamette River Greenway Overlay Zone.

d. **Sunset** - The public notice changes instituted by LDT03-00002 shall be re-evaluated by the City within two years of the adoption of that amendment to see if it is still necessary to maintain reduced public notice requirements.

e. For the purpose of mailed notification, the County Assessor's most recent property tax assessment roll shall be used. Notices shall be sent to the

occupant and owner in each case where the Assessor's records indicate that the owner's address differs from the site address. Persons whose names and addresses are not on file at the time of the filing of the application need not be notified of the action. Failure of property owners to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to mailed notice.

f. Notice shall be posted by the applicant in at least one conspicuous place along each street frontage of a site, at least 20 days prior to the hearing date. Notices shall be posted pursuant to administrative procedures established by the Director.

g. Where a hearing is continued by the hearing authority to a specific date, no additional notice need be given.

2.0.50.05 - Hearing Authority

The City Council or an agency of the City Council shall be designated by this Code as the hearing authority for specific types of development proposals that require a quasi-judicial hearing.

2.0.50.06 - Order of Proceedings

The public testimony portion of the proceedings identified in “l,” through “l,” below, is presented in the order in which it shall occur. The order of the remaining components of the proceedings may be varied at the discretion of the hearing authority.

a. The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case. The presiding officer shall also inform those present that failure to raise an issue orally or in writing during the hearing, with sufficient specificity to afford the hearing authority an opportunity to respond, will preclude appeal to the State Land Use Board of Appeals on that issue. The presiding officer shall also state that any participant may request that the written record remain open an additional seven days in order to present additional evidence, arguments, or testimony regarding the application. The presiding officer may establish the time allowed for the presentation of information.

b. City staff shall announce what the record contains.

c. Any objections on jurisdictional grounds shall be noted in the record.

d. Any abstentions or disqualifications shall be determined. Hearing authority members shall announce all potential conflicts of interest and areas of bias and shall disclose the time, place, and nature of any *ex parte* contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the *ex parte* contact.

e. The hearing authority may view the area in dispute for purposes of evaluating the proposal, but shall state in the record the place, time, manner, and circumstances of such viewing.

f. City staff shall present an overview of the case, including the location of the site and general information such as the applicable land use designations.

g. The applicant or those representing the applicant shall present information.

h. City staff shall present a report, including a list of criteria applying to the case. Staff may also present additional information when allowed by the presiding officer.

i. Persons who support the proposed change shall present evidence or make inquiries. If additional evidence or documents are provided in support of an application, any party shall, upon request, be entitled to prepare a written rebuttal to the new evidence. If an opportunity for such written rebuttal is requested, the hearing authority shall hold the written record open for a minimum of seven days to allow for the submission of written rebuttals. When requested by the applicant, such a continuance is exempt from the time limits established in state law for development review processes.

j. Persons who oppose the proposed change shall present evidence or make inquiries.

k. Persons who do not necessarily support or oppose the proposed change shall present evidence or make inquiries.

l. Rebuttal testimony may be presented by persons who have testified. The scope of material presented during rebuttal shall be limited to matters raised during the course of the hearing. The applicant or the applicant's representative shall present the first rebuttal, followed by surrebuttal by those who testified in opposition to the proposed change. Those persons who

testified neutrally may not participate in surrebuttal. The presiding officer shall limit rebuttal and surrebuttal to avoid repetition. Prior to the close of the public hearing, the presiding officer shall ask the applicant to state a preference to either provide a final written argument within seven days or to waive that opportunity.

m. At the close of presentation of public testimony, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. If the hearing is closed, any participant in the initial hearing may request that the record remain open for submittal of additional written testimony for seven days after the close of the hearing. At the discretion of the hearing authority, the record may be permitted to remain open for a longer period for the submittal of additional written testimony.

n. Once a hearing has been closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence and except as allowed in “m", above. Opportunity for brief rebuttal shall also be afforded to adverse parties.

A closed hearing shall be reopened only upon a majority vote of the hearing authority and only after a reasonable showing that:

1. There is evidence that was not reasonably available at the time of the hearing;

2. Evidence is now available to the person seeking to reopen the hearing; and

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

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

o. Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals from a lower City hearing authority to a higher City hearing authority, the appeal period shall be 12 days from the date the written decision is signed. Appeals to the State Land Use Board of Appeals shall be made in accordance with the provisions of state law.

2.0.50.07 - Testimony Rules of Procedure

a. Formal rules of evidence shall not apply.

b. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to or received by any member of the hearing authority or by any other City agency or official outside the public hearing may be received as argument and placed in the record. Unless the hearing authority specifically allows later filing of argument, no writings received after the close of the hearing will be considered as argument.

c. All information received by the hearing authority shall be retained, preserved, and transmitted to an appellate body in the event an appeal is filed in accordance with Chapter 2.19 - Appeals. Certified copies of original information may be substituted for original documents.

d. All evidence and argument shall be as brief as possible, consistent with full presentation.

e. Redundancy shall be avoided.

f. With the exception of Code enforcement-related interruptions by the presiding officer, each person presenting information or argument shall be allowed to complete the presentation without interruption.

g. Discussion of personalities shall be avoided to the extent possible in making a complete presentation.

h. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval or disapproval, agreement or disagreement. If any person persists in such conduct after receiving warning by the presiding officer, such person may be expelled from the hearing.

i. The presiding officer has complete authority to enforce these provisions and to ensure that a fair hearing is held. The presiding officer also has the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any of these provisions.

2.0.50.08 - Voting Eligibility

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

2.0.50.09 - Action by Hearing Authority

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

a. The hearing authority may:

1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;

2. Continue the public hearing;

3. Refer the matter to a committee;

4. Approve the applications as submitted;

5. Deny the request; or

6. Approve the request with Conditions of Approval in accordance with "b," below.

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

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

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

2. Conditions of Approval shall be related to approval standards set out in this Code or established by the Comprehensive Plan or City Facility Master Plans and incorporated by reference in this Code.

c. The hearing authority may vote to continue any public hearing to a later date and time. If a quorum of the hearing authority does not appear for a hearing, the hearing shall be continued to the date and time of the next regularly scheduled meeting.

2.0.50.10 - Findings of Fact

Findings shall include:

a. A preamble summarizing basic facts regarding the property and action taken prior to the public hearing by the hearing authority. This preamble shall include but is not limited to statements regarding:

1. Size and location of property in question, including tax lot numbers and map numbers;

2. Purpose of application;

3. Date of original application;

4. Statement of applicant's legal interest in the property;

5. Whether applicant represents self or another person;

6. Date of all public hearings and actions taken at those hearings; and

7. Other relevant background facts, as appropriate.

b. Identification of applicable legal criteria for decision making. These may include this Code, the Corvallis Charter, Comprehensive Plan, applicable Statewide Planning Goals, and applicable state statutes.

c. Conclusions, individually numbered. Such findings must relate relevant facts to the legal criteria identified previously. The findings may require an explanation of possible conflict between provisions of identified legal criteria and an explanation of how any such conflicts were resolved.

d. All applicants shall prepare and submit draft written findings to staff for

development of formal findings to be used for the consideration of the hearing authority in the event that the hearing authority's decision supports the applicant's proposal or a modified version thereof. The hearing authority may direct staff to prepare proposed findings, in the event that the hearing authority does not follow the applicant's proposal or a modified version thereof.

2.0.50.11 - Signing of the Order

A written order setting forth the action of the hearing authority shall be signed by the presiding officer or designate of the hearing authority and shall become effective upon the expiration of the appeal period unless an appeal has been filed in accordance with Chapter 2.19 - Appeals.

2.0.50.12 - Notice of Disposition

After the order is signed, the Director shall issue a Notice of Disposition that describes the decision of the hearing authority, a reference to findings leading to it, any Conditions of Approval, and appeal period deadline. The Notice of Disposition shall be issued to persons who participated in the public hearing, either orally or in writing. The Notice of Disposition shall also be sent to applicants and all owners of property involved in the application.

2.0.50.13 - Public Information

a. A copy of these provisions shall be made available to any interested persons.

b. Copies of the Testimony Rules of Procedure in Section 2.0.50.07 shall be available to the public within the hearing room prior to and during every public hearing conducted pursuant to this Chapter.

2.0.50.14 - Applicant's Request for Delay

Upon receipt of an applicant's written request for a delay in the processing of an application, the Director may allow the request, provided that the time that the application is placed on hold does not exceed one year from the date the request is filed with the Community Development Department, and provided that the applicant agrees in writing to waive the 120-day processing time frame. After this one-year period has expired, a new application and fee are required.

2.0.50.15 - Reapplication Following Denial

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

2.0.50.16 - Multiple Applications Filed Together

When more than one application has been filed at one time for a specific property or development, the review of those applications shall be coordinated as follows:

a. If any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting, except as outlined in "b," below. For example, applications for Zone Changes are ordinarily heard by the Land Development Hearings Board. When a Zone Change is sought simultaneously with a Conditional Development, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board shall be required.

b. Applications ordinarily heard by the Historic Resources Commission shall not be filed together (combined) with another application(s) requiring a public hearing that is ordinarily heard by some other hearing authority. Historic Preservation Permit applications and Historic Preservation Overlay-related Zone Change applications that are ordinarily decided upon by the Director, or the Director's designee, shall be filed together (combined) with applications ordinarily heard by the Historic Resources Commission. In these cases, the combination of historic applications shall be reviewed by the Historic Resources Commission and no prior action by the Director shall be required.

2.0.50.17 - Filing Deadlines

Unless specified otherwise in this Code, an application that has been filed on or before the last Monday of the month, and found to be complete within the next 30 days, shall be scheduled for a Planning Commission public hearing in the third month following the application submittal. For example, applications filed the last

Monday in January, and found to be complete by the end of February, shall be heard by the Planning Commission in April.

[Section 2.0.50 amended by Ordinance 2012-17, effective December 13, 2012]

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

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

a. The Director shall present the remand directly to the City Council so that it can decide how to proceed. The Director shall inform the City Council of the nature of the remand, and the Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:

1. Send the matter to another authorized hearing authority, such as the Land Development Hearings Board, Historic Resources Commission, or Planning Commission;

2. Set a hearing date to decide the matter without re-opening the public hearing on the case; or

3. Set a hearing date and re-open the public hearing for consideration.

b. When considering a remand, the hearing authority may consider the case in whole or in part.

c. Procedures for public notice and order of proceedings for remands on legislative matters shall be in accordance with Section 2.0.40.

d. Procedures for public notice and order of proceedings for remands on quasi-judicial matters shall be in accordance with Section 2.0.50, except that in all cases, required mailing of notices shall occur a minimum of 20 days in advance of the public hearing to address the remand.

CHAPTER 2.1
COMPREHENSIVE PLAN AMENDMENT PROCEDURES

Section 2.1.10 - BACKGROUND

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

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

Section 2.1.20 - PURPOSES

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

a. Respond to changing conditions and community attitudes;

b. Ensure flexibility while maintaining the integrity of the Comprehensive Plan; and

c. Establish procedures by which the Plan text and map may be amended.

Section 2.1.30 - PROCEDURES

2.1.30.01 - Initiation

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

a. An application submitted by the property owners or their authorized agents; or

b. A majority vote of the City Council. City Council initiation of Comprehensive Plan Map Amendments shall be considered to accomplish the following:

1. Respond to changed circumstances;

2. Correct inconsistencies with state goals;

3. Accomplish legislative changes affecting a relatively large number of properties or community-wide issues;

4. Correct inconsistencies between the Comprehensive Plan Map and other policies and maps;

5. Respond to changes in property boundaries; and/or

6. Respond to changes as a result of neighborhood or area-specific master planning efforts.

2.1.30.02 - Frequency of Plan Amendments

Applications for Comprehensive Plan Amendments initiated by property owners shall be reviewed semi-annually in March and September by the Planning Commission. The City Council may initiate amendments to the Comprehensive Plan at any time. Applications for Comprehensive Plan Amendments filed in conjunction with an application for Annexation shall be reviewed concurrently. Comprehensive Plan Amendments are exempt from the time limits established in state law for development review processes and shall be exempt from time restrictions set forth in this Code.

2.1.30.03 - Application Requirements

Notice shall be provided to the Land Conservation and Development Commission (LCDC) of any proposed amendment or new regulation as provided by state law.

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

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

Applications for Comprehensive Plan Amendments shall be made on forms provided by the Director and shall be accompanied by:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel

number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;

d. For Comprehensive Plan Map Amendments, six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted;

e. For Comprehensive Plan Text Amendments, the proposed text changes;

f. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

g. Graphic Requirements

Graphics shall include the following information where applicable:

1. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;

2. Zoning Maps - Existing and proposed Zoning Maps. Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;

3. Comprehensive Plan Maps - Existing and proposed Comprehensive

Plan Maps. Typically one in. = 800 ft. with a key that identifies each

land use designation on the site and within 1,000 ft. of the site as per City format;

4. Existing Land Use Map - Typically a topographic map that extends at least a 1,000 ft. beyond the site. The map shall include building footprints and distinguishes between single-family, multi-family, Commercial, and Industrial Uses, as well as other significant features such as roads, parks, schools, and significant natural features identified by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

5. Significant Natural Features Map(s) - Maps shall identify significant natural features of the site, including but not limited to:

   a) All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

   b) All Jurisdictional Wetlands not already shown as part of “a,” above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

   c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

6. For Comprehensive Plan Map Amendments, a legible vicinity map identifying the area to be amended and identifying adjacent City and County territory at least 300 ft. beyond the boundaries of the subject

site. The map shall include features such as existing streets and parcel boundaries; existing structures; driveways; utilities; significant natural features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed Map Amendment. The Director may require that an applicant's graphics include information on lands in excess of 300 ft. from the subject site, such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site.

h. Statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities. The applicant shall obtain this information using GIS base maps where available;

i. Statement of increased demand for the facilities that will be generated by the proposed change in land use designation. The applicant shall refer to the criteria of the City's facility master plans, available via the City Engineer, to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land use designations shall be addressed in the analysis;

.

j. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis;

k. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis. Also see Section 4.0.60.a;

l. Statement outlining the method and source of financing required to provide additional facilities; and

m. Statement of the reasons for the change, and how the proposal meets the review criteria in Section 2.1.30.06 or 2.1.30.07, whichever is applicable.

n. Required fees as described in LDC § 1.2.100.01.

2.1.30.04 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.1.30.05 - Staff Evaluation

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

2.1.30.06 - Review Criteria for the Majority of Comprehensive Plan Amendments

a. This Section addresses review criteria for the following:

1. Text Amendments to the Comprehensive Plan; and

2. Amendments to the Comprehensive Plan Map that do **not** involve a Map Amendment to Open Space-Conservation or Public Institutional, when such a Map Amendment is required as part of an Annexation request per Chapter 2.6 - Annexations.

Comprehensive Plan Amendments shall be reviewed to ensure consistency with the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

b. Amendments shall be approved only when the following findings are made:

1. There is a demonstrated public need for the change;

2. The advantages to the community resulting from the change outweigh the disadvantages; and

3. The change proposed is a desirable means of meeting the public need.

c. Proposed amendments to the Comprehensive Plan Map shall demonstrate compatibility in the following areas, as applicable:

1. Basic site design (e.g., the organization of Uses on a site and the Uses' relationships to neighboring properties);

2. Visual elements (scale, structural design and form, materials, etc.);

3. Noise attenuation;

4. Odors and emissions;

5. Lighting;

6. Signage;

7. Landscaping for buffering and screening;

8. Transportation facilities;

9. Traffic and off-site parking impacts;

10. Utility infrastructure;

11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

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

2.1.30.07- Review Criteria for Remainder of Comprehensive Plan Amendments

a. This Section addresses review criteria for Comprehensive Plan Map Amendments that involve a Map Amendment to Open Space-Conservation or Public Institutional, when such a Map Amendment is required as part of an Annexation request per Chapter 2.6 - Annexations.

This type of a Comprehensive Plan Map Amendment shall be reviewed to ensure consistency with the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

b. Amendments shall be approved only when the following findings are made:

1. The proposed Comprehensive Plan Map Amendment is part of an Annexation proposal; and

2. The Annexation proposal includes areas planned for open space, general community use, or public or semi-public ownerships; and the proposed Comprehensive Plan Map Amendment to Open Space-Conservation or Public Institutional pertains to these lands, as follows:

   a) Areas planned for open spaces or future general community use, including planned parks, preserves, and general

drainageway corridors, shall be redesignated on the Comprehensive Plan Map as Open Space-Conservation.

b) Existing, proposed, or planned areas of public or semi-public ownership, such as Oregon State University facilities or lands, school sites, City reservoirs, and portions of the Corvallis Municipal Airport, shall be redesignated on the Comprehensive Plan Map as Public Institutional.

c. Proposed amendments to the Comprehensive Plan Map shall demonstrate compatibility in the following areas, as applicable:

1. Basic site design (e.g., the organization of Uses on a site and the Uses' relationships to neighboring properties);

2. Visual elements (scale, structural design and form, materials, etc.);

3. Noise attenuation;

4. Odors and emissions;

5. Lighting;

6. Signage;

7. Landscaping for buffering and screening;

8. Transportation facilities;

9. Traffic and off-site parking impacts;

10. Utility infrastructure;

11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

13. Preservation and/or protection of significant natural features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting,

Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

2.1.30.08 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Comprehensive Plan Amendment. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.1.30.09 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the City Council shall set a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the application or adopt an ordinance approving the proposed Comprehensive Plan Amendment or a modification thereof. The City Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.1.30.10 - Notice of Disposition

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

2.1.30.11 - Map Errors

If the City Council approves a Comprehensive Plan Map Amendment, but the Director discovers that the Comprehensive Plan Map was not altered to accurately reflect the Amendment, the Director shall correct the Comprehensive Plan Map to comply with the amendment without any additional public review.

The Map Amendment shall not be corrected if the City Council subsequently

approves a Comprehensive Plan Map Amendment affecting the initial approval.

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

[Section 2.1.30 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

CHAPTER 2.2
ZONE CHANGES

Section 2.2.10 - BACKGROUND

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

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

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

a. Community Development Director in the case of Administrative Zone Changes to:

1. Remove a Historic Preservation Overlay in cases where a public hearing is not required. See Section 2.2.50;

2. Apply a Conservation - Open Space Zone on lands that already have a Natural Resource or Natural Hazards Overlay. See Section 2.2.50; and

3. Remove a residential Planned Development Overlay as mandated by the state. See Section 2.2.50.

b. Planning Commission;

c. Land Development Hearings Board;

d. Historic Resources Commission in the case of Zone Changes that require a public hearing and involve the application or removal of a Historic Preservation Overlay; and

e. Upon appeal, by the City Council, depending on the nature of the proposed Change.

When a Zone Change application is reviewed along with a Comprehensive Plan Map Amendment or other land use application, the Planning Commission approves or denies the request. However, when no other request is under consideration, the Zone Change request is reviewed and approved or denied by the Land Development Hearings Board, with the exception of Administrative Zone Changes described in “a,” above, and with the exception of Zone Change requests involving the application or removal of a Historic Preservation Overlay in cases where a public hearing is required. The City Council designates the Director as having the authority to make Administrative Zone Change decisions and designates the Historic Resources Commission as having the authority to make Zone Change decisions regarding the application or removal of a Historic Preservation Overlay in cases where a public hearing is required.

Section 2.2.20 - PURPOSES

This Chapter describes review criteria and procedural requirements for legislative and quasi-judicial Official Zoning Map changes to accomplish the following:

a. Maintain sound, stable, and desirable development within the City;

b. Permit changes in zone boundaries where appropriate;

c. Ensure Zone Changes are consistent with the community's land use policies and goals;

d. Lessen the influence of individual economic interests in the land use decision-making process;

e. Establish procedures and criteria for applying Historic Preservation Overlays to, or removing Historic Preservation Overlays from, Designated Historic Resources; and

f. Establish procedures and criteria for reclassifying a Designated Historic Resource in a National Register of Historic Places Historic District.

TABLE 2.2-1 COMPREHENSIVE PLAN AND CORRESPONDING ZONING MAP DESIGNATIONS (not including zone overlays)	
IF THE COMPREHENSIVE PLAN DESIGNATION IS:	THE OFFICIAL ZONING MAP DESIGNATION SHALL BE:
RESIDENTIAL	**RESIDENTIAL**
Low Density (0.5 - 2 units/acre for RS-1 only) (2-6 units/acre for RS-3.5, RS-5, & RS-6)	RS-1 Extra Low[1] RS-3.5 Low RS-5 Low RS-6 Low[2] C-OS Conservation - Open Space
Medium Density (6-12 units/acre)	RS-9 Medium RS-9(U)Medium C-OS Conservation - Open Space
Medium-high Density (12-20 units/acre)	RS-12 Medium High RS-12(U) Medium High MUR Mixed Use Residential C-OS Conservation - Open Space
High Density (over 20 units/acre)	RS-20 High MUR Mixed Use Residential C-OS Conservation - Open Space
Mixed Use Residential (over 12 units/acre)	RS-12 Medium High RS-12(U) Medium High RS-20 High MUR Mixed Use Residential C-OS Conservation - Open Space
OFFICE/COMMERCIAL	**COMMERCIAL**
Professional Office	P-AO Professional and Administrative Office C-OS Conservation - Open Space
Mixed Use Commercial	NC-Major Major Neighborhood Center NC-Minor Minor Neighborhood Center MUCS Mixed Use Community Shopping MUGC Mixed Use General Commercial C-OS Conservation - Open Space

1 At the time of or following annexation, the RS-1 (Extra-low Density) Residential Zone or the RS-6 (Low Density) Residential Zone may be applied to properties indicated on the Comprehensive Plan Map as being eligible for the RS-1 Zone, based on criteria contained in Section 2.2.40.05.

2 With the exception of properties indicated on the Comprehensive Plan Map as being eligible for the RS-1 (Extra-low Density) Residential Zone, all Low Density lands shall be zoned RS-6 (Low Density) Residential upon their annexation.

TABLE 2.2-1 COMPREHENSIVE PLAN AND CORRESPONDING ZONING MAP DESIGNATIONS (not including zone overlays)	
IF THE COMPREHENSIVE PLAN DESIGNATION IS:	THE OFFICIAL ZONING MAP DESIGNATION SHALL BE:
Central Business	CB Central Business Zone CBF Central Business Fringe RF Riverfront C-OS Conservation - Open Space
INDUSTRIAL	**INDUSTRIAL**
Limited	RTC Research Technology Center LI Limited Industrial MUE Mixed Use Employment C-OS Conservation - Open Space
Limited Industrial - Office	RTC Research Technology Center LI-O Limited Industrial - Office C-OS Conservation - Open Space
Mixed Use Employment	MUE Mixed Use Employment C-OS Conservation - Open Space
General	RTC Research Technology Center MUE Mixed Use Employment GI General Industrial C-OS Conservation - Open Space
General Industrial - Office	RTC Research Technology Center MUE Mixed Use Employment GI General Industrial II Intensive Industrial C-OS Conservation - Open Space
Mixed Use Transitional	RTC Research Technology Center MUT Mixed Use Transitional C-OS Conservation - Open Space
Intensive	II Intensive Industrial MUE Mixed Use Employment C-OS Conservation - Open Space
OTHERS	**OTHERS**
Public-Institutional	OSU Oregon State University C-OS Conservation - Open Space And any other zone for government and public facility uses.
Open Space - Agriculture	AG-OS Agriculture - Open Space C-OS Conservation - Open Space
Open Space - Conservation	C-OS Conservation - Open Space
Natural Hazards Overlay	Any zone
Natural Resources Overlay	Any zone

Section 2.2.30 - LEGISLATIVE CHANGE PROCEDURES

A Zone Change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles.

2.2.30.01 - Initiation

a. A legislative Zone Change may be initiated by a majority vote of the City Council or a majority vote of the Planning Commission upon finding sufficient cause to initiate a change.

b. Property owners may petition the Planning Commission for a hearing by submitting the following:

1. A petition representing a majority (over 50 percent) of property owners within the area of the proposed Zone Change; and

2. A description and map of the area to be affected and information as may be necessary for an adequate review.

If the Planning Commission determines that there is sufficient cause, it shall initiate the Zone Change in accordance with Chapter 2.0 - Public Hearings.

c. Where a motion by either the City Council or Planning Commission involves a Planned Development designation, the motion by either body need not include a Conceptual or Detailed Development Plan. However, residential Planned Development Overlays may not be unilaterally initiated by the City Council or the Planning Commission. See Chapter 3.33 - Residential Planned Development Overlays.

2.2.30.02 - Staff Evaluation

City staff shall prepare a report that evaluates whether the proposal complies with the review criteria in Section 2.2.30.03 below. The report should include a recommendation for approval or denial.

2.2.30.03 - Review Criteria

Legislative Zone Changes shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the policies of the

Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

2.2.30.04 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Zone Change. The Commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.2.30.05 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the City Council shall set a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the petition or adopt an ordinance approving the proposed Zone Change or a modification thereof. The City Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.2.30.06 - Notice of Disposition

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

[Section 2.2.30 amended by Ordinance 2012-18, effective December 13, 2012]

Section 2.2.40 - QUASI-JUDICIAL CHANGE PROCEDURES FOR ZONE CHANGES SUBJECT TO A PUBLIC HEARING

a. **Quasi-judicial Zone Changes -** All Zone Changes not deemed legislative shall be quasi-judicial. Administrative Zone Changes are quasi-judicial Zone Changes that are not subject to a public hearing and are defined by and subject to the provisions of Section 2.2.50. All other quasi-judicial Zone Changes are subject to a public hearing and the provisions below.

b. **Adding a Historic Preservation Overlay -** A Zone Change process involving a public hearing is required to add a Historic Preservation Overlay to a historic

resource. Establishment of a Historic Preservation Overlay requires property owner concurrence and approval by the Historic Resources Commission. Once a Historic Preservation Overlay is applied, the Historic Resource is listed in the Local Register, is defined as a Designated Historic Resource, and is subject to the City's Historic Preservation Provisions in Chapter 2.9 - Historic Preservation Provisions.

Historic Resources are listed in the National Register of Historic Places consistent with state and federal processes and criteria. Official action at the local level is not required as part of the National Register of Historic Places designation process. However, if a property owner wishes to list a Nationally-designated Historic Resource in the Local Register, a Zone Change to add a Historic Preservation Overlay is required. In all cases, a Nationally-designated Historic Resource also is defined as a Designated Historic Resource and is subject to the City's Historic Preservation Provisions in Chapter 2.9 - Historic Preservation Provisions, unless as otherwise specified under state and federal law.

c. **Removing a Historic Preservation Overlay -** A Zone Change process involving a public hearing is required to remove a Historic Preservation Overlay from a Designated Historic Resource, with the single exception that an Administrative Zone Change process shall be used to remove a Historic Preservation Overlay under the circumstances outlined in Section 2.2.50.

Once a Historic Preservation Overlay is removed, the historic resource is automatically removed from the Local Register, is no longer defined as a Designated Historic Resource, and is no longer subject to the Historic Preservation Provisions in Chapter 2.9 - Historic Preservation Provisions, unless it is still Nationally-designated. If the Designated Historic Resource remains Nationally-designated, it is still subject to Chapter 2.9 - Historic Preservation Provisions, but is not listed in the Local Register and does not show a Historic Preservation Overlay.

d. **Decisions Regarding National Register of Historic Places De-listings -** Official action at the local level to de-list a National Register of Historic Places Designated Historic Resource is not required. National Register of Historic Places de-listings are state and federal issues. If a National Register of Historic Places Designated Historic Resource is de-listed, and that Resource is not also listed in the Local Register, the Resource shall no longer be defined as a Designated Historic Resource and shall no longer be subject to the Historic Preservation Provisions in Chapter 2.9 - Historic Preservation Provisions. If a National Register of Historic Places Designated Historic Resource is de-listed per state and federal procedures, but that Resource also has a Historic Preservation Overlay and is, therefore, listed in the Local Register, the Resource shall continue to be defined as a Designated Historic Resource and shall continue to be subject to the Historic Preservation

Provisions in Chapter 2.9 - Historic Preservation Provisions, unless an Administrative Zone Change removing the Historic Preservation Overlay is approved per Section 2.2.50.

2.2.40.01 - Initiation

a. Initiation of a District Change that is quasi-judicial in nature may be accomplished by one of the following ways:

1. Filing of an application by the owner(s) of the subject property(ies);

2. A majority vote of the City Council or Planning Commission. However, for District Changes involving the application or removal of a Historic Preservation Overlay, property owner consent shall be required in accordance with state law. If the historic resource is owned by more than one property owner, the consent of all owners shall be required; or

3. District Changes involving the application or removal of a Historic Preservation Overlay may also be initiated by the Director. Property owner consent shall be required in accordance with state law. If the historic resource is owned by more than one property owner, the consent of all owners shall be required.

b. Where a motion by either the City Council or Planning Commission involves a Planned Development designation, the motion need not include a Conceptual or Detailed Development Plan. However, residential Planned Development Overlays may not be unilaterally initiated by the City Council or the Planning Commission. See Chapter 3.33 - Residential Planned Development Overlays.

2.2.40.02 - Application Requirements

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

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

Applications for Zone Changes shall be made on forms provided by the Director and shall be accompanied by:

a. General Requirements

1. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal, including the boundaries of any proposed Historic Preservation Overlay; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

2. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

3. Fifteen copies of the narrative, on 8.5 by 11in. sheets, and 15 copies of graphics at an 8.5 by 11 in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11 by 17in. size if, for legibility purposes, such a size would be helpful;

4. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24 by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted;

5. An electronic version of these documents if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

6. <u>Graphic Requirements</u> -

   Graphics shall include the following information where applicable:

   a) <u>Public Notice Map</u> - Typically a street map at one in. = 800 ft. as per City's public notice format;

b) Zoning Maps - Existing and proposed Zoning Maps. Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;

c) Comprehensive Plan Map - Typically one in. = 800 ft. with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;

d) Existing Land Use Map - Typically a topographic map that extends at least a 1,000 ft. beyond the site. The map shall include building footprints and distinguish between single-family, multi-family, Commercial, and Industrial uses, as well as other significant features such as roads, parks, schools, and significant natural features identified by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

e) Significant Natural Features Map(s) - Maps shall identify significant natural features of the site, including but not limited to:

1) All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

2) All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

3) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

7. A legible vicinity map identifying the area to be amended and identifying adjacent City and County territory at least 300 ft. beyond the boundaries of the subject site. The map shall include features such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed Zone Change. The Director may require that an applicant's graphics include information on lands in excess of 300 ft. from the subject site, such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site.

8. Statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park , and school facilities. The applicant shall obtain this information using GIS base maps where available;

9. Statement of increased demand for the facilities that will be generated by the proposed change in land use designation. The applicant shall refer to the criteria of the City's facility master plans, available via the City Engineer, to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis;

10. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans and capital improvement programs, and state whether

additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis;

11 Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis. See also Section 4.0.60.a. Statement outlining the method and source of financing required to provide additional facilities; and

12. Statement of the reasons for the Change, and how the proposal meets the review criteria in Section 2.2.40.05.

b. Requirements for District Change Applications to Add a Historic Preservation Overlay

1. All requirements of “a,” above;

2. Map illustrating the location and bounds of the historic resource(s) proposed to receive the Historic Preservation Overlay;

3. Statements explaining the following:

   a) How the proposed Historic Preservation Overlay is consistent with the review criteria for such designation in Section 2.2.40.05.b;

   b) If a Historic Preservation Overlay is proposed to add a historic resource to the Local Register, why the boundaries of the proposed Historic Preservation Overlay are appropriate, given the historic resources located in the proposed Historic Preservation Overlay; and

4. Two sets of black and white photographs of, and inventory information for, each of the historic resource(s) proposed to be subject to a

Historic Preservation Overlay. The photographs shall be four by six in., five by seven in., or eight by 10 in. Digital images meeting federal National Park Service photo policy standards, as amended, for National Register of Historic Places resources, are acceptable.

c. Requirements for District Change Applications to Remove a Historic Preservation Overlay

1. All requirements of "a," above;

2. Map illustrating the location and bounds of the Historic Preservation Overlay proposed to be removed and any Designated Historic Resource(s) within that area;

3. Statements explaining the following:

   a) How removal of the proposed Historic Preservation Overlay is consistent with the review criteria in Section 2.2.40.05.c;

   b) Why the applicant is requesting removal of the existing Historic Preservation Overlay;

4. Two sets of black and white photographs of, and inventory information for, each of the Designated Historic Resource(s) within the Historic Preservation Overlay area proposed for removal. The photographs shall be four by six in., five by seven in., or eight by 10 in. Digital images meeting federal National Park Service photo policy standards, as amended, for National Register of Historic Places Designated Historic Resources, are acceptable.

d. Required fees as described in LDC § 1.2.100.01.

2.2.40.03 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

b. After accepting a complete application, the Director shall schedule a public hearing. The public hearing will be conducted by:

1. The Planning Commission, if the Zone Change is requested in conjunction with an Amendment to the Comprehensive Plan and is not a request to apply or remove a Historic Preservation Overlay;

2. The Land Development Hearings Board, if no Comprehensive Plan Amendment is required to approve the Zone Change and the application is not a request to apply or remove a Historic Preservation Overlay;

3. The Historic Resources Commission, if the request is to apply or remove a Historic Preservation Overlay and does not meet the definition for an Administrative Zone Change outlined in Section 2.2.50.b.

c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.2.40.04 - Staff Evaluation

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

2.2.40.05 - Review Criteria

a. Review Criteria for Zone Changes, Except Those Requesting to Apply or Remove a Historic Preservation Overlay

Quasi-judicial Zone Changes shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

1. Basic site design (e.g., the organization of uses on a site and the uses' relationships to neighboring properties);

2. Visual elements (scale, structural design and form, materials, etc.);

3. Noise attenuation;

4. Odors and emissions;

5. Lighting;

6. Signage;

7. Landscaping for buffering and screening;

8. Transportation facilities;

9. Traffic and off-site parking impacts;

10. Utility infrastructure;

11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

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

b. Review Criteria for Zone Changes to Apply a Historic Preservation Overlay

1. <u>Historic Integrity of setting, location, materials or workmanship</u> -

To meet this criteria, the applicant shall demonstrate that the application fulfills at least two of the following criteria:

a) The historic resource is in its original location or is in the location in which it made a historical contribution;

b) The historic resource remains essentially as originally constructed;

c) Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given Period of Significance;

d) The immediate setting of the historic resource retains land uses, or landscaping and relationship with associated structures, consistent with the Period of Significance;

e) The historic resource contributes to the architectural continuity of the street or neighborhood;

f) The site is likely to contain artifacts related to prehistory or early history of the community; or

g) The historic resource is now one of few remaining prime examples of an architectural style or design, or a type of construction that was once common.

2. Historic Significance or contribution to historic and cultural resources of the community -

To meet this criteria, the applicant shall demonstrate that the resource is 50 years old or older and that at least one of the additional criteria listed below applies to it. Resources that are less than 50 years old may be considered eligible for historic designation if they are of exceptional importance, based on National Register of Historic Places Criteria for Evaluation (36 CFR 60).

a) It is associated with events that have made a significant contribution to the broad patterns of political, economic, cultural, or industrial history of the City, County, State or nation;

b) The resource is fundamentally related to the work, achievements, or life story of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation;

c) It embodies distinctive characteristics of a type, Period of Significance, or method of construction;

d) It may be a prime example of an architectural style or design, or may represent a type of construction that was once common and is now one of few remaining examples;

e) It represents the work of a master. For example, it is a noteworthy example of the work of a craftsman, builder, architect or engineer significant in City, County, State, or national history;

f) It demonstrates high artistic values in its workmanship or materials;

g) It yields or is likely to yield information important in prehistory or history;

h) It is a visual landmark; or

I) It contributes to the continuity or the historic character of the street, neighborhood, and/or community, or contributes to the Historic Integrity of the Period of Significance represented.

c. Review Criteria for Public Hearing Zone Changes to Remove a Historic Preservation Overlay

1. Removal of the Historic Preservation Overlay shall not adversely impact properties in the surrounding area or the Historic Integrity of the affected Local Register Historic District, if applicable.

2. <u>At least one of the following has occurred since the Historic Preservation Overlay was established</u> -

a) A re-evaluation of the original Designated Historic Resource determination, with the results being that, under current criteria, the Resource is no longer considered Historically Significant, and the change in the Historic Significance of the Resource was not the result of action or inaction by the property owner. The determination of Historic Significance in this case shall be based on National Register of Historic Places Criteria for Evaluation (36 CFR 60);

b) The Historic Integrity of the Resource has been substantially reduced or diminished due to unavoidable circumstances that

were not a result of action or inaction by the property owner; and/or

c) An evaluation of maintaining or removing the Historic Preservation Overlay demonstrates that removing the Overlay substantially outweighs maintaining the Overlay.

d. Buildable Land Supply Factor

For Zone Change requests to a Conservation - Open Space (C-OS) Zone on lands that are **not** located on lands already designated with a Natural Resource and/or Natural Hazard Overlay, the applicant shall demonstrate the following:

1. That the area requested for the Zone Change to C-OS is part of a larger development site;

2. What the development potential is for the proposed C-OS land. This development potential shall be calculated using the same development per acre calculations specified in Tables 4.11-1 and 4.11-2 of Chapter 4.11 - Minimum Assured Development Area (MADA); and

3. That the development potential associated with the proposed C-OS land is transferred to other land that:

   a) Will not be zoned C-OS;

   b) Is located on the same development site; and

   c) Is proposed for development concurrent with the Zone Change request so that it can be verified that the transfer of development potential is feasible.

2.2.40.06 - Action by the Hearing Authority

The hearing authority shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the hearing authority shall by motion either approve the proposed Zone Change, or deny the petition. The hearing authority's decision shall include findings that specify how the application has or has not complied with the above review

criteria. If the request is to apply a Historic Preservation Overlay to a property, the Historic Resources Commission also shall identify in its findings the specific historic resource(s) that is Historically Significant and subject to future regulation under Chapter 2.9 - Historic Preservation Provisions.

2.2.40.07 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the hearing authority's decision, a reference to findings leading to it, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing. For all Zone Changes associated with historic preservation, the Notice of Disposition shall also be mailed to the Historic Resources Commission.

2.2.40.08 - Appeals

The decision of the Land Development Hearings Board, Planning Commission, or Historic Resources Commission may be appealed in accordance with Chapter 2.19 - Appeals.

2.2.40.09 - Effective Date

a. Unless an appeal has been filed, decisions of the Land Development Hearings Board and the Historic Resources Commission shall become effective 12 days after the Notice of Disposition is signed. Once a Zone Change to add or remove a Historic Preservation Overlay is in effect, the Historic Preservation Overlay shall be added to, or removed from, the Official Zoning Map, as appropriate.

b. Unless an appeal has been filed, or a Zone Change involves a Comprehensive Plan Amendment, decisions of the Planning Commission and/or Historic Resources Commission, as applicable, shall become effective 12 days after the Notice of Disposition is signed.

c. Unless an appeal has been filed, decisions of the Planning Commission made in conjunction with a Comprehensive Plan Amendment shall become effective 12 days after the Notice of Disposition is signed. The Zone

Changes will not take effect, however, until and unless the necessary Comprehensive Plan Amendment has been implemented by the City Council.

[Section 2.2.40 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

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

a. Quasi-judicial Zone Changes - As stated in Section 2.2.40.a, all Zone Changes not deemed legislative shall be quasi-judicial. Administrative Zone Changes are quasi-judicial Zone Changes that are not subject to a public hearing and are defined by and subject to the provisions below. All other quasi-judicial Zone Changes are subject to a public hearing and the provisions of Section 2.2.40.

b. Administrative Zone Change Defined - A Zone Change is considered an Administrative Zone Change if the Change applies to one or more of the situations in "1," through "3," below.

1. Establishment of a Conservation - Open Space Zone - A Zone Change is requested to establish a Conservation - Open Space Zone on property(ies) with a Natural Hazard Overlay or Natural Resource Overlay designation.

2. Removal of a Residential Planned Development Overlay - A Zone Change is requested to remove a residential Planned Development Overlay and both "a," and "b," below are true:

   a) The underlying Zone designation is RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, or MUR; and

   b) The request is limited to the removal of the Planned Development Overlay and there is no active Detailed Development Plan on the site. See Section 2.2.50.06.b.3.

3. Removal of Historic Preservation Overlay - A Zone Change is requested to remove a Historic Preservation Overlay and the criteria in either "a," or "b," below, are met:

   a) Property Owner Consent - "1," though "3," below are all true:

      1) The Historic Preservation Overlay was placed on the Designated Historic Resource before September 9, 1995

through a legislative action initiated by the City under circumstances outlined in ORS 197.772(3), as amended; and

2) The applicant requesting the removal of the Historic Preservation Overlay (and, thus, removal from the Local Register) was the owner of the property at the time the property was listed in the Local Register and has continued to own said property since this listing; and

3) The applicant requesting the removal of the Historic Preservation Overlay (and, thus, removal from the Local Register) presented written or documented oral testimony in opposition to the property's being listed in the Local Register during the public hearing at which the property was so listed; or

b) Demolition of the Designated Historic Resource - Either "1," or "2," below is true:

1) Local Register Designated Historic Resources -

a. Approval has been granted for the Demolition of a Local Register Designated Historic Resource;

b. The date of the approved Historic Preservation Permit for Demolition is effective; and

c. The Designated Historic Resource has been demolished; or

2) Historic Resources Listed in the National Register of Historic Places -

a. The affected Designated Historic Resource is also listed in the Local Register;

b. The City has notified the State Historic Preservation Office that a Historic Preservation Permit authorizing the Demolition of a Designated Historic Resource listed in the National Register of Historic Places is effective;

c. The Designated Historic Resource has been demolished; and

d. SHPO has provided the City with official notification that a de-listing of the Designated Historic Resource from the National Register of Historic Places has occurred in accordance with state and federal procedures, and that such de-listing is in effect.

2.2.50.01 - Initiation

An Administrative Zone Change may be initiated by the filing of an application by the owner of the subject property. If the resource is owned by more than one property owner, the consent of all owners shall be required.

2.2.50.02 - Application Requirements

An application for an Administrative Zone Change shall be made on forms provided by the Director and shall include the following:

a. Applicant's name, address, and signature;

b. Owner's name(s), address(es), and signature(s), if different from applicant's. If a proposed Zone Change includes land in more than one ownership, the application must be submitted jointly by all of the owners and/or their legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City;

c. Location and description of the land associated with the proposed Zone Change, including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; and written description of the boundaries of the subject property(ies) and area proposed to be changed;

d. Narrative and documentation addressing how the application meets the review criteria in Section 2.2.50.06 below;

e. Maps, drawings, and such other information as may be needed for an adequate review of the application; and

f. For requests to remove a residential Planned Development Overlay, copies of any applicable Notices of Disposition and documents that explain the

background regarding the establishment of the Planned Development Overlay on the site and the status of any land use approvals on the site.

2.2.50.03 - Acceptance of Application

a. The Director shall review the application to determine whether it is complete per the requirements in Section 2.2.50.02. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application complete. The applicant shall have up to ten days from the date of the Director's notification to submit additional information.

b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.2.50.04 - Public Notice

Public notice for an Administrative Zone Change shall be provided in accordance with Section 2.12.30.04. The notice for applications to remove a Historic Preservation Overlay in accordance with Section 2.2.50.b.3 also shall be sent to the Historic Resources Commission and State Historic Preservation Office.

2.2.50.05 - Staff Evaluation

The Director shall evaluate whether the proposal complies with the review criteria in Section 2.2.50.06, below.

2.2.50.06 - Review Criteria

a. **Establishment of a Conservation - Open Space Zone** - The following criteria shall be utilized to evaluate an Administrative Zone Change application that meets the definition criteria in Section 2.2.50.b.1. Either "1," or "2," below, must be true:

1. The areas requested to be designated with the Conservation - Open Space Zone must already be designated as Open Space - Conservation on the Comprehensive Plan Map; or

2. The areas requested to be designated with the Conservation - Open Space Zone must already be designated with a Natural Hazard or

Natural Resource Overlay on the Comprehensive Plan Map or Official Zoning Map.

b. **Removal of a Residential Planned Development Overlay** - The following criteria shall be utilized to evaluate an Administrative Zone Change application that meets the definition criteria in Section 2.2.50.b.2. All of the criteria in “1,” through “3,” below, must be true.

1. The underlying zone designation must be RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, or MUR;

2. The request must be limited to the removal of the Planned Development Overlay; and

3. There must be no active Detailed Development Plan on any part of the site. An active Detailed Development Plan includes one which has:

   a) Not expired or been nullified;

   b) A final Subdivision or Partition plat filed and recorded;

   c) A Property Line Adjustment filed;

   d) Any Building or Construction Permits issued; or

   e) Any activities associated with Development as defined in Chapter 1.6 - Definitions.

c. **Removal of a Historic Preservation Overlay** - The following criteria shall be utilized to evaluate an Administrative Zone Change application that meets the definition criteria in Section 2.2.50.b.3.a. All criteria in “1" through “3", below must be true.

1. Evidence demonstrates that the Historic Preservation Overlay was placed on the historic resource before September 9, 1995, through a legislative action initiated by the City, under circumstances outlined in ORS 197.772(3), as amended; and

2. Evidence demonstrates that the owner(s) requesting the removal of the Historic Preservation Overlay (and, thus, removal from the Local Register) was the owner(s) of the property at the time the property

was listed in the Local Register and has continued to own said property since its listing; and

3. Evidence demonstrates that the owner(s) requesting the removal of the Historic Preservation Overlay (and, thus, removal from the Local Register) presented written or oral testimony in opposition to the property's being listed in the Local Register during the public hearing at which the property was so listed.

d. Removal of a Historic Preservation Overlay - The following criteria shall be utilized to evaluate an Administrative Zone Change application that meets the definition criteria in Section 2.2.50.b.3.b, involving Demolition of a Designated Historic Resource. Either "1" or "2," below, must be true:

1. Local Register Designated Historic Resources - Evidence demonstrates that:

   a) Approval has been granted for the Demolition of a Local Register Designated Historic Resource;

   b) The date of the approved Historic Preservation Demolition Permit is effective; and

   c) The Designated Historic Resource has been demolished; or

2. Historic Resources Listed in the National Register of Historic Places - Evidence demonstrates that:

   a) The affected Designated Historic Resource is also listed in the Local Register;

   b) The City has notified the State Historic Preservation Office that a Historic Preservation Permit authorizing the Demolition of a Designated Historic Resource listed in the National Register of Historic Places is effective;

   c) The Designated Historic Resource has been demolished; and

   d) SHPO has provided the City with official notification that a de-listing of the Designated Historic Resource from the National Register of Historic Places has occurred in accordance with

state and federal procedures, and that such de-listing is in effect.

2.2.50.07 - Action by the Director

On the basis of the review criteria in Section 2.2.50.06 above, the Director shall review the proposed Administrative Zone Change application submittal and either approve or deny the request. The Director's decision shall include findings that specify how the proposal has or has not complied with all the applicable review criteria in Section 2.2.50.06. If all the review criteria have not been met, the Director shall deny the Administrative Zone Change application.

2.2.50.08 - Notice of Disposition

a. The Director shall provide the following parties with a Notice of Disposition:

1. Applicant;

2. Owners of record of property on the most recent property tax assessment roll where such property is located within 100 ft. of the subject property;

3. Any neighborhood or community organization recognized by the governing body and whose boundaries include the subject site; and

4. Persons who provided written comment on the application; and

5. The Historic Resources Commission, in cases of Administrative Zone Changes to remove of a Historic Preservation Overlay per Section 2.2.50.b.3.

b. The Notice of Disposition shall include the following information:

1. Written statement of the decision and a reference to the findings leading to it;

2. Nature of the application and the proposed Use or Uses which could be authorized;

3. Street address or other easily understood geographical reference to the subject property;

4. Name and phone number for staff contact person;

5. Appeal period deadline; and

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

2.2.50.09 - Appeals

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

2.2.50.10 - Effective Date

Unless an appeal has been filed, the Director's decision shall become effective 12 days after the Notice of Disposition is signed. Once an Administrative Zone Change is approved and is in effect, the Official Zoning Map shall be amended accordingly.

[Section 2.2.50 amended by Ordinance 2012-17, effective December 13, 2012]

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

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

Section 2.2.70 - Map Errors

If the Land Development Hearings Board, Planning Commission, or City Council approves a Zone Change, but the Director discovers that the Official Zoning Map was not altered to

accurately reflect the Zone Change, the Director shall correct the Official Zoning Map to comply with the Zone Change without any additional public review.

The amendment shall not be corrected if the City Council subsequently approves a Zone Change affecting the initial approval. If the Director discovers an inconsistency between the Official Zoning Map and the Comprehensive Plan Map, the Director shall correct the Official Zoning Map to make it consistent with the Comprehensive Plan Map, without any additional public review. Map corrections made by the Director shall be reported to the Council and owner of the property receiving the correction by noting the correction as a consent item on a Council agenda following the correction, and by mailing the property owner notification of the correction.

CHAPTER 2.3
CONDITIONAL DEVELOPMENT

Section 2.3.10 - BACKGROUND

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

Section 2.3.20 - PURPOSES

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

a. Permit certain types of public and private development that provide a community service in locations related to their service areas;

b. Permit commercial development in locations related to its service area;

c. Ensure that Conditional Development is compatible with its immediate area and the affected part of the community;

d. Permit Uses when potentially adverse effects can be mitigated; and

e. Permit a mixture of residential development types.

Section 2.3.30 - CONDITIONAL DEVELOPMENT PROCEDURES

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

2.3.30.01 - Application Requirements

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

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

Applications shall be made on forms provided by the Director and shall be accompanied by:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;

d. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted;

e. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

f. Graphic Requirements

Graphics shall include the following information where applicable:

1. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;

2. Zoning Map - Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;

3. Comprehensive Plan Map - Typically one in. = 800 ft. with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;

4. Existing Land Use Map - Typically a topographic map that extends at least 1,000 ft. beyond the site. The map shall include building footprints and distinguish between single-family, multi-family, Commercial, and Industrial Uses, as well as other significant features such as roads, parks, schools, and Significant Natural Features identified by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

5. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:

   a) All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

   b) All Jurisdictional Wetlands not already shown as part of “a,” above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland

Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

6. Site Plan(s) and Other Graphics -

a) Site plan(s) and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed in this Section and "b," below.

Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site, such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site.

b) The site plan and related graphics shall also include:

1) Boundary of the proposed development site and any interior boundaries related to proposed development phases or land divisions;

2) Number of lots and their dimensions, including frontage, depth, and area in sq. ft.;

3) Location and floor area of existing and proposed structures and other improvements, including maximum heights, Building Types, and gross density per acre for residential developments; location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, parking calculations, and walkways; and any proposed Use restrictions. Where required by the applicable zone, Lot Coverage and Green Area calculations shall be provided;

4) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, common Green Area, public parks, recreational areas, school sites, and similar public and semi-public uses;

5) Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;

6) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems, and indicating proposed treatments for points of conflict;

7) Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;

8) Identification of Significant Natural Features that were included on the Significant Natural Features map(s) required in “5," above, to indicate the relationship of the proposal to the site’s Significant Natural Features;

9) Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the development site exceeds 10 percent and where the

development site abuts existing developed lots, a conceptual grading plan shall be required. The grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. If a grading plan is required, it shall indicate how these objectives are met, how runoff or surface water from the development will be managed, and how the development's surface waters will be disposed;

10) Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas - types of plant materials as basic as trees, shrubs, and groundcover/lawn areas - and other conceptual landscape features including walls and fences;

11) Exterior lighting plan indicating the location, size, height, typical design, material, color, method, and direction of illumination; and

12) Typical elevations and floor plans of buildings and structures sufficient to indicate the architectural intent and character of the proposed development, indicate the entrance and exit points, and permit computations of parking, design, and yard requirements. The elevations shall specify building materials to be used, specifications as to type, color, and texture of proposed exterior surfaces, and information demonstrating compliance with Chapter 4.10 - Pedestrian Oriented Design Standards;

g. Narrative Requirements

A written statement shall include the following information:

1. Statement of the planning objectives to be achieved by the proposed development. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the

review criteria in Section 2.3.30.04 below, including the development standards required by this Code;

2. Quantitative data for the following, where appropriate:

   a) Total number and type of dwelling units;

   b) Square footages of all structures;

   c) Parcel size;

   d) Proposed Lot Coverage of buildings and structures, where known;

   e) Gross densities per acre;

   f) Total square footage of Green Area;

   g) Total number of parking spaces (compact, standard, handicapped, bicycle) and a breakdown of how parking is consistent with this Code's requirements; and

   h) Total square footage of nonresidential construction;

3. Detailed statement outlining timing, responsibilities, and financial assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;

4. Statement describing phases of project, if proposed. Phases shall be:

   a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, Green Areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of construction and development;

   b) Arranged to avoid conflicts between higher and lower density development;

   c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and

d) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Conditional Development.

5. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. See Section 4.0.60.a;

6. Statement addressing compatibility of proposed development with adjacent land uses relating to such items as architectural character, Building Type, and height of proposed structures; and

7. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided per gross floor area or per number of units.

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

h. Required fees as described in LDC § 1.2.100.01.

2.3.30.02 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.3.30.03 - Staff Evaluation

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

2.3.30.04 - Review Criteria

Requests for Conditional Developments shall be reviewed to ensure consistency with the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

a. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);

b. Visual elements (scale, structural design and form, materials, etc.);

c. Noise attenuation;

d. Odors and emissions;

e. Lighting;

f. Signage;

g. Landscaping for buffering and screening;

h. Transportation facilities;

i. Traffic and off-site parking impacts;

j. Utility infrastructure;

k. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

l. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and

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

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

2.3.30.05 - Action by the Hearing Authority

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

2.3.30.06 - Notice of Disposition

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

2.3.30.07 - Appeals

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

2.3.30.08 - Effective Date

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

2.3.30.09 - Effective Period of Conditional Development Approval

Conditional Development approval shall be effective for a four-year period from the date of approval. If the applicant has not begun the Conditional Development or its phases within the four-year period, all approvals shall expire.

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

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

1. Falls below the thresholds identified in Section 2.3.40.02.a;

2. Does not affect any conditions of approval;

3. Adds, or reduces, less than 1,000 sq. ft. of floor area to the approved development plan, but does not result in the cumulative transfer of approved building square footage between approved buildings beyond 1,000 square feet;

4. Complies with all applicable Land Development Code provisions; and

5. When evaluated in relation to all prior approved minor revisions to the approved Conditional Development, does not result in changes that would cumulatively exceed the thresholds listed above.

[Section 2.3.30 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 2.3.40 - CONDITIONAL DEVELOPMENT MODIFICATION

2.3.40.01 - Purposes of a Conditional Development Modification

a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conditional Developments; and

b. Provide benefits within the development site that compensate for requested variations from approved Conditional Developments such that the intent of the original approval is still met.

2.3.40.02 - Thresholds of a Conditional Development Modification

a. The factors identified here describe the thresholds that separate a Conditional Development Modification from the need to apply for a new Conditional Development Permit:

1. Change in Use Type;

2. Increase in dwelling unit density;

3. Decrease in dwelling unit density by more than three units for development sites one acre or smaller in size; or decrease in dwelling unit density by more than five units or by more than 10 percent, whichever is less, for development sites larger than one acre;

4 Change in the ratio of the different types of dwelling units;

5. Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate, or further separate, a building from pedestrian facilities, etc.);

6. Change in the type and location of accessways and parking areas where off-site traffic would be affected or which result in a less pedestrian-friendly environment;

7. Increase in the number of parking spaces where such increase adversely affects Significant Natural Features or pedestrian amenities, or is inconsistent with a Condition of Approval or an applicable development standard of this Code, such as required Green Area;

8. Increase in the floor area proposed for nonresidential Use by more than 10 percent;

9. Decrease in the common and/or usable Green Area by more than 10 percent;

10. Increase in the total ground area proposed to be covered by structures by more than 10 percent;

11. Decrease in specific setback requirements by more than 25 percent;

12. Decrease in project amenities for pedestrians or bicycles, recreational facilities, screening, and/or landscaping provisions by more than 10 percent; and

13. Modification of architectural building elevations where any of the following occurs:

    a) Percentage of window coverage per elevation is decreased by more than 20 percent (may affect the number and/or shape of windows); or windows are installed on a previously specified blank wall on the perimeter of the site;

    b) Building materials for the main walls of the facades are changed;

    c) Any architectural feature is reduced by more than 20 percent. Architectural features include such items as the number of windows with trim, the number of dormers, the number of columns, the number of shutters, the square footage of porches, the number of window boxes, the linear footage of porch or deck railings, and/or the linear footage and/or height of parapets, reveals, and/or cornices, etc.;

    d) Roof pitch is reduced by more than 20 percent;

    e) Building off-sets or recesses are reduced by more than 20 percent; or

    f) Garages or carports are eliminated.

b. A Modification that equals or exceeds the thresholds identified in Section

2.3.40.02.a shall be processed as a new Conditional Development Application.

c. A Modification that falls below the thresholds identified in Section 2.3.40.02.a shall be processed as a Conditional Development Modification.

d. In addition, only three such Modifications may be processed within one calendar year for any approved Conditional Development. If more than three such Modifications are proposed within a calendar year, the Modifications, or any single such Modification proposed following the third, shall be processed as a new Conditional Development and shall follow the procedures contained in Section 2.3.30.

e. A Modification to specific requirements established at the time of Conditional Development approval, including Conditions of Approval, Code requirements, and all aspects of the Conditional Development proposal, may be considered as a Conditional Development Modification only if it falls within the definition of a Conditional Development Modification described in Section 2.3.40.02.c.

2.3.40.03 - Procedures for a Conditional Development Modification

a. An applicant may petition for review of previously approved plans for purposes of modifying a Conditional Development, stating reasons for the change(s).

b. Where the Director determines that the proposed changes qualify as a Conditional Development Modification in accordance with the thresholds outlined in Section 2.3.40.02, the Director shall process the application as a Conditional Development Modification. The Conditional Development Modification may be approved conditionally, approved, or denied by the Director. If the proposed changes exceed the thresholds outlined in Section 2.3.40.02, the changes shall be processed as a new Conditional Development and the applicant shall follow the procedures outlined in Section 2.3.30.

c. In reviewing the proposed Modification, the Director shall follow the procedures herein required for Conditional Development submittal and review.

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

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

e. Upon finding that the application qualifies as a Conditional Development Modification, the Director may consider the redesign in whole or in part of any Conditional Development, to the extent that the redesign still falls within the thresholds outlined in Section 2.3.40.02.

f. Notice, action on the application, the Notice of Disposition, appeals, the effective date, and the effective period of approval for a Conditional Development Modification shall be in accordance with sections 2.12.30.04.a, 2.12.30.07.a, 2.12.30.08.a, 2.12.30.09.a, 2.12.30.10.a, and 2.12.30.11.a of Chapter 2.12 - Lot Development Option, except that for development on property with a Willamette River Greenway Overlay, both a Public Notice and Notice of Disposition shall also be mailed to the Oregon Department of Parks and Recreation.

2.3.40.04 - Determining Compliance with a Conditional Development Modification

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Conditional Development Modification. It shall be deemed to be in substantial compliance if it does not involve deviations from this Code's development standards and does not involve changes to any specific requirements established at the time of Conditional Development Modification approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Conditional Development Modification.

[Section 2.3.40 amended by Ordinance 2012-17, effective December 13, 2012]

CHAPTER 2.4
SUBDIVISIONS AND MAJOR REPLATS

Section 2.4.10 - BACKGROUND

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

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

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

Section 2.4.20 - PURPOSES

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

a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;

b. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;

c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;

d. Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses; and

e. Promote energy efficiency.

Section 2.4.30 - TENTATIVE PLAT REVIEW PROCEDURES

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

2.4.30.01 - Application Requirements

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

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

Applications shall be made on forms provided by the Director and shall be accompanied by:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Fifteen copies of the narrative, on 8.5 by 11 in. sheets, and 15 copies of

graphics at an 8.5 by 11 in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11 by 17 in. size if, for legibility purposes, such a size would be helpful;

d. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24 by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted;

e. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

f. Graphic Requirements

Graphics shall include the following information where applicable:

1. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;

2. Zoning Map - Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;

3. Comprehensive Plan Map - Typically one in. = 800 ft. with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;

4. Existing Land Use Map - Typically a topographic map that extends at least a 1,000 ft. beyond the site. The map shall include building footprints and distinguish between single-family, multi-family, Commercial, and Industrial uses, as well as other significant features such as roads, parks, schools, and Significant Natural Features identified by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

5. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:

   a) All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

   b) All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

   c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

6. Tentative Subdivision Plat and Other Graphics -

   a) Tentative Subdivision Plat and other graphics for both Nonresidential and Residential Subdivisions shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed in this Section and "b," below.

      1. Nonresidential Subdivision graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; Minimum Assured Development Area

information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site, such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site.

2. Residential Subdivision graphics shall include features within a minimum of 300 feet from all exterior boundaries of the site, showing existing streets and parcel boundaries; existing structures in excess of 100 sq. ft.; driveways; utilities; Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; and Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable. Additionally, if existing infrastructure is more than 300 ft. from an exterior boundary of the Residential Subdivision site, the Residential Subdivision graphics shall extend beyond the required 300 ft. to include said features and all lands between the Residential Subdivision site and the existing infrastructure.

b) The Tentative Subdivision Plat and related graphics shall also include:

1) Boundary of the proposed development site and any interior boundaries related to proposed development phases or Land Divisions;

2) Number of lots and their dimensions, including frontage, depth, and area in sq. ft.;

3) Location of existing and proposed structures and other improvements, including Building Types and gross density per acre for residential developments; location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, parking calculations, and walkways; and any proposed use restrictions. Where required by the applicable zone, Lot Coverage and Green Area calculations shall be provided, as applicable. An indication of approximate building envelopes may be required to evaluate building relationships;

4) Location and dimensions of areas to be conveyed, dedicated, or reserved as common open spaces, common Green Area, public parks, recreational areas, school sites, and similar public and semi-public uses;

5) Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;

6) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems, and indicating proposed treatments for points of conflict;

7) Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;

8) Identification of Significant Natural Features that were included on the Significant Natural Features map(s) required in “5," above, to indicate the relationship of the proposal to the site’s Significant Natural Features;

9) Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the Subdivision exceeds 10 percent and where the Subdivision abuts existing developed lots, a conceptual grading plan shall be required as follows:

a. Conceptual Grading Plans for Residential Subdivisions - Conceptual grading plans for Residential Subdivision applications shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to the provisions in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. The conceptual grading plan shall also indicate how runoff and surface water from individual lots will be managed, and how the Subdivision's surface waters will be managed. Additionally, the conceptual grading plan for Residential Subdivisions shall meet the requirements in "10," and "11," below;

b. Conceptual Grading Plans for Nonresidential Subdivisions - Conceptual grading plans for Nonresidential Subdivision applications shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. If a grading plan is required for a Nonresidential Subdivision, it shall indicate how these objectives are met, how runoff or surface water from individual lots will be managed, and how the subdivision's surface waters will be managed. Additionally, Nonresidential Subdivision applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria;

10) For residential development, excavation and grading shall maintain hydrology that supports existing wetland and riparian areas and the application shall demonstrate adherence;

11) For residential development, the graphics, including the conceptual grading plan, must demonstrate that each lot can be served by streets and infrastructure in a manner that is consistent with the clear and objective approval standards contained in the following: the City's development standards outlined in by the applicable underlying zoning designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;

12) Approximate location of proposed easements and/or dedications for drainage, sewage, or other public utilities;

13) For residential development, a copy of the Tentative Subdivision Plat showing intended Housing Types per lot, when required to satisfy Housing Type variation provisions within the relevant zone. Single-family detached housing need not be identified. A deed declaration will be required to enforce the variations in Housing Types and ensure that this Code's densities and Comprehensive Plan densities are maintained. Single-family detached housing need not be enforced through the deed declaration;

14) For residential development, existing structures and trees located on land adjacent to the development that, between 10 a.m. and 3 p.m. on November 21, will reduce Solar Access to the subject property;

15) For residential development, location of existing

structures and trees on the site that could reduce Solar Access to any buildable area within the development. The application shall indicate the type and location of trees to be preserved, and the shadow patterns of trees at their mature height for the reference period from 9 a.m. to 3 p.m. on November 21;

16) For residential development, the location of solar collectors on land adjacent to the development for which Solar Access permits have been granted;

17) For residential development, a copy of the Tentative Subdivision Plat showing which lots are intended to have Solar Access protection, and showing an area on each lot available for construction of a Solar Access-protected dwelling;

18) For residential development, a proposed solar envelope for each lot as necessary for Solar Access protection consistent with Chapter 4.6 - Solar Access; and

19) Name and address of owner(s) of record, applicant, and registered land surveyor who prepared the plat.

g. Narrative Requirements

A written statement shall include the following information:

1. Statement of the planning objectives to be achieved by the Tentative Subdivision Plat. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in Section 2.4.30.04 below, including the development standards required by this Code;

2. <u>Quantitative data for the following, where appropriate</u> :

   a) Total number and type of dwelling units;

   b) Parcel and lot sizes;

   c) Proposed Lot Coverage of buildings and structures, where

known;

d) Gross densities per acre;

e) Total square footage of Green Area; and

f) Total square footage of nonresidential construction;

3. Detailed statement outlining timing, responsibilities, maintenance, and financial assurances for all public and non-public improvements to be constructed or installed including:

a) Provisions for domestic water supply including source, quality, and approximate quantity;

b) Provisions for sewage disposal, storm drainage, and flood control;

c) Provisions for improvements and maintenance of common areas and private roads and drives, if proposed; and

d) Proposed landscaping and irrigation.

4. Statement describing phases of project, if proposed. Phases shall be:

a) For Nonresidential Subdivisions - Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, Green Areas, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development, and be designed such that the phases support the infrastructure requirements for the project;

b) Designed to Address Compatibility:

1) For Nonresidential Subdivisions - Addressing compatibility means arranging the phases to avoid conflicts between higher and lower density development;

2) For Residential Subdivisions - Uses permitted outright

within a zone are considered to be compatible and not to conflict. Between zones, compatibility is addressed at the time the zone is established. A Residential Use permitted outright within an existing zone is considered to be compatible with Uses permitted outright within existing neighboring zones;

c) For Nonresidential Subdivisions - Properly related to other services of the community as a whole and to those facilities and services yet to be provided;

d) For Nonresidential Subdivisions - Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Subdivision; and

e) For Residential Subdivisions - Each proposed phase must meet all required clear and objective standards for access, parking, transportation facilities, utilities, Green Areas, and drainage without reliance on any uncompleted phase. Each proposed phase, and the Subdivision as a whole, must be designed so that in addition to each proposed phase meeting all required infrastructure standards for that phase, at the completion of each phase all completed phases together will cumulatively meet all infrastructure standards that would be required for a project consisting of the completed phases. The Subdivision and each phase must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.

5. Traffic impact study -

a) Nonresidential Subdivisions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

b) Residential Subdivisions - a Traffic Impact Analysis (TIA) is

required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that at least LOS D will be maintained for 20 years.

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

h. Required fees as described in LDC § 1.2.100.01.

2.4.30.02 - Acceptance of Application

a. The Director shall process Nonresidential Subdivision applications in accordance with Chapter 2.0 - Public Hearings. The Director shall process Residential Subdivisions in accordance with the procedures in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

b. After accepting a complete application for a Nonresidential Subdivision, the Director shall schedule a public hearing to be held by the Planning Commission. After accepting a complete application for a Residential Subdivision, the Director shall commence review in accordance with Section 2.14.30.02. Notice of the hearing for a Nonresidential Subdivision shall be provided in accordance with Chapter 2.0 - Public Hearings. Notice for a Residential Subdivision shall be provided in accordance with Section 2.14.30.03.

c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.4.30.03 - Staff Evaluation

a. **Nonresidential Subdivisions** - For a Nonresidential Subdivision, the Director shall prepare a report that evaluates whether the proposal complies with the review criteria outlined in Section 2.4.30.04.a below. The report shall include a recommendation for approval or denial and, if needed, a list of Conditions of Approval for the Planning Commission to consider if an approval is granted.

b. **Residential Subdivisions** - For a Residential Subdivision, the Director shall prepare a Notice of Disposition that contains findings as to whether the proposal complies with the applicable review criteria outlined in Section 2.4.30.04.b, below; a decision for approval or denial; and, if needed, a list of Conditions of Approval if an approval is granted.

2.4.30.04 - Review Criteria

a. **Nonresidential Subdivisions** - Requests for the approval of a nonresidential Tentative Subdivision Plat shall be reviewed to ensure consistency with the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-street Parking Standards; and any other applicable policies and standards adopted by the City Council. Additionally, pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the areas in "1-13" below, as applicable.

1. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);

2. Visual elements (scale of potential development, etc.);

3. Noise attenuation;

4. Odors and emissions;

5. Lighting;

6. Signage;

7. Landscaping for buffering and screening;

8. Transportation facilities;

9. Traffic and off-site parking impacts;

10. Utility infrastructure;

11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and

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

b. **Residential Subdivisions** - Requests for the approval of a Residential Tentative Subdivision Plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards. Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:

1. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

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

3. Land uses shall be those that are outright permitted by the existing underlying zoning designation.

4. Excavation and grading shall not change hydrology in terms of water quantity and quality that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to Chapter 4.13 - Riparian Corridor and Wetland Provisions.

A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Subdivision that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

2.4.30.05 - Action

a. **Action by the Planning Commission for Nonresidential Subdivisions** - The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the Tentative Subdivision Plat. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

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

2.4.30.06 - Notice of Disposition

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

2.4.30.07 - Appeals

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

2.4.30.08 - Effective Date

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

2.4.30.09 - Effective Periods of Tentative Subdivision Plat Approval

a. **Effective Period for Nonresidential Subdivisions** - Tentative Subdivision Plat approval shall be effective for a four-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the four-year period (with appropriate assurances for improvements, if applicable), all approvals shall expire.

b. **Effective Period for Residential Subdivisions** - Tentative Subdivision Plat approval shall be effective for a two-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the two-year period (with appropriate assurances for improvements, if applicable), all approvals shall expire.

[Section 2.4.30 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 2.4.40 - FINAL SUBDIVISION PLAT REVIEW PROCEDURES

2.4.40.01 - Application Requirements

Three originals of the Final Subdivision Plat, as well as an electronic version of the Plat that is compatible with City formats, shall be submitted to the Director. The Final Subdivision Plat shall conform to the approved Tentative Subdivision Plat and

Article IV - Development Standards, except where modified by a Planned Development approval. See Chapter 2.5 - Planned Development. The Final Subdivision Plat shall also meet Benton County's survey and Subdivision Plat standards and contain or be accompanied by the following information:

a. Name of the Subdivision ;

b. Date, north arrow, scale, legend, and existing features such as highways and railroads;

c. Legal description of Subdivision boundaries;

d. Reference and bearings to adjoining recorded surveys;

e. Exact location and width of streets and easements intersecting the boundary of the Subdivision;

f. Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:

1. Lot numbers shall begin with the number "1", and shall be numbered consecutively in each block. The numbering generally follows the same sequence as sections in a township;

2. Block numbers shall begin with the number "1", and shall be numbered consecutively without omission or duplication throughout the Subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate other elements of the Final Subdivision Plat. Block and lot numbers in an addition to a Subdivision of the same name shall continue the numbering of the original Subdivision. The numbering sequence shall follow the same sequence as sections in a township; and

3. Block numbers may be omitted where blocks are of irregular shape. When block numbers are omitted, lots shall be numbered consecutively throughout the Subdivision. Lots in an addition to a Subdivision of the same name shall continue the numbering of the original Subdivision .

g. Street rights-of-way indicating widths of the rights-of-way and lengths of center lines with dimensions to the nearest 0.01-ft; and bearings, deflection angles, radii, arcs, points of curvature, and tangent bearings. Subdivision

boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds with basis for bearings;

h. Subject to Director approval, the name and width of proposed and existing streets; width of any existing right-of-way; and width on each side of street center lines. For streets on a curvature, curve data shall be based on the street center line. In addition to center line dimensions, the radius and center angle shall be indicated;

i. Easements, clearly identified by fine dotted lines and, if already of record, their recorded reference. If an easement is not definitely located or recorded, a written statement defining the easement is required. The easement's width, length, bearing, purpose, and sufficient ties to locate it with respect to the Subdivision shall be shown. If the easement is being dedicated via the Plat, it shall be properly referenced in the owner's certificates of dedication. The City Engineer shall approve written statements defining all easements;

j. Locations and widths of waterways, drainageways, and other Watercourses for review in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

k. Locations and widths of railroad rights-of-way; and locations and widths of reserve strips at the end of or along the edge of incomplete streets on the Subdivision boundary;

l. Parcels to be dedicated to the City shall be distinguished from lots intended for sale, with acreage and alphabetic symbols for each parcel;

m. Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land;

n. Clear identification of lots that have Solar Access height limitations, including a brief explanation and a reference to documents that specify exact height limits for each lot. See Chapter 4.6 - Solar Access;

o. **For Residential Development** -

1. A copy of the recorded Final Subdivision Plat shall be provided to the Development Services Division. The copy shall indicate the Housing Types on the lots that satisfy the Housing Type variation provisions

within the relevant zone. See also Section 4.9.80. Single-family detached housing need not be identified;

2. To enforce these required Housing Types, a deed declaration shall be provided for each affected lot; and

3. A note shall be provided on the Final Subdivision Plat that informs lot owners about the existence of deed declarations, describing the Housing Type that may be built.

p. The following certificates, established by state law, may be combined where appropriate.

1. Certificate signed and acknowledged by the owner(s) of record of the land to be subdivided, offering to dedicate all parcels of land for public use and offering to dedicate rights of access to and from prescribed streets, lots, and parcels of land;

2. Certificate of the registered or licensed surveyor who prepared the survey and Final Subdivision Plat;

3. Certificate for execution by the chair of the Planning Commission on behalf of the Planning Commission;

4. Certificate for execution by the City Engineer;

5. Certificate for execution by the City Finance Director;

6. Certificate for execution by the County Surveyor;

7. Certificate for execution by the County Director of Finance and Tax Collection;

8. Certificate for execution by the Benton County Assessor; and

9. Certificate for execution by the Benton County Board of Commissioners.

2.4.40.02 - Additional Materials

The following additional information shall be submitted with the Final Subdivision Plat:

a. Complete and accurate survey made by a registered or licensed surveyor and pertaining to the land to be subdivided;

b. Traverse data on standard work sheets or accurate and complete electronic computations, showing closure of the exterior boundaries of the Subdivision and of each block in the Subdivision;

c. Three copies of all proposed covenants, conditions, and restrictions (CC&Rs) or a written statement signed by the applicant establishing no such restrictions. CC&Rs shall reference this Code's requirements affecting the Housing Type and design of residential structures;

d. Title guarantee by a Benton County title company doing business in Benton County, showing names of persons whose consent is necessary for preparation of the Final Subdivision Plat and for any dedication to public use, and their interests therein. This guarantee shall certify, for benefit and protection of the City, that persons therein named are all of the persons necessary to give clear title to streets and other easements offered for dedication;

e. Statement by the Postal Service to verify location of proposed mail delivery facilities as shown on the Final Subdivision Plat or accompanying sheet, and location to be approved by the City Engineer; and

f. Copy of solar envelopes for each lot as necessary for Solar Access protection consistent with Chapter 4.6 - Solar Access, as applicable.

2.4.40.03 - Dedications and Public Utility Requirements

a. The following items shall be dedicated for public use at the time the Final Subdivision Plat is filed:

1. Parcels of land shown on the Final Subdivision Plat as intended for public use;

2. Streets, sidewalks, multi-use paths, drainage channels, easements, and other rights-of-way shown for public use on the Final Subdivision Plat; and

3. Rights of access to and from streets, lots, and parcels of land shown on the Final Subdivision Plat as intended to be surrendered.

b. Evidence of unencumbered and clear title shall be submitted prior to approval of the Final Subdivision Plat for all land to be dedicated for public use, including but not limited to rights-of-way, drainageways, open space, and easements. Environmental assessments shall be conducted in accordance with Chapter 4.0 - Improvements Required with Development.

2.4.40.04 - Designation and Conveyance of Reserve Strips

Reserve strips one ft. wide may be required across the ends of incomplete streets adjoining unsubdivided land or along half streets adjoining unsubdivided land. These strips shall be designated on the Final Subdivision Plat and included in the dedication granting the City's right to control access over the reserve strips to ensure continuation or completion of the street. These reserve strips shall overlay the dedicated street right-of-way.

2.4.40.05 - Monumentation Requirements

a. Monuments shall be set according to provisions of state law.

b. The surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to standards required by the City Engineer. Setting of interior monuments may be delayed with approval of the Planning Commission as provided in "d," below.

c. The minimum requirements for monumentation and accuracy for a Subdivision Plat or Partition Plat shall comply with state law.

d. Interior post monumentation may be permitted by approval of the Planning Commission at the time of approval of the Tentative Subdivision Plat or upon special request prior to filing the Final Subdivision Plat, provided that the applicant:

1. Shows that it is necessary and practical to delay interior monumentation;

2. Agrees to furnish a bond or cash deposit in an amount equal to 120 percent of the estimated cost of performing the work for interior monuments; and

3. Signs an agreement with the project surveyor and City Engineer. The agreement shall state the following:

   a) Amount of the bond or cash deposit to be furnished at the time of submitting the Final Subdivision Plat;

   b) Amount the surveyor is to be paid for the work of establishing the interior monuments;

   c) Adherence to the rules for post monumentation as provided in ORS Chapter 92, as amended;

   d) Date when monumentation will be completed; and

   e) Other particulars that may be necessary to ensure complete monumentation at a later date.

2.4.40.06 - Review of Final Subdivision Plat Application and Review Criteria to Determine Compliance with a Tentative Subdivision Plat

A Final Subdivision Plat or other site development permit request shall be reviewed to determine whether the request is in compliance with the approved Tentative Subdivision Plat. It shall be deemed to be in compliance when it does not involve modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Tentative Subdivision Plat approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Tentative Subdivision Plat.

Within 14 days after receiving an application for a Final Subdivision Plat, the Director shall review it for compliance with the above submittal requirements and for consistency with the approved Tentative Subdivision Plat. If an application is consistent with the approved Tentative Subdivision Plat but is incomplete, the Director shall notify the applicant and state what is needed for a complete application.

2.4.40.07 - Coordination by Director

The Director shall coordinate review of the Final Subdivision Plat in accordance with the provisions in Section 2.4.40. Upon notification by each agency that the Final Subdivision Plat is satisfactory, the Director shall circulate the original copy of the Final Subdivision Plat for the following signatures: Planning Commission chair, City

Engineer, City Finance Director, County Director of Finance and Tax Collection, County Assessor, County Surveyor, and County Board of Commissioners. The City Engineer may enter the property to verify that the map is sufficiently correct.

2.4.40.08 - Installation of Required Improvements

Before obtaining the signature of the City Engineer, the applicant shall install required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of required improvements to public streets, sanitary sewers, storm drainages, water systems, sidewalks, and multi-use paths; electrical power, natural gas, cable television, and telephone services; and other improvements required with the Tentative Plat approval. This condition is required for acceptance and approval of the Final Subdivision Plat. These procedures are more fully described as follows:

a. **Install Improvements** - The applicant may install the required improvements for the Subdivision prior to recording the Final Subdivision Plat. For this procedure, the Subdivision Plat shall contain all the required certifications except those of the County Surveyor and the Board of County Commissioners. The Subdivision Plat shall be held by the City until the improvements have been completed and approved by the City Engineer. Upon the City Engineer's approval, the City shall forward the Final Subdivision Plat for certification by the Board of County Commissioners and then to the County Clerk for recording; or

b. **Agree to Install Improvements** - The applicant may execute and file with the City an agreement with the City specifying the period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the applicant. A performance guarantee as provided below in Section 2.4.40.09 shall be required. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions. Assurances shall be made that franchise utility services will be provided as required by Section 2.4.40.10 below; or

c. **Form Improvement District** - The applicant may have all or part of the public improvements constructed under an improvement district procedure. For this procedure, the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting a schedule for installing improvements, and specifying the extent of the Plat to be improved. The City reserves the right under the improvement

district procedure to limit the extent of improvements in a Subdivision during a construction year. The City may also limit the boundaries of the Final Subdivision Plat to the area to be improved. A performance guarantee shall be required under the improvement district procedure.

2.4.40.09 - Performance Guarantee

If the applicant chooses options “b,” or “c,” in Section 2.4.40.08, above, the following provisions shall apply:

a. The applicant shall provide a performance guarantee in one of the following forms:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon and in a form approved by the City Attorney; or

2. In lieu of the surety bond, the applicant may:

   a) Deposit with the City Treasurer money to be released only upon authorization of the City Engineer;

   b) Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements, to be released only upon authorization of the City Engineer;

   c) Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be released only upon authorization of the City Engineer;

   d) Provide bonds in a form approved by the City Attorney;

   e) Provide a lien on properties in a form approved by the City Attorney and of sufficient value as demonstrated by a professional appraisal; or

   f) Provide other financial security as approved by the City Attorney.

b. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.

c. If the applicant fails to carry out provisions of the agreement and the City incurs expenses as a result, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expenses incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expenses incurred, the applicant shall be liable to the City for the difference.

2.4.40.10 - Franchise Utility Service

Unless specifically exempted during the review of the Tentative Subdivision Plat, prior to approval of the Final Subdivision Plat the applicant shall:

a. Install franchise utility services; or

b. Provide financial assurances to the satisfaction of the City Engineer that electrical power, natural gas, cable television, and telephone service will be provided for each lot.

2.4.40.11 - Removal of Existing Services

If the City Engineer determines that existing public utilities or service connections are not required for the proposed Subdivision, these utilities or connections shall be removed prior to filing of the Plat.

2.4.40.12 - Building Permit Requirements Prior to Installation of Public Improvements

Prior to the issuance of Building Permits for parcels created prior to the completion of required public improvements, the following requirements shall be met:

a. The plat shall be recorded and the developer shall provide a performance guarantee for the public improvements meeting the requirements of Section 2.4.40.09;

b. Complete Public Improvements by Private Contract (PIPC) plans shall be authorized for construction by the City Engineer or the appointed designee;

c. The developer shall install water mains and operational fire hydrants for fire protection, or shall install a temporary water supply approved by the Fire Chief. Water lines shall be properly chlorinated and accepted for service so there is no danger of cross contamination;

d. The developer shall submit, in writing, a proposal indicating the lots for which there will be Building Permit applications submitted prior to the acceptance of the public improvements and how access to these lots, including adequate access for fire apparatus as determined by the Fire Chief, will be accomplished without damage to underground public improvements or to the street sub-base or pavement.

e. A written agreement between the developer and the City shall be signed stating that Building Permits issued to the developer would not authorize connection to the City water system unless the water lines have been accepted by the City and that the Building Permits would not authorize connection to the City sewer system unless the sewer lines have been accepted by the City;

f. A written statement from the developer shall be submitted stating that no City water will be utilized without the approval of the City;

g. The developer shall submit to the City Engineer, for review and approval, a proposal describing how wastewater generated from the building process will be managed without sewer service availability;

h. A written agreement from the developer shall be submitted stating that the project as-built drawings will be submitted to and accepted by the City Engineer prior to connection to the City water and sewer systems;

i. A written agreement from the developer shall be submitted stating all potential and actual lot purchasers have been informed in writing that required public improvements have not been accepted and the City is not liable regarding the timing of such acceptance and ability to connect or occupy;

j. All street identification signs shall be installed to facilitate emergency

response and building inspection. Any signs damaged prior to final acceptance of the project by the City shall be replaced at the developer's expense; and

k. The written agreements and statements referenced above shall be submitted to the Building Official.

2.4.40.13 - Revocation of permits

The Director may revoke building or site development permits in response to violations of the provisions of this Section.

2.4.40.14 - Recordation of Final Subdivision Plat

When all required signatures have been obtained for the Final Subdivision Plat, the County Surveyor shall record the Subdivision Plat and any required covenants with the County Recorder.

2.4.40.15 - Effective Date

Authorization of the Final Subdivision Plat shall become effective when the Subdivision Plat is recorded by the County Surveyor in accordance with Section 2.4.40.09 above.

2.4.40.16 - Notice of Recordation

After the Final Subdivision Plat is recorded, the County Surveyor will notify the applicant of the recording.

Section 2.4.50 - MAJOR REPLAT

An application for a Major Replat shall be reviewed and processed in accordance with the Tentative and Final Subdivision Plat procedures in Sections 2.4.30 and 2.4.40 above.

Section 2.4.60 - MINOR REPLAT AND PROPERTY LINE ADJUSTMENTS

Applications for Minor Replats or Property Line Adjustments shall be reviewed and processed in accordance with Chapter 2.14 - Partition, Minor Replats, and Property Line Adjustments.

Section 2.4.70 - VACATING PLATS

Applications for Vacating a Plat shall be reviewed and processed in accordance with Chapter 2.8 - Vacating of Public Lands and Plats and with ORS Chapter 271.080, as amended.

Section 2.4.80 - TENTATIVE SUBDIVISION PLAT MODIFICATION

2.4.80.01 - Purposes of a Tentative Subdivision Plat Modification

a. Provide a limited amount of flexibility with regard to site planning for approved Tentative Subdivision Plats; and

b. Provide elements within the development site that compensate for requested variations from approved Tentative Subdivision Plats such that the intent of the original approval is still met.

2.4.80.02 - Thresholds Separating a Tentative Subdivision Plat Modification from the Requirement for a New Tentative Subdivision Plat

Within one calendar year, up to three factors identified in “a,” through “i,” below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this Section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in “a,” through “i,” below, the changes shall be processed as a new Tentative Subdivision Plat and shall follow the procedures outlined in Section 2.4.30.

No modifications to specific requirements established at the time of Tentative Subdivision Plat approval, including Conditions of Approval, this Code’s requirements, and all aspects of the Tentative Subdivision Plat proposal, can be made as a Tentative Subdivision Plat Modification, unless they are less than the thresholds outlined in items “a,” through “i,” below. The thresholds for a Tentative Subdivision Plat Modification are as follows:

a. Increase in the number of lots;

b. Decrease in the number of lots resulting in a decrease in dwelling unit density by more than three units for development sites one acre or smaller in size; or resulting in a decrease in dwelling unit density by more than five units or more than 10 percent, whichever is less, for development sites larger than

one acre; in no case shall density fall below the minimum density required for the zone;

c. Change in the ratio of different types of lots;

d. Change in lot pattern that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate, or further separate, a building from pedestrian facilities, etc.);

e. Change in the type and location of accessways and parking areas where off-site traffic would be affected or which result in a less pedestrian-friendly environment;

f. Change in lot pattern that adversely affects Significant Natural Features or pedestrian amenities, or is inconsistent with a condition of approval or an applicable development standard, such as required Green Area;

g. Increase by more than 10 percent in the potential floor area for nonresidential use;

h. Decrease by more than 10 percent in the common and/or usable Green Area; and

i. Decrease by more than 10 percent in project amenities for pedestrians and/or bicycles, recreational facilities, screening, and/or landscaping provisions.

2.4.80.03 - Procedures for a Tentative Subdivision Plat Modification

a. An applicant may petition for review of previously approved plans for purposes of modifying a Tentative Subdivision Plat, stating reasons for the changes.

b. Where the Director determines that the proposed changes qualify as a Tentative Subdivision Plat Modification in accordance with the thresholds outlined in Section 2.4.80.02, the Director shall administratively process the application as a Tentative Subdivision Plat Modification. The Tentative Subdivision Plat Modification may be approved, conditionally approved, or denied by the Director. If the proposed changes exceed the thresholds outlined in Section 2.4.80.02, the changes shall be processed as a new Tentative Subdivision Plat and the applicant shall follow the procedures

outlined in Section 2.4.30.

c. In reviewing the proposed Modification, the Director shall follow the procedures herein required for Tentative Subdivision Plat Modification.

d. To determine whether to authorize a Tentative Subdivision Plat Modification, the Director shall consider the review criteria in Section 2.4.30.04 and the following additional review criterion:

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

e. Upon finding that the application qualifies as a Tentative Subdivision Plat Modification, the Director may consider the redesign in whole or in part of any Tentative Subdivision Plat, to the extent that the redesign still falls within the thresholds outlined in Section 2.4.80.02.

f. Notice, action on the application, the Notice of Disposition, appeals, the effective date, and the effective period of the Tentative Subdivision Plat Modification shall be in accordance with sections 2.14.30.03 and 2.14.30.06 through 2.14.30.10 of Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

2.4.80.04- Determining Compliance with a Tentative Subdivision Plat Modification

A Final Subdivision Plat or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Tentative Subdivision Plat Modification. It shall be deemed to be in compliance if it does not involve deviations from this Code's development standards, other than those that have been approved in association with an approved Planned Development, and does not involve changes to any specific requirements established at the time of Tentative Subdivision Plat Modification approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Tentative Subdivision Plat Modification.

CHAPTER 2.5
PLANNED DEVELOPMENT

Section 2.5.10 - BACKGROUND

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

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

a. The Procedures of this Chapter are Applicable When -

1. A property owner requests a Conceptual and/or Detailed Development Plan concurrent with a specific project review; or

2. A Nonresidential or Residential Planned Development Overlay, established in accordance with the provisions of Chapter 3.32 - Nonresidential PD (Planned Development) Overlay or Chapter 3.33 - Residential PD (Planned Development) Overlay, respectively, exists on the site and is shown on the City's Official Zoning Map.

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

b. Restrictions on Variations -

1. Development Standards -

a) The Conceptual and Detailed Development Plan process permits modifications to the site development standards of the underlying zone; and

b) Approval of a Detailed Development Plan for a residentially designated site must provide a clear and objective set of standards, through the approved plan and related Conditions of Approval, for development to follow.

2. Uses -

a) The Conceptual and Detailed Development Plan process does not permit an expansion of Uses beyond those specified by the underlying zone;

b) In cases where a property's underlying zoning designation was changed prior to December 31, 2006, and a valid (still active) Planned Development existed and was approved before December 31, 2006, the Conceptual and Detailed Development Plan process may be used to allow the Uses permitted by the new underlying zone; and

c) The Conceptual and Detailed Development Plan process may also be used to modify the Use size limitations contained in Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone.

c. On Residentially Designated Properties - Upon approval of a Conceptual Development Plan on residentially designated land, a Residential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the property owner desires to keep the Conceptual Development Plan active, up to the expiration period defined in Section 2.5.40.09. Upon approval of a Detailed Development Plan on residentially designated land, a Residential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the Detailed Development Plan remains active, as defined in Section 2.5.50.09.c. In cases where an approved Conceptual and/or Detailed Development Plan is no longer active, the associated Residential Planned Development Overlay is automatically removed from the Official Zoning Map.

d. **On Nonresidentially Designated Properties -** Upon approval of a Conceptual Development Plan on nonresidentially designated land, a Nonresidential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the Conceptual Development Plan remains active (unexpired). Upon approval of a Detailed Development Plan on nonresidentially designated land, a Nonresidential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the Detailed Development Plan remains active, as defined in Section 2.5.50.09.c. In cases where an approved Conceptual and/or Detailed Development Plan is no longer active, the associated Nonresidential Planned Development Overlay is automatically removed from the Official Zoning Map.

e. **Applying a Nonresidential or Residential Planned Development Overlay Without a Conceptual or Detailed Development Plan** -

Without approval of a Conceptual and/or Detailed Development Plan, a Nonresidential or Residential Planned Development Overlay can only be applied through the use of Chapter 3.32 - Nonresidential PD (Planned Development) Overlay and Chapter 3.33 - Residential PD (Planned Development) Overlay, respectively.

Section 2.5.20 - PURPOSES

Planned Development review procedures are established in this Chapter for the following purposes:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy, and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve, to the greatest extent possible, existing Significant Natural Features and landscape features and amenities, and use such features in a harmonious fashion;

d. Provide for more usable and suitably located pedestrian and/or recreational facilities and other public and/or common facilities than would otherwise be provided under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms, and building relationships within the Planned Development;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;

g. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and

h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.

Section 2.5.30 - GENERAL PROVISIONS

Planned Development is an alternative development process that provides an avenue for a developer to request variations from development standards while maintaining the purposes stated in Section 2.5.20 and meeting the review criteria outlined in Section 2.5.40.04.

The following procedures allow for Planning Commission review of a Conceptual Development Plan and/or Detailed Development Plan. An applicant may either elect to process a development proposal under a Detailed Development Plan when sufficient information has been submitted in accordance with Section 2.5.50, or may request approval of a Conceptual Development Plan in accordance with Section 2.5.40 and later apply for a Detailed Development Plan. However, prior to the issuance of any Building or Construction Permits, a Detailed Development Plan must be approved by the Planning Commission.

Section 2.5.40 - CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCEDURES

An application filed for a Conceptual Development Plan shall be reviewed in accordance with the following procedures.

2.5.40.01 - Application Requirements

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

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

Code's applicable requirements.
Applications shall be made on forms provided by the Director and shall be accompanied by:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Fifteen copies of the narrative, on 8.5 by 11 in. sheets, and 15 copies of graphics at an 8.5 by 11 in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11 by 17 in. size if, for legibility purposes, such a size would be helpful;

d. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24 by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted;

e. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

f. Graphic Requirements

Graphics shall include the following information where applicable:

1. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;

2. Zoning Map - Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;

3. Comprehensive Plan Map - Typically one in. = 800 ft. with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;

4. Existing Land Use Map - Typically a topographic map that extends at least a 1,000 ft. beyond the site. The map shall include building footprints and distinguish between single-family, multi-family, Commercial, and Industrial Uses, as well as other significant features such as roads, parks, schools, and Significant Natural Features identified by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

5. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:

   a) All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

   b) All Jurisdictional Wetlands not already shown as part of “a,” above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

   c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

6. Site Plan(s) and Other Graphics -

   a) Site plan(s) and other graphics shall be drawn to scale and

shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed in this Section and “b,” below.

Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director’s opinion, would assist in providing a context for the proposed development. The Director may require that an applicant’s graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

b) The site plan and related graphics shall also include:

1) Boundary of the proposed development site and any interior boundaries related to proposed development phases or Land Divisions;

2) Number of lots and their dimensions, including frontage, depth, and area in sq. ft., as applicable;

3) General location and floor area of existing and proposed structures and other improvements, including maximum building heights, Building Types, and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right-of-way, easements, fences, walls, parking calculations, and walkways; and any proposed Use restrictions. Where required by the applicable zone, lot coverage and Green Area calculations shall be provided. An indication of

approximate building envelopes may be required to evaluate building relationships;

4) General location and dimensions of areas to be conveyed, dedicated, or reserved as common open spaces, common Green Area, public parks, recreational areas, school sites, and similar public and semi-public uses;

5) Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;

6) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems, and indicating proposed treatments for points of conflict;

7) Utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;

8) Identification of Significant Natural Features that were included on the Significant Natural Features map(s) required in Section 2.5.40.01.f.5, above, to indicate the relationship of the proposal to the site's Significant Natural Features;

9) Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the development site exceeds 10 percent and where the development site abuts existing developed lots, a conceptual grading plan shall be required. The grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. If a grading plan is required,

it shall indicate how these objectives are met, how runoff or surface water from the development will be managed, and how the development's surface waters will be disposed;

10) Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), and other conceptual landscape features including walls and fences;

11) For residential development, existing structures and trees located on land adjacent to the development that, between 9 a.m. and 3 p.m. on November 21, will reduce Solar Access to the subject property; and

12) For residential development, indication of which buildings will have Solar Access protection, and appropriate documentation to verify how Solar Access will be protected.

g. Narrative Requirements

A written statement shall include the following information:

1. Statement of planning objectives to be achieved by the subject development. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in 2.5.40.04 below, including the development standards required by this Code;

2. Quantitative data for the following where appropriate:

   a) Total number and type of dwelling units;

   b) Square footages of all structures;

   c) Parcel size;

d) Proposed lot coverage of buildings and structures, where known;

e) Gross densities per acre;

f) Total square footage of Green Area;

g) Total number of parking spaces (compact, standard, handicapped, bicycle) and breakdown of how parking is consistent with this Code's requirements; and

h) Total square footage of nonresidential construction;

3. General statement outlining timing, responsibilities, and financial assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;

4. Statement describing phases of project, if proposed. Phases shall be:

a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, Green Areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of construction and development;

b) Arranged to avoid conflicts between higher and lower density development;

c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and

d) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development;

5. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. See Section 4.0.60.a;

6. For residential development, a statement or map describing existing and proposed buildings with protected Solar Access consistent with

Chapter 4.6 - Solar Access; and

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

h. Any proposed Floodplain Development Permit variation that exceeds the scope of Section 2.11.60.01.a shall also meet the Floodplain Development Permit Variance application requirements in Section 2.11.60.02 and, as applicable, Section 2.11.50.01.

i. Required fees as described in LDC § 1.2.100.01.

2.5.40.02 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.5.40.03 - Staff Evaluation

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

2.5.40.04 - Review Criteria

Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by

the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

a. Compatibility Factors -

1. Compensating benefits for the variations being requested;

2. Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);

3. Visual elements (scale, structural design and form, materials, etc.);

4. Noise attenuation;

5. Odors and emissions;

6. Lighting;

7. Signage;

8. Landscaping for buffering and screening;

9. Transportation facilities;

10. Traffic and off-site parking impacts;

11. Utility infrastructure;

12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards[1]; and

14. Preservation and/or protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit,

[1] Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2006, are allowed pursuant to the requirements of Section 4.10.70.01 - Applicability, of Chapter 4.10 - Pedestrian Oriented Design Standards.

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

b. Natural Resources and Natural Hazards Factors -

1. Any proposed variation from a standard within Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions shall provide protections equal to or better than the specific standard requested for variation; and

2. Any proposed variation from a standard within Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions shall involve an alternative located on the same development site where the specific standard applies.

3. Any proposed Floodplain Development Permit variation that exceeds the scope of Section 2.11.60.01.a shall also meet the Floodplain Development Permit Variance review criteria in Section 2.11.60.06 and, to the extent feasible, the base Floodplain Development Permit review criteria in Section 2.11.50.04.

2.5.40.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the Conceptual Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.5.40.06 - Notice of Disposition

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

2.5.40.07 - Appeals

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

2.5.40.08 - Effective Date

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

2.5.40.09 - Effective Period of Conceptual Development Plan Approval

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

a. Conceptual Development Plans on Residentially Designated Property -

1. If the Conceptual Development Plan pertains to residentially designated property, was established at the request of the property owner, and there is no active Detailed Development Plan on any portion of the site, the property owner may request and be granted nullification of the Conceptual Development Plan in accordance with Section 2.5.80.

[Section 2.5.40 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES

2.5.50.01 - Application Requirements

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

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

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

a. Graphic Requirements

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

1. Location and floor area of existing and proposed structures and other improvements, including maximum heights, Building Types, and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, parking calculations, and walkways. Where required by the applicable zone, Lot Coverage and Green Area calculations shall be provided. Parking calculations shall also be provided;

2. Typical elevations and floor plans of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development, indicate the entrance and exit points, and permit computations of parking, design, and yard requirements. The elevations shall specify building materials to be used, specifications as to type, color, and texture of proposed exterior surfaces, and information demonstrating compliance with Chapter 4.10 - Pedestrian Oriented Design Standards;

3. For residential development, the Housing Types within the development that satisfy the Housing Type variation provisions within the underlying zone. When a Subdivision is processed concurrently with a Detailed Development Plan, the developer shall note, on individual lots on the Subdivision Plat, the Housing Types within the development that satisfy the Housing Type variation provisions within the underlying zone. Single-family Detached housing need not be identified;

4. Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), other conceptual landscape features including walls and fences, and irrigation systems required to maintain plant materials;

5. Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;

6. Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;

7. Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, Green Area, public parks, recreational areas, school sites, and similar public and semi-public uses;

8. Exterior lighting plan indicating the location, size, height, typical design, material, color, method, and direction of illumination;

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

10. For residential development, the location of solar collectors on land adjacent to the development for which Solar Access permits have been granted.

b. Narrative Requirements

In addition to the narrative requirements specified for a Conceptual

Development Plan in Section 2.5.40.01 above, the Detailed Development Plan shall include:

1. Proposals for setbacks or building envelopes, lot areas where Land Division is anticipated, and number of parking spaces to be provided (per gross floor area or per number of units);

2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;

3. Proposed methods of energy conservation; and

4. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.

c. Tentative Plat

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

d. Required fees as described in LDC § 1.2.100.01.

2.5.50.02 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.5.50.03 - Staff Evaluation

The Director shall prepare a report that evaluates whether the Detailed Development

Plan complies with the review criteria in Section 2.5.50.04 below. The report shall include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

2.5.50.04 - Review Criteria for Determining Compliance with Conceptual Development Plan

Request for approval of a Detailed Development Plan shall be reviewed to determine whether it is in compliance with the Conceptual Development Plan. The Detailed Development Plan shall be deemed to be in conformance with the Conceptual Development Plan and may be approved provided it is consistent with the review criteria in Section 2.5.40.04 above, provides a clear and objective set of development standards for residential Detailed Development Plans (considering the Detailed Development Plan proposal, required adherence to this Code, and Conditions of Approval), and does not involve any of the factors that constitute a major change in the Planned Development. See Section 2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification.

2.5.50.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the Detailed Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.5.50.06 - Notice of Disposition

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

2.5.50.07 - Appeals

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

b. Where an appeal has been filed for a Detailed Development Plan subsequent to Conceptual Development Plan approval, an appeal shall be heard by the

City Council only for those items specifically addressed by the Planning Commission for the Detailed Development Plan.

2.5.50.08 - Effective Date

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

2.5.50.09 - Effective Period of Detailed Development Plan Approval

Detailed Development Plan approval shall be effective for a four-year period from the date of approval. The approval shall expire if the applicant has not, within the four-year period:

a. Single-phase Development -

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

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

b. Multi-phase Development -

1. Installed and/or bonded for all public improvements related to at least the first phase of the project; or

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

c. An active Detailed Development Plan is defined as one that has -

1. Not expired or been nullified;

2. A Final Subdivision or Land Partition Plat filed and recorded;

3. A Property Line Adjustment filed;

4. Any Building or Construction Permits issued; or

5. Any activities associated with Development as defined in Chapter 1.6 - Definitions.

2.5.50.10 - Review Criteria for Determining Compliance with a Detailed Development Plan

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with the approved Detailed Development Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.40.04, does not involve any new modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Detailed Development Plan approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Detailed Development Plan. Minor revisions shall be allowed if all of the following are met:

1. Falls below the thresholds identified in Section 2.5.60.02.a;

2. Does not affect any conditions of approval;

3. Does not affect any approved compensating benefits;

4. Adds, or reduces, less than 1,000 sq. ft. of floor area to the approved development plan, but does not result in the cumulative transfer of approved building square footage between approved buildings beyond 1,000 square feet;

5. Complies with all applicable Land Development Code provisions; and

6. When evaluated in relation to all prior approved minor revisions to the approved Planned Development, does not result in changes that would cumulatively exceed the thresholds listed above.

[Section 2.5.50 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 2.5.60 - PLANNED DEVELOPMENT MODIFICATION

This Section identifies the processes by which an approved Conceptual or Detailed Development Plan may be modified. In general, such plans may be modified in four ways, depending upon the degree of modification proposed. These include the Lot Development Option process described in Chapter 2.12 - Lot Development Option, Minor Revisions to the Planned Development, and the Minor and Major Planned Development Modification processes described below. Within the Conceptual or Detailed Development Plan, the Lot

Development Option process may only be used for modification of a specific standard at a specific location where no deviation from standards has already been approved.

2.5.60.01 - Purposes of a Planned Development Modification

a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conceptual or Detailed Development Plans; and

b. Provide elements within the development site that compensate for requested variations from approved Conceptual or Detailed Development Plans such that the intent of the original approvals is still met.

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

a. The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification.

1. Change in Use Type, with the exception that for a valid (still active) Planned Development that existed or was approved before December 31, 2006, a Modification request shall be considered as follows:

   a) A request to add Uses permitted by the underlying zone to up to 25 percent of the total acreage within the Planned Development site shall be considered a Minor Planned Development Modification; and

   b) A request to add Uses permitted by the underlying zone to greater than 25 percent of the total acreage within the Planned Development site shall be considered a Major Planned Development Modification;

2. Change in dwelling unit density of five percent, except as noted in “3,” below;

3. Decrease in dwelling unit density by more than three units for development sites one acre or smaller in size, or decrease in dwelling unit density by more than five units or by more than five percent, whichever is less, for development sites larger than one acre;

4. Change in the ratio of the different types of dwelling units;

5. Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment, such as when a pedestrian walk is eliminated, a parking lot is placed to separate, or further separate, a building from pedestrian facilities, etc.;

6. Change in the type and location of accessways and parking areas where off-site traffic would be affected or which result in a less pedestrian-friendly environment;

7. Increase in the number of parking spaces where such increase adversely affects Significant Natural Features or pedestrian amenities, or is inconsistent with a Condition of Approval or an applicable development standard such as required Green Area;

8. Increase in the floor area proposed for nonresidential Use by more than 10 percent;

9. Decrease in the common and/or usable Green Area or open space by more than 10 percent;

10. Increase in the total ground area proposed to be covered by structures by more than 10 percent;

11. Change in specific setback requirements by more than 25 percent or by 15 percent for setback requirements previously reduced;

12. Decrease in project amenities for pedestrians or bicycles, recreational facilities, screening, and/or landscaping provisions by more than 10 percent;

13. Modification of architectural building elevations where any of the following occurs:

    a) Percentage of window coverage per elevation is decreased by more than 20 percent (may affect the number and/or shape of windows); or windows are installed on a previously specified blank wall on the perimeter of the site;

    b) Building materials for the main walls of the facades are

changed;

c) Any architectural feature is reduced by more than 20 percent. Architectural features include such items as the number of windows with trim, the number of dormers, the number of columns, the number of shutters, the square footage of porches, the number of window boxes, the linear footage of porch or deck railings, and/or the linear footage and/or height of parapets, reveals, and/or cornices, etc.;

d) Roof pitch is reduced by 20 percent or more;

e) Building off-sets or recesses are reduced by more than 20 percent; or

f) Garages or carports are eliminated; and

14. Change to any aspects of the Plan involving Natural Resources and/or Natural Hazards governed by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area, Chapter 4.12 - Significant Vegetation, Chapter 4.13 - Riparian Corridors and Wetlands, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

b. A modification that equals or exceeds the thresholds identified in Section 2.5.60.02.a shall be processed as Major Planned Development Modification.

c. A modification that falls below the thresholds identified in Section 2.5.60.02.a or that decreases the amount of variation from a standard that was previously approved shall be processed as a Minor Planned Development Modification.

d. In addition, only three such Minor Planned Development Modifications may be processed within one calendar year for any approved Conceptual or Detailed Development Plan. If more than three such modifications are proposed within a calendar year, the modifications, or any single such modification proposed following the third, shall be processed as a Major Planned Development Modification and shall follow the procedures contained in Section 2.5.60.03.

e. A modification to specific requirements established at the time of Planned

Development approval, including Conditions of Approval, this Code's requirements, and all aspects of the Planned Development proposal, may be considered as a Minor Planned Development Modification only if it falls within the definition of a Minor Planned Development Modification described in Section 2.5.60.02.c.

2.5.60.03 - Procedures for a Major Planned Development Modification

If a modification is proposed that equals or exceeds the thresholds described in Section 2.5.60.02, or if modifications to more than three factors that fall below the thresholds identified in Section 2.5.60.02 are proposed within a single calendar year, the changes shall be processed as a Major Planned Development Modification.

a. An applicant may petition for review of previously approved plans for purposes of modifying a Planned Development, stating reasons for the change.

b. Where the Director determines that the proposed change is a Major Planned Development Modification in accordance with the thresholds described in Section 2.5.60.02, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public Hearings. The Planning Commission may approve, conditionally approve, or deny the Major Planned Development Modification.

c. Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Detailed Development Plan.

d. In reviewing the proposed Modification, the Planning Commission shall follow the procedures herein required for Detailed Development Plan submittal and review. The Commission shall consider the review criteria in Section 2.5.50.04 to determine whether to authorize a Major Planned Development Modification.

e. Notice requirements, action on the application, issuance of the Notice of Disposition, processing of appeals, and establishment of the effective date and the effective period of a Major Planned Development Modification shall comply with the same provisions for a Detailed Development Plan.

2.5.60.04 - Determining Compliance with a Major Planned Development Modification

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Major Planned Development Modification. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.40.04, does not involve any additional deviations from this Code's development standards, and does not involve changes to any specific requirements established at the time of Major Planned Development Modification approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Major Planned Development Modification.

2.5.60.05 - Procedures for a Minor Planned Development Modification

a. An applicant may petition for review of previously approved plans for purposes of modifying a Planned Development, stating reasons for the change(s).

b. Where the Director determines that the proposed changes qualify as a Minor Planned Development Modification in accordance with the thresholds described in Section 2.5.60.02, the Director shall administratively process the application as a Minor Planned Development Modification. The Minor Planned Development Modification may be approved, conditionally approved, or denied by the Director. If the proposed changes equal or exceed the thresholds identified in Section 2.5.60.02, the changes shall be processed as a Major Planned Development Modification, and the applicant shall follow the procedures described in Section 2.5.60.03.

c. In reviewing the proposed Modification, the Director shall follow the procedures herein required for Minor Planned Development Modification submittal and review.

d. To determine whether to authorize a Minor Planned Development Modification, the Director shall consider the review criteria in Section 2.5.50.04 and the following additional review criterion:

> New benefits are provided that functionally compensate for any negative effects caused by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be

changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.

e. Upon finding that the application qualifies as a Minor Planned Development Modification, the Director may consider the redesign in whole or in part of any Planned Development, provided the redesign still qualifies as a Minor Planned Development Modification.

f. Notice for a Minor Planned Development Modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.

g. The Director's action on the application, including issuance of the Notice of Disposition, processing of appeals, establishment of the effective date, and the effective period of the Minor Planned Development Modification, shall be in accordance with Sections 2.12.30.07 through 2.12.30.11.a of Chapter 2.12 - Lot Development Option.

2.5.60.06 - Determining Compliance with a Minor Planned Development Modification

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Minor Planned Development Modification. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.50.04, does not involve any additional deviations from this Code's development standards, and does not involve changes to any specific requirements established at the time of Minor Planned Development Modification approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Minor Planned Development Modification.

[Section 2.5.60 amended by Ordinance 2012-18, effective December 13, 2012]

Section 2.5.70 - NONCOMPLIANCE WITH THE APPROVED DETAILED DEVELOPMENT PLAN

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer and Building Official in writing. Thereafter, the Building Official may issue orders to the developer as are within the range of discretion

available to the Building Official, and upon continued noncompliance may withhold Building Permits for further construction or revoke those permits previously issued until compliance is achieved.

Section 2.5.80 - PLANNED DEVELOPMENT NULLIFICATION

a. Conceptual Development Plan Nullification for Residentially Designated Property -

1. Property owner(s) or their authorized agents may apply to nullify an active (unexpired) Conceptual Development Plan on residentially designated property by filing an application form provided by the Director and shall include the following:

    a) Description of the land (address, lot, block, or similar description);

    b) Map of the subject site, Comprehensive Plan Map Designation, underlying Zoning Map Designation, and Narrative addressing how the application meets the review criteria in Section 2.5.80.a.3, below;

    c) Maps, drawings, and such other information as may be needed for an adequate review of the application;

    d) Copies of any applicable Notices of Disposition and/or other documents that explain the background regarding the approval of the Conceptual Development Plan on the subject site and the status of any other land use approvals on the site, including whether or not there is an active Detailed Development Plan on any portion of the Conceptual Development Plan site; and

    e) If a proposed Nullification is to include land in more than one ownership, the application must be submitted jointly by all of the owners or their authorized agents.

2. <u>Acceptance of Application</u> - The Director shall review the Conceptual Development Plan Nullification application for compliance with the application requirements in Section 2.5.80.a.1, above. If the application is incomplete, the Director shall notify the applicant within 10 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

3. Review Criterion - The single review criterion for approval of a Conceptual Development Plan Nullification request on residentially designated property is that there is no active Detailed Development Plan for any portion of the Conceptual Development Plan. See Section 2.5.50.09 for definition of active Detailed Development Plan. The Director shall evaluate the proposal to ensure that it complies with this criterion.

4. Action on Application - On the basis of the review criteria in Section 2.5.80.a.3, above, the Director shall either approve or deny the application within 21 days of the completion of the application submittal. The Director's decision shall include findings that specify how the proposal has or has not complied with the above review criterion.

5. Notice of Disposition - The Director shall provide the following parties with a Notice of Disposition:

   a) Applicant;

   b) Owners of record of property on the most recent property tax assessment roll where such property is located within 100 ft. of the property that is subject of the notice; and

   c) Any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

6. The Notice of Disposition shall include the following information -

   a) Nature of the application and the proposed Use or Uses which could be authorized;

   b) Street address or other easily understood geographical reference to the subject property;

   c) Name and phone number of staff contact person; and

   d) Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and copies can be provided at reasonable cost.

7. Appeals - The decision of the Director may be appealed to the City Council

in accordance with Chapter 2.19 - Appeals.

8. Effective Date - Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the Notice of Disposition is signed. Once the decision is effective, the Conceptual Development Plan shall be considered nullified, and the associated residential Planned Development Overlay designation shall be removed from the Official Zoning Map.

b. Conceptual Development Plan Nullification for Nonresidentially Designated Property and Detailed Development Plan Nullification for Both Residentially and Nonresidentially Designated Property -

1. Property owner(s) or their authorized agents may apply to nullify an established Conceptual Development Plan for nonresidentially designated property or a Detailed Development Plan for either residentially or nonresidentially designated property by filing an application form provided by the Director and shall include the following information:

   a) Information required by Section 2.5.80.a.1; and

   b) Narrative information and supporting documents sufficient to address the review criteria in Section 2.5.80.b.2 below.

2. Review Criteria - The burden of proof is on the applicant to justify Nullification of the Conceptual Development Plan for nonresidentially designated property or a Detailed Development Plan for either residentially or nonresidentially designated property, by giving substantial evidence that:

   a) Developing the property under conventional zoning standards and regulations will not create Nonconforming Development;

   b) Special circumstances such as building relationships, drainageways, public improvements, topography, etc., that were to be addressed through the Planned Development process can be dealt with as effectively through conventional standards.

   c) Conditions of Approval attached by the hearing authority to the approved Planned Development can be met or are no longer necessary; and

   d) No prior commitments involving the subject property were made that

would adversely affect it, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

3. Notice, action on the application, the Notice of Disposition, appeals, and the effective date of a Planned Development Nullification shall be in accordance with the same provisions for a Detailed Development Plan.

4. If the Conceptual Development Plan for nonresidentially designated property or Detailed Development Plan for either residentially or nonresidentially designated property is nullified, the Planned Development Overlay Designation shall be removed from the Official Zoning Map after the appeal period has expired.

[Section 2.5.80 amended by Ordinance 2012-17, effective December 13, 2012]

Section 2.5.90 - REFINEMENT PLAN PROCEDURES

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

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

b. Establish minimum and maximum Floor Area Ratios or site coverage requirements for nonresidential Uses;

c. Incorporate a Detailed Development Plan application and planning process as outlined in Section 2.5.50; and

d. Include land use regulations to implement the Refinement Plan.

A plan will not be classified as a Refinement Plan, unless it is specifically adopted as one in accordance with the provisions of this Section. With the exception of the initiation procedures outlined below in Section 2.5.90.01, and the public hearing process as outlined in Chapter 2.0 - Public Hearings, the procedures for both legislative and quasi-judicial Refinement Plans shall be the same.

2.5.90.01 - Initiation

a. Initiation Procedures for Legislative Refinement Plans -

A Refinement Plan is considered to be a legislative act if the Plan applies uniformly to a sufficiently large number of properties as determined by contemporary legal principles. Initiation procedures shall be as follows:

1. A legislative Refinement Plan may be initiated by a majority vote of the City Council or Planning Commission, upon a finding that there is sufficient cause to initiate the Plan; or

2. Property owners may petition the Planning Commission to initiate a hearing through the following procedure:

    a) A petition shall be considered only if it represents a majority (over 50 percent) of property owners within the area of the proposed Refinement Plan;

    b) A petition shall include a description of the Refinement Plan, a map of the area to be affected, and sufficient information to provide for an adequate review; and

    c) If the Planning Commission determines that there is sufficient cause, it shall initiate review of the Refinement Plan in accordance with Chapter 2.0 - Public Hearings.

b. Initiation Procedures for Quasi-judicial Refinement Plans

All Refinement Plans not deemed to be legislative shall be deemed quasi-judicial. Initiation of a quasi-judicial Refinement Plan shall be accomplished by one of the following ways:

1. Filing of an application by the owner(s) of the subject property(ies); or

2. A majority vote of the City Council or Planning Commission, following the same procedures used for legislative Refinement Plans discussed above.

2.5.90.02 - Application Requirements

Application submittal requirements for Refinement Plans shall be the same as the application submittal provisions outlined in Section 2.5.50 for a Detailed Development Plan, and shall be augmented by the following:

a. Information identifying the density ranges, including the minimum and maximum density for residential Uses, within the proposed Refinement Plan area;

b. Information identifying the minimum and maximum Floor Area Ratios or site coverage requirements for nonresidential Uses;

c. Graphics establishing lot patterns for any portions of the Refinement Plan area where an Expedited Land Division is anticipated. See Section 2.5.100 - Expedited Land Division Procedures; and

d. Information identifying the proposed land use regulations to implement the Refinement Plan.

2.5.90.03 - Staff Evaluation

City staff shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial and, if needed, a list of Conditions of Approval for the Planning Commission to consider.

2.5.90.04 - Review Criteria

A request for approval of a Refinement Plan shall be reviewed to determine the effects on City facilities and services and to ensure consistency with the purposes of Section 2.5.90, the provisions of this Code, the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

The Refinement Plan application shall:

a. Establish efficient density ranges that are consistent with the Comprehensive Plan and that include a minimum and maximum density for residential Uses;

b. Establish minimum and maximum Floor Area Ratios or site coverage requirements for nonresidential Uses;

c. Meet the application submittal requirements in Section 2.5.90.02, above;

d. Include land use regulations to implement the Refinement Plan;

e. Be specifically referred to (and ultimately adopted) as a Refinement Plan; and

f. Demonstrate compatibility in the following areas, as applicable:

1. Compensating benefits for any requested variations from the provisions of this Code;

2. Basic site design - the organization of Uses on a site and the Uses' relationships to neighboring properties;

3. Visual elements (scale, structural design and form, materials, etc.);

4. Noise attenuation;

5. Odors and emissions;

6. Lighting;

7. Signage;

8. Landscaping for buffering and screening;

9. Transportation facilities;

10. Traffic and off-site parking impacts;

11. Utility infrastructure;

12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design

Standards[2];

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

2.5.90.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall make a decision to approve, conditionally approve, or deny the proposed Refinement Plan. The Commission's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.5.90.06 - Notice of Disposition

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

2.5.90.07 - Appeals

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

2.5.90.08 - Effective Date

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the Notice of Disposition is signed. An approved Refinement Plan may be nullified in accordance with Section 2.5.90.09, below, but not modified.

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[2] Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of Section 4.10.70.01 - Applicability.

If modifications are desired, the Refinement Plan Nullification procedures outlined in Section 2.5.90.09 shall be followed and then a new Refinement Plan may be established via the procedures outlined in sections 2.5.90.01 through 2.5.90.08.

2.5.90.09 - Refinement Plan Nullification

a. Nullification of a Refinement Plan shall be initiated consistent with the procedures outlined above in Section 2.5.90.01.

b. The Planning Commission shall hold a public hearing and provide notice of the hearing and decision in accordance with Chapter 2.0 - Public Hearings.

c. The burden of proof is on the applicant to justify Nullification of the Refinement Plan, giving substantial evidence that:

1. Developing the property under conventional zoning standards and regulations will not create nonconforming development;

2. Special circumstances such as building relationships, drainageways, public improvements, topography, etc., that were addressed through the Refinement Plan process can be dealt with as effectively through conventional standards;

3. Conditions attached by the hearing authority to the approved Refinement Plan can be met or are no longer necessary; and

4. No prior commitments involving the subject property were made that would adversely affect it, related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

Section 2.5.100 - EXPEDITED LAND DIVISION PROCEDURES

2.5.100.01 - Purposes

An Expedited Land Division pertains to the creation of three or fewer lots in a calendar year and may occur only on a development site with an approved Refinement Plan that establishes the pattern of lots for the site. An Expedited Land Division is classified as General Development and is also designed to do the following:

a. Include land that is zoned for residential Uses;

b. Be solely for the purposes of residential Use, including recreational or open space Uses accessory to the residential Use;

c. Be for lands that do not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the Comprehensive Plan and in this Code for full or partial protection of natural features under the Statewide Planning Goals that protect:

1. Open spaces, scenic and historic areas, Natural Resources and Natural Hazards; and

2. The Willamette River Greenway.

d. Satisfy minimum street or other right-of-way connectivity standards established by the this Code and the Comprehensive Plan, including the Transportation Plan; and

e. Create a sufficient number of lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site, yet still be a total of three or fewer lots.

A filed Expedited Land Division application shall be reviewed in accordance with the procedures outlined in Sections 2.5.100.02 through 2.5.100.09 below.

2.5.100.02 - Application Requirements

Application requirements shall be in accordance with Section 2.14.30.01 of Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments. Additionally, the applicant of an Expedited Land Division shall include a copy of the approved Refinement Plan and its related Notice of Disposition, and depict how the proposed Expedited Land Division is consistent with the approved Refinement Plan.

2.5.100.03 - Acceptance of Application

The Director shall review the Expedited Land Division application for compliance with the application requirements in Section 2.5.100.02, consistency with the approved Refinement Plan, and compliance with any applicable Conditions of Approval for the approved Refinement Plan. If the application is incomplete, the Director shall notify the applicant within 21 days and state what information is needed to make the application complete. From the date the applicant is notified

by the Director to submit additional materials, the applicant shall have 10 days to submit those materials.

2.5.100.04 - Public Notice

Public notice shall be in accordance with Section 2.14.30.03 of Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

2.5.100.05 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.5.100.06 below.

2.5.100.06 - Review Criteria

Requests for approval of an Expedited Land Division shall be reviewed to ensure:

a. Consistency with the approved Refinement Plan and its related Conditions of Approval, the purposes outlined above in Section 2.5.100.01, pertinent development standards of this Code, policies and density requirements of the Comprehensive Plan and this Code, and any other applicable policies and standards adopted by the City Council;

b. Approval does not impede future development of property within the boundaries of the approved Refinement Plan; and

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

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

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

2.5.100.08 - Effective Period of Expedited Land Division Approval

Approval of an Expedited Land Division shall be valid for a period of two years from

the effective approval date.

2.5.100.09 - Final Plat Review Procedures

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

[Section 2.5.100 amended by Ordinance 2012-18, effective December 13, 2012]

CHAPTER 2.6
ANNEXATIONS

Section 2.6.10 - BACKGROUND

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

Section 2.6.20 - PURPOSES

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

a. Maximize citizen involvement in the Annexation review process;

b. Establish a methodology to evaluate need, serviceability, and the economic, environmental, and related social effects of proposed Annexations;

c. Provide adequate public information and sufficient time for public review before an Annexation election;

d. Ensure adequate time for City staff review; and

e. Allow for simultaneous review of multiple Annexation proposals.

Section 2.6.30 - PROCEDURES

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

2.6.30.01 - Determination of Annexation Type

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

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

Annexation, and then continues to partition small sites and propose multiple Minor Annexations.

An Annexation shall be considered Minor if all of the following conditions exist:

1. No more than one parcel is involved;

2. For residential Annexations, the parcel is capable of providing not more than 10 dwelling units (at maximum allowed density per gross acre). For commercial and industrial Annexations, the parcel is no greater than one acre; and

3. City services are contiguous to the parcel.

When addressing the review criteria in Section 2.6.30.06.a and Section 2.6.30.06.b, a Minor Annexation proposal need not provide the same level of detail as a Major Annexation proposal. See Section 2.6.30.06 and Section 2.6.30.07 for specifics. All other submittal requirements and review criteria, however, are applicable.

b. **Major Annexation** - An Annexation shall be considered Major if it does not meet all three conditions for a Minor Annexation as outlined in “a”, above.

2.6.30.02 - Application Filing Deadlines

Annexation elections are scheduled for May and November of each year and application deadlines are established accordingly as follows: applications for Minor and Major Annexations must be filed with the Community Development Department before 5:00 p.m. on the last working day in September for a ballot election in May, and on the last working day in March for a ballot election in November.

2.6.30.03 - Application Requirements

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

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

Applications for Annexation shall be made on forms provided by the Director and shall be accompanied by the following:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel

number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s) to dispense with an election of the area to be Annexed as provided by state law. If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided. Because Health Hazard Annexations do not involve an election, signed consent to the Annexation by the property owner(s) and/or the owners' legal representative(s) shall suffice;

c. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;

d. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted;

e. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

f. Boundary survey of the property to be Annexed, certified by a registered surveyor; and a legal description of the property and associated rights-of-way to be Annexed that includes the road or street right-of-way adjacent to the property. Copies of the legal description shall be provided in both written and electronic format; and

g. If the Annexation proposal includes areas planned for open space, general community use, or public or semi-public ownerships, the Annexation request shall be accompanied by a Comprehensive Plan Map Amendment request consistent with Section 2.6.30.06.d and Chapter 2.1 - Comprehensive Plan Amendment Procedures.

h. Graphic Requirements

Graphics shall include the following information where applicable:

1. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;

2. Zoning Map - Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;

3. Comprehensive Plan Map - Typically one in. = 800 ft. with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;

4. Existing Land Use Map - Typically a topographic map that extends at least 1,000 ft. beyond the site. The map shall include building footprints and distinguish between single-family, multi-family, Commercial, and Industrial Uses, as well as other significant features such as roads, parks, schools, and Significant Natural Features identified by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

5. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:

   a) All information, associated Significant Natural Feature maps, and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

   b) All Jurisdictional Wetlands not already shown as part of “a,” above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

   c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

6. Graphics for Annexation applications shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the following information:

a) Vicinity Map - A map of the area to be Annexed that shows adjacent City and county territory at least 300 ft. beyond the boundaries of the Annexation site for Minor Annexations, and at least 1,200 ft. beyond the boundaries of the site for Major Annexations. The map shall include features such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed Annexation. The map shall be 8.5- by 11-in. size for Minor Annexations, and both 8.5- by 11-in. and 24- by 36-in. size for Major Annexations. The Director may require an area greater than 1,200 ft. beyond the site if such maps would be helpful, such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site.

b) General Land Use Plan - A map that illustrates the following, at a minimum, in sufficient detail to apply the review criteria in Section 2.6.30.06:

1) Proposed land use zones and densities;

2) Transportation corridors and functional classifications of streets within and surrounding the Annexation area;

3) Site utilities within and surrounding the Annexation area;

4) Significant Natural Features covered in 2.6.30.03.h.5, above;

5) Topographic contours at two-ft. intervals and identification of grades governed by Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; and

6) Information on land areas within at least 300 ft. of the subject property, indicating the relationship of the Annexation area to adjacent land uses. The Director may require an applicant's General Land Use Plan to

include information on lands in excess of 300 ft. from an Annexation site, as in cases where an adjacent property is large and a view of the whole parcel would be helpful. The General Land Use Plan shall identify land uses, lot lines, existing buildings, driveways, transportation connections, utilities, and Significant Natural Features covered in "5," above. Illustrative cross-sections of streets shall also be provided. An aerial photo may be used as the base for the General Land Use Plan. Ortho photos are available at City Hall.

c) The applicant may provide a more detailed General Land Use Plan and may consolidate the Annexation proposal with other applications such as a Tentative Subdivision Plat. However, a Detailed Development Plan is not required at the Annexation phase. If the applicant chooses to consolidate land use applications, all of the submittal requirements as stated in other chapters of this Code shall be met.

i. Narrative Requirements

A written statement shall include the following information:

1. Statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities; and franchise utilities. The franchise utility companies shall provide a written statement confirming the ability to serve the site. The applicant shall obtain information from the affected service and utility providers using GIS base maps where available;

2. Statement of increased demand for the facilities that will be generated by the proposed Annexation. The applicant shall refer to the criteria of the City's facility master plans, available via the City Engineer, to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under proposed land uses designations shall be addressed in the analysis;

3. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or programmed for the Annexation area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential

(min. to max.) under the proposed land uses designations shall be addressed in the analysis;

4. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under the proposed land uses designations shall be addressed in the analysis. See also Section 4.0.60.a;

5. Statement outlining the method and source of financing required to provide additional facilities;

6. Discussion demonstrating the public need for the Annexation. To provide consistency in reviewing Annexations, the applicant shall use the information sources and methodology described in Section 2.6.30.07; and

7. Comprehensive narrative of potential positive and negative effects of the proposed Annexation related to “a,” through “c,” below. For properties containing a Natural Resource and/or Natural Hazard Overlay, the narrative shall include a discussion of the applicable provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

   a) Issues of need, serviceability, economics, environmental, and related social effects of the proposed Annexation on the community as a whole;

   b) Issues of need, serviceability, economics, environmental, and related social effects of the proposed Annexation on the comprehensive neighborhood of which the Annexation will become a part; and

   c) Proposed actions to mitigate negative effects/impacts.

   The information provided by the applicant shall be used to assist in weighing the advantages and disadvantages of the proposed Annexation. The information shall address all aspects of the review criteria in Section 2.6.30.06, and the advantages and disadvantages shall be discussed in terms of those listed in the review criteria and further detailed in Section 2.6.30.07.

j. Required fees as described in LDC § 1.2.100.01.

2.6.30.04 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

c. After an application has been accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.6.30.05 - Staff Evaluation

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

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

2.6.30.06 - Review Criteria

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

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

a. The applicant has demonstrated a public need for the Annexation -

1. <u>Minor Annexations</u> - Factors to be considered in evaluating public need for Minor Annexations shall include, but are not limited to:

   a) Reason for the Annexation;

   b) Health issues;

c) Adequate demonstration that the Annexation provides for the logical urbanization of land;

d) Whether the site can be served with public facilities; and

e) Discussion of the applicable livability indicators and benchmarks as specified in Section 2.6.30.07.c.

Minor Annexation proposals need not include the calculations relative to a five-year supply of serviceable land that are required in "2," below, for Major Annexations.

2. Major Annexations - Factors to be considered in evaluating public need for Major Annexations shall include, but are not limited to:

a) The five-year supply of serviceable land of the Annexation's land use category (single-family, multi-family, Commercial, or Industrial). Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria;

b) Availability of sufficient land of this type (single-family, multi-family, Commercial, or Industrial) to ensure choices in the market place. Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria; and

c) Compliance with adopted community-wide livability indicators and benchmarks relative to Major Annexations, as identified in Section 2.6.30.07.c.

The City shall provide annually updated Citywide data for the applicant to use in calculating supply and demand for the major land use categories (single-family residential, multi-family residential, Commercial and Industrial). Residential land supply and demand data shall be calculated using housing units. Commercial and Industrial land supply and demand data shall be calculated using acres.

The required data sources and methodologies for use in determining land supply and demand for Major Annexations, and the requirements for addressing community-wide benchmarks, are outlined below in Section 2.6.30.07.

b. The Annexation provides more advantages to the community than disadvantages - To provide guidance to applicants, examples of topics to

address for the advantages versus disadvantages discussion are highlighted in Section 2.6.30.07.

1. Minor Annexations - Minor Annexation proposals shall include a general discussion regarding:

   a) Advantages and disadvantages of the Annexation. Examples include the existence of a Health Hazard situation or the existence of Significant Natural Features addressed in Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and/or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Also relevant is whether or not the Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA) is applicable; and

   b) Applicable livability indicators and benchmarks identified in Section 2.6.30.07.c.

2. Major Annexations - Major Annexation proposals shall include a discussion of advantages and disadvantages in terms of the methodologies outlined in Section 2.6.30.07. Applicants are required to document the methodologies and criteria used. The Director will review the applicant's arguments, but will not conduct independent research to verify or justify them.

c. The site is capable of being served by urban services and facilities required with development - The developer is required to provide urban services and facilities to and through the site. At minimum, both Minor and Major Annexations shall include consideration of the following:

1. Sanitary sewer facilities consistent with the City's Sanitary Sewer Master Plan and Chapter 4.0 - Improvements Required with Development;

2. Water facilities consistent with the City's Water Master Plan, Chapter 4.0 - Improvements Required with Development, and fire flow and hydrant placement;

3. Storm drainage facilities and drainageway corridors consistent with the City's Stormwater Master Plan, Chapter 2.11 - Floodplain Development Permit, Chapter 4.0 - Improvements Required with Development, Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

4. Transportation facilities consistent with the City's Transportation Plan and Chapter 4.0 - Improvements Required with Development; and

5. Park facilities consistent with the City's Parks Master Plan.

d. If the Annexation proposal includes areas planned for open space, general community use, or public or semi-public ownerships, the Annexation request shall be accompanied by a Comprehensive Plan Map Amendment as outlined in "1," and "2," below -

1. Areas planned for open spaces or future general community use, including planned parks, preserves, and general drainageway corridors, shall be re-designated on the Comprehensive Plan Map as Open Space-Conservation.

2. Existing, proposed, or planned areas of public or semi-public ownership, such as Oregon State University facilities or lands, school sites, City reservoirs, and portions of the Corvallis Municipal Airport, shall be re-designated on the Comprehensive Plan Map as Public Institutional.

Such required Comprehensive Plan Map Amendments shall be filed by the applicant concurrent with the Annexation request, in accordance with Chapter 2.1 - Comprehensive Plan Amendment Procedures.

e. Compatibility - The application shall demonstrate compatibility in the following areas, as applicable:

1. Basic site design - the organization of Uses on a site and its relationship to neighboring properties;

2. Visual elements (scale, structural design and form, materials, etc.);

3. Noise attenuation;

4. Odors and emissions;

5. Lighting;

6. Signage;

7. Landscaping for buffering and screening;

8. Transportation facilities;

9. Traffic and off-site parking impacts;

10. Utility infrastructure;

11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;

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

2.6.30.07 - Methodologies for Some of the Review Criteria in Section 2.6.30.06

All of the provisions within this Section are required for Major Annexation proposals except for proposals or portions of proposals that include land with Comprehensive Plan designations of Public Institutional, Open Space-Conservation, or Open Space-Agriculture. Lands with these map designations are exempt from the provisions within “a,” and “b,” below. Minor Annexation proposals are subject only to the provisions within “c,” below.

a. **Determining Five-Year Supply of Serviceable Land** - Serviceable land is land within the City limits capable of being served by public facilities.

When calculating a five-year supply of serviceable land, applicants shall refer to and follow the Council Policy addressing the five-year supply, as amended from time to time. This Policy outlines the accepted methodology and will result in more uniform application submittals.

b. **Providing information on land availability to ensure choices in the market place** - Comprehensive Plan Policy 14.3.6 states that “factors to be considered in evaluating public need for Annexation may include... the availability of sufficient land of this type to ensure choices in the market place.” Minor Annexation applications are not required to include information on market choice. However, Major Annexation applications shall provide this information. Appropriate and encouraged market choice topics include, but are not limited to:

1. Information regarding a housing/jobs balance;

2. Housing rental rates and prices;

3. Vacancy rates; and

4. A comparison of housing costs related to incomes, land prices, and land availability.

The City does not independently review and verify documentation of this nature. Therefore, an applicant's market choice arguments shall be developed by a recognized professional in the field. Additionally, the applicant shall identify the methodologies used and the sources of information.

The Director will summarize the applicant's arguments and methodologies in the staff report provided to the hearing authority, and identify them as the applicant's arguments. The hearing authority shall determine the validity of the arguments based on the information provided by the applicant and on public comments during the public hearing process. The hearing authority shall also determine to what extent these arguments affect the criteria in Section 2.6.30.06.b.

c. Providing information on community-wide livability indicators and determining compliance with adopted community-wide benchmarks -

1. The City has just begun the process of identifying livability indicators to ultimately assist in the development of community-wide benchmarks. Additionally, many of the community-wide livability indicators are not applicable to Annexation proposals.

2. Table 2.6-1- Livability Indicators and Benchmark Criteria provides interim direction to applicants in addressing livability indicator and benchmark criteria. As the community further develops these livability indicators and benchmarks, this Section of this Code shall be updated accordingly.

   a) The livability indicators and benchmarks in the following table are intended to be balanced and identified as advantages and disadvantages relative to an Annexation proposal. Compliance with all benchmarks is not required. However, when balanced and viewed in aggregate, the decision-makers need to find that the advantages to the community outweigh the disadvantages.

   b) The number of applicable livability indicators and benchmarks varies, depending on the Comprehensive Plan Map designation(s) of the property involved in the Annexation request, as well as whether the Annexation is categorized as a Minor Annexation or a Major Annexation.

   c) For those livability indicators and benchmarks that require distance measurements from an amenity to a proposed Annexation site, measurements shall be taken from the average point within the Annexation site.

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

Note: The following livability indicators and benchmarks have been placed into the categories of the City's 2020 Vision Statement. As this categorization is a first attempt based upon the actual wording in the Vision Statement, there may need to be some re-categorization and/or other revisions with future updates of this Code.

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Where People Live"					
Annexation Density	Average density of proposed Annexation relative to the average density of land within the City that is developed and of the same type (single-family or multi-family).	Meet or exceed the average density of land within the City, developed, and of the same type as the proposed Annexation (single-family or multi-family). Note: Information regarding existing density within the City may be obtained from the City's annual Land Development Information Report.	Residential[1]		Applies
			Commercial/ Industrial[2]		
			Open Space[3]		
			Public Inst.		
Rural Development Potential	Type of county development that could occur if property not Annexed (depends on county land use policies in effect at time of proposed Annexation).	Development on land within the Urban Growth Boundary is done in a fashion that does not preclude urban-level development on the subject site and/or on adjacent properties within the UGB.	Residential[1]	Applies	Applies
			Commercial/ Industrial[2]	Applies	Applies
			Open Space[3]	Applies	Applies
			Public Inst.	Applies	Applies
Adjacency to City	Percentage of the perimeter of the Annexation site that is enclosed within the City limits.	It is considered an advantage if ≥ 50 percent of the perimeter of an Annexation site is enclosed within the City limits.	Residential[1]	Applies	Applies
			Commercial/ Industrial[2]	Applies	Applies
			Open Space[3]	Applies	Applies
			Public Inst.	Applies	Applies

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

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

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

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

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

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

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

1. Includes lands with a Comprehensive Plan Map designation of Low, Medium, Medium High, or High Density Residential; or Mixed Use Residential.

2. Includes lands with a Comprehensive Plan Map designation of Mixed Use Commercial, Professional Office, Central Business Zone, Limited Industrial, Limited Industrial-Office, Mixed Use Employment, General Industrial, Intensive Industrial, Mixed Use Transitional, or General Industrial - Office.

3. Includes lands with a Comprehensive Plan Map designation of Open Space-Conservation and Open Space-Agriculture.

2.6.30.08 - Action by the Planning Commission

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

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

2.6.30.09 - Notice of Disposition

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

2.6.30.10 - Appeals

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

2.6.30.11 - Effective Date of Zoning Designation

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

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

2.6.30.12 - Action by the City Council

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

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

2.6.30.13 - Public Information

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

[Section 2.6.30 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 2.6.40 - EXCEPTIONS

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

Table 2.6 - 2
Annexations

Flow of Decisions

Health Hazard Annexations	Annexation Requested by Owner
Receive Notice of Health Hazard from Benton County Environmental Health	Receive Request for Annexation, Associated Zone Change, and any other Land Use Application (Subdivisions, etc.) from Property Owner(s)
City Council Findings to Exempt from Voter Approval (Resolution); and Forward to Planning Commission for Establishment of City Zoning Designation	**Planning Commission Review of Annexation** Decision(s): Zone Change and any other Land Use Application (all may be appealed to City Council); Recommendation(s) to City Council: Annexation to voters and any proposed Comprehensive Plan Amendment.
Planning Commission Decision on Zone Change Only (May be Appealed to City Council)	**City Council Review of Annexation** Decisions: Whether to Place Annexation on Ballot; Any Proposed Comprehensive Plan Amendment; and Any Appeals of Planning Commission Decisions.
City Council Ordinance Annexing Property (If Zone Change was appealed, Also Decision on Zone Change Appeal)	**Residents of City Vote on Annexation**
	City Council Certifies Annexation Ballot

CHAPTER 2.7
EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS

Section 2.7.10 - BACKGROUND

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

Section 2.7.20 - PURPOSES

Review procedures for Extension of Services have been established to:

a. Implement City Charter Section 52;

b. Ensure that any Extension of Services complies with the Comprehensive Plan and other applicable City standards and policies;

c. Reaffirm the City's policy that Annexation is the principal method of urbanization; and

d. Expedite provision of services needed to alleviate an identified Health Hazard.

Section 2.7.30 - ELIGIBILITY FOR EXTENSION OF SERVICES

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

a. The property is within the City's Urban Growth Boundary;

b. Service extension will not promote development of property in a manner inconsistent with the City's Comprehensive Plan;

c. A Health Hazard exists on the subject property and extending City services is the most reasonable method of alleviating the Health Hazard; and

d. The site cannot be annexed at this time, or the Annexation has been approved but has not yet taken effect.

Section 2.7.40 - EXCEPTIONS TO ELIGIBILITY OF EXTENSION

The following are the exceptions to Section 2.7.30:

a. Properties with a written commitment of service on record prior to passage of City Charter Amendment incorporating Section 52, obligating the City to furnish services outside the City limits; and

b. Provision of water to the City of Philomath pursuant to contractual agreements.

Section 2.7.50 - PROCEDURES

Extension of Service requests under Section 2.7.30 above shall be initiated and reviewed in accordance with the following procedures:

2.7.50.01 - Initiation of Request

An Extension of Services request may be initiated by either:

a. An application submitted by the property owner(s) or their authorized agent(s); or

b. A majority vote of the City Council.

2.7.50.02 - Application Requirements

An application for Extension of Services under the provisions of Section 2.7.30 shall include the items listed below. When the Director deems any requirement below unnecessary for proper evaluation of a proposed Extension of Services application, it may be waived.

a. Consent to Annexation in a form suitable for recording with the Benton County Recorder and that meets the approval of the City Attorney;

b. Map of the area to be serviced showing the relationship of the property to the Corvallis City limits and the Corvallis Urban Growth Boundary;

c. Legal description of the property to be serviced and a boundary survey certified by a registered surveyor;

d. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:

1. All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

2. All Jurisdictional Wetlands not already shown as part of “a,” above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be

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

3. Archaeological sites recorded by the State Historic Preservation Office (SHPO).

e. Site plan indicating types and intensities of existing and proposed development, Watercourses, adjoining development, and the Significant Natural Features identified in “d,” above.

f. Statement of the availability, capacity, and condition of existing water and sewer services.

g. Statement indicating type and capacity of the proposed services and intended phasing of such services;

h. Statement outlining the method and source of financing for proposed services;

i. Statement from the Benton County Division of Environmental Health, the City Engineer, or the Oregon State Health Division declaring the specific nature and extent of the Health Hazard;

j. Statement explaining why the subject property should not be annexed prior to the Extension of Services;

k. Statement committing all service facilities required by the subject property to be built to City standards; and

l. Brief narrative addressing compliance of the development with the Comprehensive Plan.

m. Required fees as described in LDC § 1.2.100.01.

2.7.50.03 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.7.50.04 - Staff Evaluation

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

2.7.50.05 - Review Criteria

Requests for Extension of Services outside of the City limits shall be reviewed to ensure consistency with the eligibility requirements in Section 2.7.30 above, policies of the Comprehensive Plan and other applicable policies and standards adopted by the City Council.

2.7.50.06 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the request. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.7.50.07 - Action by the City Council

Upon receipt of the Planning Commission's recommendation the matter shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the application or adopt an ordinance conditionally approving the Extension of Services. The Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.7.50.08 - Conditions of Approval

Any ordinance for Extension of Services shall specify or limit Uses. In addition, the ordinance shall include appropriate Conditions of Approval, including the following:

a. Extended City services shall be constructed in compliance with the City's adopted facility master plans;

b. Extended City services shall be constructed in compliance with applicable City standards, regulations, and policies; and

c. A non-remonstrance agreement for construction of municipal facilities shall be filed with the City Recorder.

2.7.50.09 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings. The Notice of Disposition shall include a written statement of the hearing authority's decision, a reference to findings leading to it,

any Conditions of Approval, and the appeal period deadline. The Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.7.50.10 - Effective Date

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

[Section 2.7.50 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 2.7.60 - ENFORCEMENT

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

CHAPTER 2.8
VACATING OF PUBLIC LANDS AND PLATS

Section 2.8.10 - BACKGROUND

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

Section 2.8.20 - Exemptions

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

a. The release of public easements for subsurface water, sanitary sewer, and storm drainage lines owned and operated by the City;

b. Public Utility Easements (PUEs) for franchise utilities operating within the City's corporate limits that are no longer necessary to serve surrounding properties, as determined by the City Engineer. The City does not consider PUEs to be public places for the purposes of ORS 271, as amended. Vacating of City utility easements and PUEs may be initiated by City staff or private parties. It shall be the responsibility of the initiator to:

1. Obtain a statement from all owners of property adjacent to the proposed vacating of a water, sanitary sewer, or storm drainage easement, verifying that they have been notified and do not oppose it;

2. Obtain a statement from all franchise utilities licensed by the City verifying that they have been notified of the proposed vacating of the PUE and do not oppose it;

3. Provide a completed easement release form for signature by the City Manager; and

4. Record the easement release and provide the City a copy of the recorded document.

Section 2.8.30 - PURPOSES

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

a. Permit vacating of public lands not needed for municipal purposes where consistent with the community land use policies and goals;

b. Permit private ownership of public land where the proposed use of the lands promotes the public welfare; or

c. Permit vacating of all or part of undeveloped plats.

Section 2.8.40 - PROCEDURES

2.8.40.01 - Initiation of Request

Initiation of the request to vacate a public land or plat may be accomplished by one of the following ways:

a. Filing of an application in accordance with this Chapter and ORS 271, as amended; or

b. A majority vote of the City Council.

2.8.40.02 - Application Requirements

a. Applications submitted by property owners shall be made on forms provided by the Director and shall be accompanied by a map of the area proposed to be vacated and other information necessary for an adequate review.

b. At the time the application to vacate public land is submitted, the person(s) filing the application shall submit letter(s) of consent from affected property owners. For purposes of this Code and in compliance with ORS 271.080, as amended, affected property owners shall be defined as follows:

1. All abutting property owners, and

2. Owners of at least two-thirds of the real property associated with the Vacation. Real property, illustrated in Figure 2.8-1 - Real Property, is the land surrounding the street or street portion to be vacated, including:

   a) Land extending laterally to the next street serving as a parallel street up to a maximum of 200 ft.; and

b) Land extending a distance of 400 ft. from the end of the area to be vacated up.

3. When vacating part or all of a plat, consent of the owners of at least two-thirds of the land included in the proposed Vacation is required. An exception to this provision shall occur where the Vacation includes a street, in which case the requirements in “2," above, apply.

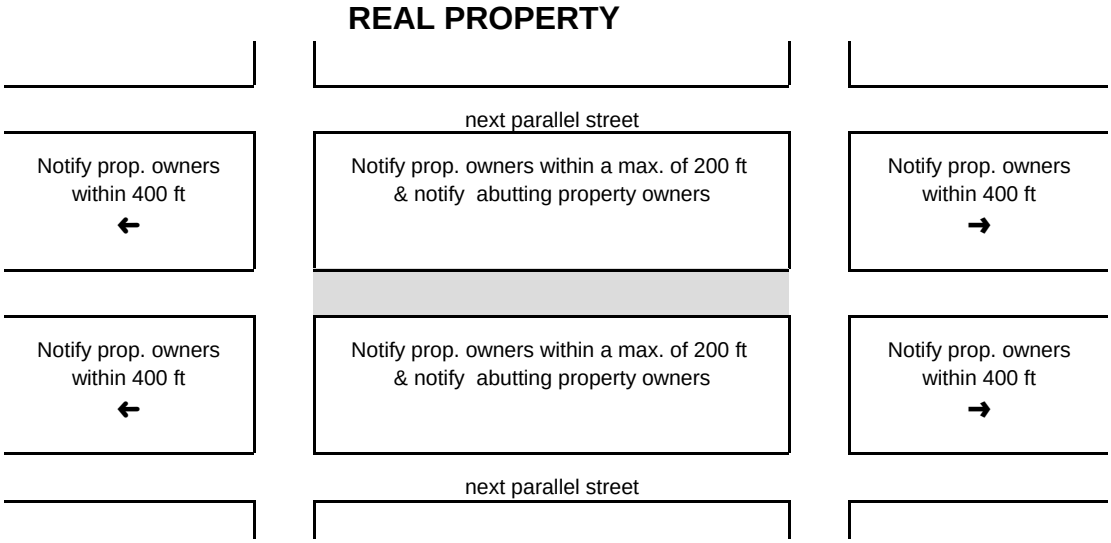

Figure 2.8-1 - Real Property

c. Consent of the affected property owners shall be submitted in writing, notarized, and duly acknowledged by the Director prior to scheduling of a public hearing for the requested Vacation.

d. At the discretion of the City Engineer, the applicant may be required to remove or abandon utility connections prior to final approval.

e. Required fees as described in LDC § 1.2.100.01.

2.8.40.03 - Acceptance of Application

a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings and ORS 271, as amended. After accepting a completed application, the Director shall schedule a public hearing to be held by the City Council.

b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a

new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.8.40.04 - Notice of the Public Hearing

Notice of the public hearing shall be provided in accordance with Chapter 2.0 - Public Hearings, and ORS 271.110, as amended.

2.8.40.05 - Staff Evaluation

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

2.8.40.06 - Review Criteria

A Vacation may be approved if the City Council finds that the request meets the following criteria:

a. Is consistent with the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council;

b. Will not negatively affect access between public rights-of-way or existing properties, potential lots, or public facilities/utilities;

c. Will not negatively affect existing or future transportation circulation or emergency service protection; and

d. Will serve the present and future public interest.

2.8.40.07 - Action by City Council

A public hearing shall be conducted by the City Council in accordance with Chapter 2.0 - Public Hearings and ORS Chapter 271, as amended. Following the close of the public hearing, the City Council shall approve, conditionally approve, or deny the requested Vacation. In the case of vacated plats, the Council shall not pass any ordinance for the Vacation of all or part of the plat until the City Recording Officer has verified that all City liens and taxes have been paid.

No street area shall be vacated without the consent of owners of abutting properties if the vacating would substantially affect the market value of these properties, unless the City Council directs a method by which the City provides for paying damages.

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

2.8.40.08 - Notice of Disposition

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

2.8.40.09 - Effective Date

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

2.8.40.10 - Existing Service Connections

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

[Section 2.8.40 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 2.8.50 - VACATION RECORDS TO BE FILED

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

CHAPTER 2.9
HISTORIC PRESERVATION PROVISIONS

Section 2.9.10 - BACKGROUND AND APPLICABILITY

The City of Corvallis recognizes that historic resources located within its boundaries contribute to the unique character of the community and merit preservation. The City's Historic Preservation Provisions implement the policies in Comprehensive Plan Article 5, Section 5.4 - Historic and Cultural Resources. In doing so, the City's Historic Preservation Provisions establish procedures and standards for the review of development on properties involving Designated Historic Resources as defined in Chapter 1.6 - Definitions, and development on or within public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. These properties include those subject to a Historic Preservation Overlay (HPO) and historic resources listed in the National Register of Historic Places. As defined in Chapter 3.31 - Historic Preservation Overlay, the Overlay applies to all historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register). As a Certified Local Government, the City has authority delegated from the state and federal governments to evaluate Historic Preservation Permit changes to Designated Historic Resources listed in the National Register of Historic Places. Accordingly, the City's Historic Preservation Provisions apply to: historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register); historic resources listed in the National Register of Historic Places; and public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. These provisions also conform with Statewide Planning Goals and other state land use requirements.

Section 2.9.20 - PURPOSES

The purposes of the City's Historic Preservation Provisions are as follows:

a. Implement historic and cultural resource policies of Comprehensive Plan Article 5, Section 5.4 - Historic and Cultural Resources;

b. Encourage, effect, and accomplish the protection, enhancement, and perpetuation of historic resources, historic resource improvements, and of historic districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;

c. Complement any National Register of Historic Places Historic sites and/or Districts in the City;

d. Foster civic pride in the beauty and noble accomplishments of the past;

e. Promote the use of historic districts and landmarks for education, pleasure, energy conservation, housing, and the public and economic welfare of the City;

f. Provide processes and criteria for the review of Historic Preservation Permit applications for Designated Historic Resources for the following actions:

1. Alteration or New Construction;

2. Demolition; and

3. Moving;

g. Provide a clear and objective listing of activities exempt from the Historic Preservation Permit process;

h. Provide procedures for addressing emergency actions affecting the historic resources in the City; and

i. Adequately implement the Secretary of the Interior's Standards for Rehabilitation[1] and the Secretary of Interior's Standards for Preservation,[2] since they were used in the development of review criteria for Historic Preservation Permit requests. The review criteria contained herein implement these standards in a manner that adequately protects Designated Historic Resources consistent with Secretary of the Interior's Standards for Rehabilitation and the Secretary of Interior's Standards for Preservation.

Section 2.9.30 - PROCEDURES FOR ESTABLISHING A HISTORIC PRESERVATION OVERLAY ZONING DESIGNATION

A Historic Preservation Overlay zoning designation may be established for a historic resource in accordance with the provisions in Chapter 2.2 - Zone Changes.

Section 2.9.40 - PROCEDURES FOR REMOVING A HISTORIC PRESERVATION OVERLAY ZONING DESIGNATION

A Historic Preservation Overlay zoning designation may be removed from a Designated Historic Resource in accordance with the provisions in Chapter 2.2 - Zone Changes.

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[1] http://www.cr.nps.gov/hps/tps/standards/rehabilitation.htm

[2] http://www.cr.nps.gov/hps/tps/standards/preservation.htm

Section 2.9.50 - PROCEDURES FOR RECLASSIFYING HISTORIC RESOURCES IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT

Reclassification of a Designated Historic Resource listed in the National Register of Historic Places shall be accomplished in accordance with the state and federal provisions identified in Section 2.2.60 of Chapter 2.2 - Zone Changes.

Section 2.9.60 - DETERMINING APPLICABILITY AND APPROPRIATE HISTORIC PRESERVATION PERMIT REVIEW PROCEDURE(S)

A Historic Preservation Permit is required for certain Alteration or New Construction, Demolition, or Moving activities affecting Designated Historic Resources, even if no Building Permit is required by the Building Official. Accordingly, the City's Historic Preservation Provisions apply to: historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register); historic resources listed in the National Register of Historic Places; and public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. Different review procedures and criteria apply, depending on the nature of the permit request, and if the Designated Historic Resource is located in a National Register of Historic Places Historic District, the classification of the resource.

a. Exempt Activities - Section 2.9.70 outlines activities affecting a Designated Historic Resource that are exempt from the requirement for a Historic Preservation Permit.

b. Types of Historic Preservation Permits -

1. Director-level Historic Preservation Permit - The Director-level Historic Preservation Permit addresses Alteration or New Construction activities that are minor in nature and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific procedures and clear and objective review criteria for this type of permit are listed in Sections 2.9.60.c, 2.9.90, and 2.9.100. The Director-level Historic Preservation Permit is classified as General Development in Chapter 1.2 - Legal Framework, is a staff-level review, and acts as a double-check for compliance with Sections 2.9.90 and 2.9.100.

2. HRC-level Historic Preservation Permit - The HRC-level Historic Preservation Permit addresses Alteration or New Construction, Demolition, and Moving activities not covered by "1," above, and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific

procedures and discretionary review criteria for this type of permit are listed in Sections 2.9.60.c, 2.9.90, 2.9.100, 2.9.110, and 2.9.120. The HRC-level Historic Preservation Permit is classified as a quasi-judicial land use decision in Chapter 1.2 - Legal Framework, involves public notice, and requires a Historic Resources Commission public hearing review for compliance with Sections 2.9.90, 2.9.100, 2.9.110, and 2.9.120.

c. Sources of Information that Assist the Director in Determining Historic Significance and Appropriate Historic Preservation Permit Review Process - The Director may use any of the following information sources to determine the appropriate Historic Preservation Permit review process that applies:

1. This Code Chapter and others referenced by it;

2. The official historic inventory for the Designated Historic Resource;

3. Findings from a final approved Order or Notice of Disposition summarizing the rationale for the placement of a Historic Preservation Overlay on the resource;

4. An approved National Register of Historic Places nomination;

5. Applicable state law;

6. Other adopted City ordinances;

7. Primary source material provided by the applicant; and/or

8. Secondary source materials on history, architecture, design or style, materials, methods, or pertinent examples locally or elsewhere.

d. Emergency Actions - Section 2.9.80- Emergency Actions outlines how to address activities resulting from an emergency action when the City Engineer, Building Official, and/or Fire Marshal determine(s) that an emergency action is needed for public safety due to an unsafe or dangerous condition. This Section also addresses requirements for obtaining the appropriate Historic Preservation Permit, when applicable, after the immediate hazard has been addressed.

Section 2.9.70 - EXEMPTIONS FROM HISTORIC PRESERVATION PERMIT REQUIREMENTS

The following changes to a Designated Historic Resource shall be exempt from the requirement for a Historic Preservation Permit. Property owners are advised that other permits may be required to make such changes, such as other land use permits, Building Permits, and other provisions of this Code, such as landscaping requirements in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

a. **Interior Alterations** - Changes to the interior of a Designated Historic Resource that do not alter the building exterior.

b. **Routine Maintenance and/or In-kind Repair or Replacement** - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following:

1. Routine site maintenance - Pertains to landscaping maintenance, brush clearing and removal of debris, pruning of shrubs, and removal of shrubs not listed as original plantings in the official historic inventory, or other sources of information listed in Section 2.9.60.c;

2. Pruning of trees - Pruning of trees that are located on Designated Historic Resource properties shall be in accordance with the most current edition of American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and

3. Removal of trees that are not considered to be Historically Significant Trees, based on the definition in Chapter 1.6 - Definitions.

c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. Exemption does not apply to artwork attached to buildings, murals, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry.

d. **Signs and Tablets** - Installation of the following:

1. Signs and tablets that are exempt from City Sign Code regulations per Section 4.7.70;

2. Freestanding signs in the OSU Zone that are 32 sq. ft. or less and otherwise exempt from the need for a Sign Permit per Section 4.7.90.05.a and b;

3. Attached signs on Noncontributing buildings in the OSU Historic District, that are 32 sq. ft. or less and otherwise exempt from City Sign Code regulations per Section 4.7.90.05.a and b; and

4. Attached signs on Nonhistoric or Nonhistoric/Noncontributing buildings outside of the OSU Historic District that are:

   a) 32. sq. ft. or less; or

   b) If greater than 32 sq. ft., attached signs that:
      1. Replace existing signs:
      2. Are not variable message;
      3. Have the same approach to illumination as the sign to be replaced (none, internal, or external);
      4. Fit completely within the footprint of the original sign; and
      5. Are equal to or smaller than area of the sign to be replaced.

e. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - 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, and the Alteration or New Construction is 200 sq. ft. or less (floor area), and does not exceed 14 ft. in height as measured from grade.

f. **Installation of Removable Screen and Storm Doors and Windows** - A screen door is a secondary door attached over a structure's primary door to allow additional air flow when the door is open, while simultaneously providing some basic door functions. A storm door or window is a secondary door or window attached over a structure's primary door or window to protect the primary door or window against weather impacts. Installation of screen and storm doors and windows are exempt, provided they do not function as replacements for primary doors and windows, are installed in a manner that is Reversible, and do not damage or permanently alter external historic features of the Designated Historic Resource. Unpainted metal is not exempt.

g. **Installation of a Removable Heating or Cooling Device** - Installation of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.

h. **Accessory Development** - Installation of the following accessory items are exempt from the need for a Historic Preservation Permit:

1. Benches;
2. City-standard bus shelters;
3. Blue light security kiosks;
4. Replacement of uncovered bicycle racks with new uncovered bicycle racks on the same or other-hard mounting/parking surface.
5. Trash / Recycling receptacles with footprints less than 15 sq. ft. and meeting other Code standards; and
6. Accessory development not listed above is exempt from the need for a Historic Preservation Permit if it meets the criteria in Chapter 4.3 - Accessory Development Regulations, 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 (floor area), and does not exceed 14 ft. in height as measured from grade.

i. **Moving or Demolishing Structures** - Moving or demolition of structures, provided:

1. The structure is in a National Register Historic District, and is classified as Nonhistoric/Noncontributing, or Nonhistoric per the definition in Chapter 1.6 - Definitions; or

2. The structure is on an Individually Designated Historic Resource outside of a National Register District; and

    a. Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and

    b. Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and

3. In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource.

j. **Installation of Satellite Dishes** - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter.

k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices** - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied:

1. Access Ramps on Historic Contributing Resources - No more than 30 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.

2. Access Ramps on Nonhistoric/ Noncontributing Resources - No more than 48 in. above or below grade, not including hand or guard rails. Hand and guard rails shall not exceed an opacity of 25%.

3 Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.

4. Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.

l. **Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created.

m. **Fencing Installation, Extension, or Removal** - Installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.

n. **Freestanding Trellises** - Installation of freestanding trellises that are less than 14 ft. in height, Reversible, and do not damage any significant external architectural features of the Designated Historic Resource.

o. **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 Designated Historic Resource structures, or damage any Historically Significant Trees or other Historically Significant landscaping or landscapes 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.

p. **Building Foundations** - Altering a building foundation or installing a new foundation, provided the foundation material is not specifically identified as Historically Significant, and:

1. The Alteration or New Construction is required to meet present-day Building Code requirements;
2. The building elevation is not raised by more than 12 in.; and
3. The existing foundation is 18 in. high or less.

q. **Installation of New, and Repair or Replacement of Gutters and Downspouts** - Installation of new, and repair or replacement of existing gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure.

r. **Utility Poles** - Installing, relocating, or removing utility poles.

s. **Uncovered Rear Deck or Patio Additions 350 Sq. Ft. or Less** - Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.

t. **Installation of New, or Replacement of Existing Windows or Doors on Nonhistoric and Nonhistoric/Noncontributing Resources-** Installation of new, or replacement of existing windows and doors as follows:

1. Replacement of existing windows and doors with new windows and doors that have double-pane glazing meeting current Building Code energy efficiency standards. The replacements shall otherwise match the replaced items in materials, dimensions, and shape, except that wood or metal-clad wood may be substituted for the original, non-glass materials of replaced items; and

2. New windows and doors on facades that are not visible from public or private street rights-of-way (except for alleys), as defined in Chapter 1.6 - Definitions, may be installed.

u. **Re-roofing** - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and

1. The roof is flat and obscured by a parapet; or

2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.h, or 2.9.100.04, as applicable.

v. **Installation of New or Expanded Pathways** - Installation of new or expanded pathways, provided the pathways are:

1. Constructed of softscape (e.g. bark mulch, etc.), stone steps, or flagstone, and are installed in a manner that is Reversible. Automobile parking is prohibited on pathways;

2. Constructed of concrete, brick or pavers that do not exceed 5 ft. in width, 250 sq. ft., and are installed on residentially zoned sites; or

3. Constructed of asphalt, concrete, brick, or pavers that do not exceed a 12 ft. width, are 1,000 sq. ft. or less, are not part of Historic Contributing open space areas, and are on nonresidentially-zoned sites.

w. **Utility Meters, Pipes, and Venting** - Utility meters, pipes, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities.

x. **Skylights** -

1. Skylights from a structure's relevant Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows or doors with glass.

2. Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1," above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.h or 2.9.100.04, as applicable.

3. New skylights may be installed in accordance with Sections 2.9.100.03.h and 2.9.100.04, as applicable.

y. **Historically Significant Hazardous Trees** - Removal of Historically Significant Trees that qualify as Hazardous Trees, based on the definition of Hazardous Tree in Chapter 1.6 - Definitions. The Hazardous Tree determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be filed with the Director and the City's Urban Forester. Removal may only occur following the City's Urban Forester's review and approval of the Hazard Tree Evaluation which recommends for removal of the tree. Following removal of the tree, the City shall notify the Historic Resources Commission that the action has occurred. Additionally, if a tree is required in the subject location via other Code provisions, such as those in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, a new tree shall be planted consistent with those applicable Code provisions.

z. **Ground-Level and Rooftop Mechanical Equipment** - Installation of ground-level and rooftop mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible. Screening required by Code to conceal ground-level mechanical equipment so that it is not visible from public and private street rights-of- way per Chapter 1.6 - Definitions, is exempt if it complies with the provisions in Section 2.9.70.aa- Required Ground-level Screening.

aa. Required Ground-level Screening - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:

1. Complies with development standards of the underlying zone;

2. Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;

3. Is composed of either vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,

4. Does not exceed 6 ft. in height, does not exceed 10 ft. in length or width, and does not enclose an area greater than 100 sq. ft.

Section 2.9.80 - EMERGENCY ACTIONS

Emergency actions include the Alteration or New Construction, Demolition, or Moving of a Designated Historic Resource when the City Engineer, Building Official, or Fire Marshal determines that emergency action is required to address public safety due to an unsafe or dangerous condition or to resolve an immediate threat to the Designated Historic Resource itself. After the immediate hazard has been addressed, if the emergency action was not an exempted activity as defined in Section 2.9.70, the property owner shall apply for the appropriate Historic Preservation Permit and address any additional requirements specified by the Historic Preservation Permit. In the application, the property owner shall submit information documenting the need for the emergency action. Such documentation shall include photographs and a written evaluation by an engineer, architect, or a historic preservation consultant. Once a building is determined to be unsafe or dangerous in accordance with these provisions, property owners are encouraged to consider, while addressing the hazard, the re-use of the structure or its materials, to the extent feasible under the hazardous circumstances. To decide upon the Historic Preservation Permit, the decision-maker shall consider information from the City Engineer, Building Official, or Fire Marshal, depending on the authority(ies) that deemed the emergency removal necessary. Once made aware of the emergency action, the City shall notify the Historic Resources Commission that the action has occurred.

Section 2.9.90 - PROCEDURES FOR ALL REQUIRED HISTORIC PRESERVATION PERMITS (DIRECTOR-LEVEL AND HRC-LEVEL)

2.9.90.01 - Initiation of Application

A property owner, or his/her designee, may initiate a Historic Preservation Permit application. Property owner(s) consent to the application shall be required.

2.9.90.02 - Application Requirements

a. A Historic Preservation Permit application for a Designated Historic Resource shall be made on forms provided by the Director and shall include, for both types of Historic Preservation Permits, Director-level and HRC-level, the items listed below. The Director may waive any of the below requirements when he/she determines the information required by a part of this Section is unnecessary to properly evaluate the proposed Historic Preservation Permit:

1. Applicant's name, address, and signature;

2. Owner's name, address, and signature, if different from applicant's. If the Designated Historic Resource is owned by more than one property owner, the consent of all owners shall be required;

3. Location of the Designated Historic Resource, including address and tax assessor map and tax lot number;

4. Map(s) illustrating the location of the Designated Historic Resource;

5. Historic name of the resource, whether listed in the Local and/or National Register of Historic Places, and (if pertinent) classification within a National Register of Historic Places Historic District;

6. A narrative description of the request in sufficient detail to allow for the review of the proposal;

7. A narrative explanation of what the applicant proposes to accomplish;

8. A narrative description regarding how the request complies with applicable review criteria, including applicable zone standards;

9. A site plan, drawn to scale, showing the location of structures, driveways, and landscaped areas on the site, setback dimensions, and the general location of structures on adjacent lots;

10. Elevation drawings, drawn to scale, in sufficient detail to show the general scale, mass, building materials, and architectural elements of the proposal;

11. Information regarding whether or not there are any Historically Significant Trees on the site;

12. A copy of any relevant historic resource inventory information;

13. As applicable, any recommendations from SHPO or other state or federal agencies relative to any reviews required under state or federal law, including:

    a) Section 106 of the National Register Historic Preservation Act;

    b) Consultation review as required by ORS 358.653, as amended;

    c) Special Assessment Program requirements per ORS 358.475, as amended;

    d) National Transportation Act;

    e) National Environmental Protection Act; or

    f) Any other applicable state or federal law.

    Such recommendations shall be required only if the proposed changes that are the subject of any of the above required state or federal reviews also require Historic Preservation Permit approval under the provisions of this chapter;

14. Photographs or drawings of the resource from the applicable Period of Significance to provide context; and

15. Any additional information reasonably necessary to evaluate compliance with the provisions of this Code as determined by the Director.

b. The narrative description for Historic Preservation Permits involving an HRC-level Alteration or New Construction Permit per Section 2.9.100 to install a Moved Designated Historic Resource on a site within the City limits shall include the following information, in addition to “a,” above:

1. A rationale for the new location for the Designated Historic Resource that also addresses the zone standards that apply to the new site;

2. A site plan, drawn to scale, for the proposed new location for the Designated Historic Resource showing: the location of existing and proposed structures, driveways, and landscaped areas; setback dimensions; the general location of structures, walkways, sidewalks, and driveways on adjacent lots; the historic designation of adjacent properties; existing and proposed legal access and infrastructure for the proposed new site; and existing and proposed infrastructure improvements adjacent to the proposed new site; and

3. A description of the Historic Integrity and Historic Significance of the specific structure, building, plant, or other historic element for which the change is requested.

c. The narrative description for Historic Preservation Permits involving an HRC-level Demolition shall include the following information in addition to that outlined in “a,” above:

1. A description of the Designated Historic Resource’s current physical condition, and its condition at the time it was inventoried;

2. If within a National Register of Historic Places Historic District, a narrative description of the Designated Historic Resource's contribution to the District and the subsequent Historic Integrity of the District if the resource were to be demolished;

3. A statement as to whether the applicant considered Moving the resource as an alternative to Demolition. If Moving was not found to be feasible, a description as to why not;

4. A narrative explanation of why the proposed Demolition is needed and what alternatives were explored; and

5. A statement regarding whether denial of the request will result in substantial economic or other hardship to the owner of the Designated Historic Resource.

d. The narrative description for an HRC-level Historic Preservation Permit involving a Moving shall include information required in “a,” “c.1,” and “c.4," above, stated with respect to a Moving. Additionally, the narrative description for the proposed Moving shall, if the resource is listed in a National Register of Historic Places Historic District, address the Designated Historic Resource's contribution to the District and the subsequent Historic Integrity of the District if the resource were to be moved. This provision pertains to the site from which the Designated Historic Resource is being moved and, if the site to which the Designated Historic Resource is moving is inside the City limits, then it also pertains to the new site.

2.9.90.03 - Acceptance of Application

The Director shall review the application to determine whether it is complete per the requirements in Section 2.9.90.02. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application complete. The applicant shall have up to 10 days from the date of the Director’s notification to submit additional information and make the application complete.

2.9.90.04 - Public Notice

a. **Director-level Historic Preservation Permits** - No public notice is required.

b. **HRC-level Historic Preservation Permits**

1. Public notice shall be provided in accordance with Sections 2.0.50.04.b; 2.0.50.04.c.1-3, and 6-10; and 2.0.50.04.e-g; and

2. For a proposed Demolition or Moving, public notice shall be published in a newspaper of general circulation at least 10 days in advance of the Historic Resources Commission’s public hearing.

2.9.90.05 - Staff Evaluation

a. **Director-level Historic Preservation Permits** - All applications for Director-level Historic Preservation Permits shall be reviewed to ensure consistency with the review criteria in Section 2.9.90.06 “a” and “b,” below.

b. **HRC-level Historic Preservation Permits** - For all HRC-level Historic Preservation Permits, the Director shall prepare a report that evaluates whether the permit request complies with the review criteria in Section 2.9.90.06 “a” and “c,” below. The report shall also include, if needed, a list of approval conditions for the Historic Resources Commission to consider.

2.9.90.06 - Review Criteria

a. **General Review Criteria for All Historic Preservation Permits -** All Historic Preservation Permits shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of this Code. When authorized by the Building Official, some flexibility from conformance with Building Code requirements may be granted for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure. In considering whether or not to authorize this flexibility from some Building Code standards, the Building Official will check to ensure that: the building or structure is a Designated Historic Resource; any unsafe conditions as described in the Building Code are corrected; the rehabilitated building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and the advice of the State of Oregon Historic Preservation Officer has been received.

b. **Director-level Historic Preservation Permits -** The review of a Director-level Historic Preservation Permit may be accomplished concurrently with the review of any accompanying permit application(s), or individually if no accompanying permit application(s) exists. Applications for a Director-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.100.03.

c. **HRC-level Historic Preservation Permits**

1. Alteration or New Construction - Alteration or New Construction requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.100.04.

2. Demolition - Demolition requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.110.03; and

3. Moving - Moving requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.120.03.

2.9.90.07 - Action on Application

a. **Director-level Historic Preservation Permits -** Based on applicable review criteria, the Director or his/her designee, shall approve, conditionally approve, or deny the Historic Preservation Permit application. Conditional approval must be limited to conditions that address specific defects in the application and are required for the application to comply with the criteria. The decision shall be made in writing. Staff shall strive to process the application as quickly as possible, but in no case shall the initial decision be made later than 45 days from the date the application is deemed complete.

b. **HRC-level Historic Preservation Permits -** The Historic Resources Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the HRC shall approve, conditionally approve, or deny the Historic Preservation Permit application. Conditional approval must be limited to conditions that address specific defects in the application and are required for the application to comply with the criteria. The Commission's decision shall include findings that specify how the application has or has not complied with the applicable review criteria. The Director shall strive to process the application as quickly as possible to ensure that the initial HRC decision is made no later than 75 days from the date the application is deemed complete.

2.9.90.08 - Notice of Disposition

a. **Director-level Historic Preservation Permits -** The Director, or his/her designee, shall provide a Notice of Disposition that includes a written statement of the decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline to the following:

1. The applicant and the property owner(s) (if different from the applicant);

2. The Historic Resources Commission;

3. Any person who resides on or owns property within 100 ft. (excluding street right-of-way) of the parcel of land that is the subject of the Historic Preservation Permit application;

4. Any person who requested notice on the proposal; and

5. Any persons who submitted written comment on the proposal.

b. **HRC-level Historic Preservation Permits -** The Director shall provide the applicant and the Historic Resources Commission with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Historic Resources Commission's decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline. The Notice of Disposition also shall be mailed to the property owner(s) (if different from the applicant), any persons who presented oral or written testimony at the public hearing, and any person who requested notice on the proposal.

2.9.90.09 - Appeals

a. The Director-level Historic Preservation Permit decision may be appealed to the Historic Resources Commission in accordance with Chapter 2.19 - Appeals. The HRC-level Historic Preservation Permit decision may be appealed to the City Council in accordance with Chapter 2.19 - Appeals.

b. **Undue Hardship Appeals -** The hearing authority for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal hearing authority, the information listed in "1-6," below, as applicable, shall be submitted for the appeal hearing authority to consider a hardship appeal. Not every item listed in "1-6," below will apply to every case:

1. Three estimates of:

   a) The cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit; and

   b) Any additional costs which would be incurred to comply with the modified activity(ies) recommended by the decision-maker.

All such cost estimates shall be accomplished by contractors licensed in the State of Oregon.

2. An estimate of the appraised value of the property:

   a) In its current state;

   b) With the improvements that were denied or conditionally-approved for the Historic Preservation Permit; and

   c) With the modified activity(ies) proposed by the applicant.

   All such appraisal estimates shall be performed by an appraiser who is licensed or certified in the State of Oregon. Additionally, appraisal estimates of the property shall fall within the scope of practice of the appraiser's license or certification in order for the appraisal to meet this provision.

3. Information regarding the soundness of the affected structure(s), and the feasibility for rehabilitation which would preserve the historic character and qualities of the Designated Historic Resource. All such information shall be developed by a contractor licensed in the State of Oregon.

4. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial or approval, as conditioned, of the proposed Historic Preservation Permit.

5. Any past listing of the property for sale or lease, the price asked, and any offers received on that property.

6. Information relating to any nonfinancial hardship resulting from the denial or approval, as conditioned, of the proposed Historic Preservation Permit.

If the hearing authority determines that the denial or approval, as conditioned, of the Historic Preservation Permit would pose an undue hardship on the applicant, then a Historic Preservation Permit noting the hardship relief shall be issued, and the property owner may conduct the activity(ies) outlined in the Historic Preservation Permit as modified by the appeal hearing authority.

2.9.90.10 - Effective Date

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

2.9.90.11 - Effective Periods of Approval

a. **Director-level HPPs** - Director-level Historic Preservation Permits shall be effective for a two-year period from the date of approval.

b. **HRC-level HPPs** - HRC-level Historic Preservation Permits shall be effective for a four-year period from the date of approval.

2.9.90.12 - Re-application Following Denial, Modification(s) to an Approved Historic Preservation Permit, and Partial Approval of a Historic Preservation Permit

a. **Re-application Following Denial** - Re-application for a Historic Preservation Permit following denial of that Permit is allowed in accordance with Section 2.0.50.15.

b. **Modification(s) to An Approved and Unexpired Historic Preservation Permit** - A proposal to modify an approved Historic Preservation Permit shall be processed as a new Historic Preservation Permit application, in accordance with the provisions of this Chapter. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the subject Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit. Approval of the new Historic Preservation Permit shall replace the existing Permit in whole or in part, whichever is applicable.

c. **Partial Approval of a Historic Preservation Permit** - An application for a Historic Preservation Permit may be approved in part, with a condition(s) clearly outlining the part(s) that is denied and the associated rationale (incompleteness and/or lack of compliance with applicable criteria). Re-application for a subsequent Historic Preservation Permit addressing the denied part of the original Permit is allowed, consistent with the criteria in Section 2.0.50.15. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit.

[Section 2.9.90 amended by Ordinance 2012-18, effective December 13, 2012]

Section 2.9.100 - ALTERATION OR NEW CONSTRUCTION ACTIVITIES INVOLVING A DESIGNATED HISTORIC RESOURCE

2.9.100.01 - Definition of Alteration or New Construction Involving a Designated Historic Resource

An activity is considered an Alteration or New Construction involving a Designated Historic Resource when: the activity is not an exempt activity, a Demolition, or a Moving, as defined in Sections 2.9.70, 2.9.110, and 2.9.120, respectively; and the activity meets at least one of the descriptions in "a" through "c," below.

a. The activity alters the exterior appearance of a Designated Historic Resource. Exterior appearance includes a resource's facade, texture, design or style, material, or fixtures;

b. The activity involves a new addition to an existing Designated Historic Resource or new freestanding construction on a Designated Historic Resource property; or

c. The activity involves installation of a Designated Historic Resource at a new site location, following a Moving, if the new site is within the City limits. If the new site of the Designated Historic Resource is outside the City limits, no City evaluation of the resource's installation at that new site will occur because the City has no jurisdiction in such locations.

2.9.100.02 - Historic Preservation Permit Required for Alteration or New Construction Involving a Designated Historic Resource

If an activity meets the definition for an Alteration or New Construction involving a Designated Historic Resource, as outlined in Section 2.9.100.01 above, then one of the two types of Historic Preservation Permits (Director-level or HRC-level) outlined in this Section and summarized in Section 2.9.60.b is required.

2.9.100.03 - Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit

A Historic Preservation Permit request for any of the Alteration or New Construction activities listed in Sections "a" through "o," below, shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria imbedded therein, listed below. Such Alteration or New Construction activities are classified as a Director-level Historic Preservation Permit. Some activities that are similar to Director-level Historic Preservation Permits may be

exempt from permit review per Section 2.9.70 or may require review by the Historic Resources Commission.

a. **Solar or Hydronic Equipment** - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.

b. **Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase:

1. Driveways;
2. Paths and sidewalks;
3. Bicycle parking areas; and/or
4. Vehicular parking areas that involve 800 sq. ft. or less.

c. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l.

d. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - An exterior Alteration or New Construction more than 200 sq. ft. to a property in a National Register of Historic Places Historic District that is classified in its entirety (including all structures on the site) as Nonhistoric/Noncontributing, provided the Alteration or New Construction is not visible from public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.

e. **Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Resources**- Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards. The following provisions also apply:

1. Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:
   a. Materials;
   b. Design or style;
   c. Size;
   d. Sash and Muntin dimensions (a ½-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);
   e. Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and
   f. Shape.

2. Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.

3. On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.

4. Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.

5. Installation of new, or replacement of windows and doors on Nonhistoric and Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.

f. **Extension of Fencing Other than Wood** - The extension of existing fencing other than wood fencing, which is exempt under Section 2.9.70.m, with In-kind Repair or Replacement materials, provided that the type of fencing material was used during the Period of Significance for the Designated Historic Resource and the fence is not extended beyond the facade of the Resource facing a front or exterior side yard.

g. **Awnings** - Installation of canvas awnings, limited to Designated Historic Resources and situations where awnings are required by this Code. Such canvas awnings shall either be installed where none previously existed or may reproduce historic canvas awnings from the applicable Period of

Significance, as shown in documentation submitted by the applicant. In-kind Repair or Replacement of existing awnings is exempt per Section 2.9.70.b.

h. **Skylights** - Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on:

1. Nonhistoric/Noncontributing structures;

2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;

3. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.

All other modifications or installations of skylights shall be processed via Section 2.9.100.04.

i. **Single (First) Story Exterior Steps and/or Stairways -** Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource based on documentation provided by the applicant.

j. **Driveway Width Expansion** - Widening driveways to a maximum width of 12 ft. using either the same materials and design in existence, or using dissimilar materials and/or a different design or style. The driveway length shall not increase. In all cases, driveways are subject to the Corvallis Off-street Parking and Access Standards, and the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements.

2.9.100.04 - Alteration or New Construction Parameters and Review Criteria for an HRC-level Historic Preservation Permit

Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to ensure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient

contemporary use through such alterations and additions. Flexibility in new building design may be considered to accommodate contemporary uses, accessibility requirements, compliance with current zoning and development standards, and cultural considerations.

A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria listed below. Such Alteration or New Construction activities are classified as an HRC-level Historic Preservation Permit.

a. **Parameters** - Any Alteration or New Construction activity involving a Designated Historic Resource that is not exempt per Section 2.9.70, or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03, is an HRC-level Alteration or New Construction activity. This includes, but is not limited to:

1. Nonexempt Exterior Painting - Exterior painting or the application of artwork to buildings, murals, or existing architectural features such as signs, stonework, brickwork, and masonry. Other types of exterior painting are exempt in accordance with Section 2.9.70.c.

2. Signs - Signs that are not exempt per Section 2.9.70.d, provided they meet the applicable sign allocation standards outlined in Chapter 4.7 - Sign Regulations.

3. Alteration or New Construction Replicating Historic Features - Alteration or New Construction activities that are not exempt per Section 2.9.70 and that reconstruct historic exterior features of the Designated Historic Resource as determined from a historic photograph taken during the structure's Period of Significance, original building plans, the Designated Historic Resource inventory, or other evidence submitted by the applicant.

4. Alteration or New Construction with Dissimilar Materials or Which Impact Significant Architectural Features - Alteration or New Construction activities involving changes in material or that impact historically significant architectural features, unless exempt per Section 2.9.70, or allowed to be reviewed as a Director-level Historic Preservation Permit per Section 2.9.100.03.

5. Alteration or New Construction to Later Additions - Unless exempt per Section 2.9.70, Alteration or New Construction activities involving a later addition for the following:

   a) A Designated Historic Resource in a National Register of Historic Places Historic District where the addition was constructed after the Resource's Period of Significance; and/or

   b) A Designated Historic Resource listed in the Corvallis Register of Historic Landmarks and Districts (Local Register) and/or an individually listed Designated Historic Resource listed in the National Register of Historic Places where the addition was constructed within the last 50 years based on documentation provided by the applicant.

   The Alteration or New Construction shall not damage any Historically Significant architectural features of the structure.

6. Alteration or New Construction to Historic/Noncontributing structures that do not replicate features, on a site that is located in a National Register of Historic Places Historic District, unless exempt per Section 2.9.70 or allowed as a Director-level Historic Preservation Permit per Section 2.9.100.03.

7. Alteration or New Construction to individually designated Historic Resources that are not located within a National Register of Historic Places Historic District and that do not replicate the original features of the structure, unless exempt per Section 2.9.70 or allowed as a Director-level Historic Preservation Permit per Section 2.9.100.03.

8. Building Foundations - Alteration or New Construction to a building foundation where dissimilar materials are used and the foundation's exposure is greater than 18 in., and/or where the building elevation is raised by more than 12 in.

9. Awning Installation - Installation of awnings that are not exempt as an In-kind Repair or Replacement per Section 2.9.70.b or that are not eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.g.

10. Solar or Hydronic Equipment - Installation of solar or hydronic equipment not eligible for Director-level review per Section 2.9.100.03.a.

11. Mechanical Equipment - Installation of mechanical equipment not exempt per Section 2.9.70.z.

12. Re-roofing - Unless exempt under Section 2.0.70.u, replacement of the existing roofing material with a new material that is different from the original**.**

13. Fencing - The installation of new fencing or replacement fencing with dissimilar design or style or dissimilar materials unless exempt per Section 2.9.70.m or eligible for Director-level review per Section 2.9.100.03.f.

14. New Freestanding Construction - Any new freestanding construction for a Designated Historic Resource site that is not exempt per Section 2.9.70 or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.

15. Accessory Development - Unless exempt per Section 2.9.70 or eligible for Director-level review per Section 2.9.100.03, Accessory Development meeting the criteria in Chapter 4.3 - Accessory Development Regulations.

16. Other - Any other Alteration or New Construction activity that meets the definition for an Alteration or New Construction activity in Section 2.9.100.01, and is not exempt per Section 2.9.70 or allowed to be reviewed as a Director-level Historic Preservation Permit in accordance with Section 2.9.100.03.

b. Review Criteria

1. **General -** The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Consideration shall be given to:

a) Historic Significance and/or classification;

b) Historic Integrity;

c) Age;

d) Architectural design or style;

e) Condition of the subject Designated Historic Resource;

f) Whether or not the Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design or style, or type of construction; and

g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction.

2. **In general, the proposed Alteration or New Construction shall either:**

a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or

b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource.

3. **Compatibility Criteria for Structures and Site Elements** - Compatibility considerations shall include the items listed in "a -n," below, as applicable, and relative to the applicable Period of Significance. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain; and any existing surrounding comparable Designated Historic Resources. Notwithstanding these provisions and "a-n," below, for Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District or resources within such Historic District that are not classified because the nomination for the Historic District is silent on the issue, Alteration or

New Construction activities shall be evaluated for compatibility with the architectural design or style of any existing Historic/Contributing resource on the site or, where none exists, against the attributes of the applicable Historic District's Period of Significance.

a) Facades - Architectural features, such as balconies, porches, bay windows, dormers, or trim details shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades that are significantly visible from public areas, excluding alleys. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.

b) Building Materials - Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design or style, or structure of the Designated Historic Resource.

c) Architectural Details - Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.

d) Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or New Construction shall generally

be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or New Construction is proposed to be larger than the original Designated Historic Resource, it shall be designed such that no single element is visually larger than the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.

e) Height - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.

f) Roof Shape - New roofs shall match the pitch and shape of the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding compatible Designated Historic Resources.

g) Pattern of Window and Door Openings - To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.

h) Building Orientation - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited to minimize impacts to facade(s) of the Designated Historic Resource that are significantly visible from public areas, excluding alleys.

i) Site Development - To the extent practicable, given other applicable development standards, such as standards in this

Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.

j) Accessory Development/Structures - Accessory development as defined in Chapter 4.3 - Accessory Development Regulations and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable.

k) Garages - Garages, including doors, shall be compatible with the Designated Historic Resource site's primary structure, if in existence and proposed in part to remain, based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights–of-way or private street rights-of–way, shall also be compatible with the design or style of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance.

l) Chemical or Physical Treatments - Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

m) Archeological Resources - Activities associated with archeological resources shall be carried out in accordance with all State requirements pertaining to the finding of cultural materials, including ORS 358.905, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as amended, which describe requirements for

cultural materials found on public verses private land, respectively.

n) Differentiation - New freestanding buildings and additions to buildings shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, they also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. The differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the Historically Significant and the new portions.

4. **Additional Review Criteria for the Installation of a Designated Historic Resource on a New Site, Following a Moving** - To complete its review of a request to install a Designated Historic Resource on a new site following its being moved, the Historic Resources Commission shall receive from the Director a finding that indicates the following:

a) The zone designation for the proposed site is appropriate to accept the Designated Historic Resource that was moved, in terms of land use(s) and development standards;

b) Legal vehicular and Fire Department access to the proposed new site is available or can be provided; and

c) Required infrastructure improvements for or adjacent to the proposed new site have been or will be provided.

2.9.100.05 - Status of Properties for Which an Alteration or New Construction HRC-level Historic Preservation Permit has been Approved to Install a Moved Historic Resource

a. Local Register Historic Resources - If approval has been granted for the installation of a moved Designated Historic Resource that was a Local

Register-Designated Historic Resource at its previous location, a Historic Preservation Overlay may be applied to the new site to which the Designated Historic Resource is being moved through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Alteration or New Construction Historic Preservation Permit associated with the Moving. Once the City's Historic Preservation Overlay has been applied, future modifications affecting the Designated Historic Resource at its new site shall be subject to the provisions of this Chapter.

b. **Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the installation of a moved Designated Historic Resource listed in the National Register of Historic Places becomes effective. A proposed listing or the maintenance of an existing listing of a National Register of Historic Places Historic Resource at its new site shall be processed through state and federal procedures. Upon receipt of official notification from SHPO that a listing has occurred or has been maintained and is in effect and when the affected Designated Historic Resource is not listed in the Local Register, the affected Designated Historic Resource at its new site shall be subject to the Historic Preservation Provisions of this Code. In such cases, a Historic Preservation Overlay may be added to the new site to which the Designated Historic Resource is being moved through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Alteration or New Construction Historic Preservation Permit.

Section 2.9.110 - DEMOLITION INVOLVING A DESIGNATED HISTORIC RESOURCE

2.9.110.01 - Definition of a Demolition of a Designated Historic Resource

An activity is considered a Demolition of a Designated Historic Resource when the activity:

a. Is not an exempt activity as defined in Section 2.9.70;

b. Is not an Alteration or New Construction as defined in Section 2.9.100;

c. Is not a Moving as defined in Section 2.9.120;

d. Involves destruction of a Designated Historic Resource; and/or

e. Involves the removal of a Historically Significant Tree as defined in Chapter 1.6 - Definitions, unless the tree is officially sanctioned for removal via Section 2.9.70.y.

2.9.110.02 - Historic Preservation Permit Required for Demolition of a Designated Historic Resource

An HRC-level Historic Preservation Permit is required for all activities meeting the definition for Demolition of a Designated Historic Resource, as outlined in Section 2.9.110.01 above.

2.9.110.03 - Review Criteria - An HRC-level Historic Preservation Permit for the Demolition of a Designated Historic Resource other than a Historically Significant Tree shall be evaluated against the criteria in "a" through "c," below. Approval may be granted for a Demolition only where a proposal has been demonstrated to have met criterion "a," and either "b" or "c." Criteria "a-c" do not apply to requests to remove a Historically Significant Tree. Removal of a Historically Significant Tree that does not qualify as an exempt activity via Section 2.9.70.y is addressed in "d," below.

a. The Historic Integrity of the Designated Historic Resource has been substantially reduced or diminished due to unavoidable circumstances that were not a result of action or inaction by the property owner. Historic Integrity is defined in Chapter 1.6 - Definitions.

b. If the proposed Demolition involves one of the structures identified in "1 -2," below, and is not exempt per Section 2.9.70, it may be allowed, provided the applicant submits evidence documenting the age of the affected structure and documentation that the Demolition will not damage, obscure, or negatively impact any Designated Historic Resource on the property that is classified as Historic/Contributing or that is called out as being Historically Significant, based on any of the sources of information listed in Section 2.9.60.c. To be considered under this criteria, the Demolition shall involve only the following:

1. A Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register or National Register of Historic Places; or

2. A Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even

if the approved National Register of Historic Places nomination for the District is silent on the issue.

c. If the Demolition involves a Designated Historic Resource other than the structures outlined in "b," above, the Demolition may be allowed provided:

1. The physical condition of the Designated Historic Resource is deteriorated beyond Economically Feasible Rehabilitation and either:

   a) Moving of the Designated Historic Resource is not feasible; or

   b) If within a National Register of Historic Places Historic District, Demolition of the Designated Historic Resource will not adversely affect the Historic Integrity of the District. To address this criterion, the applicant shall provide an assessment of the Demolition's effects on the character and Historic Integrity of the subject Designated Historic Resource and District. Historic Integrity is defined in Chapter 1.6 - Definitions.

2. Three of the following alternatives to Demolishing the Designated Historic Resource have been pursued, including the following, as appropriate:

   a) Public or private acquisition of the Designated Historic Resource with or without the associated land has been explored;

   b) Alternate structure and/or site designs that address the property owner's needs, and which would avoid Demolition of the Designated Historic Resource, have been explored and documented;

   c) A For-Sale sign and a public notice have been posted on the Designated Historic Resource site. The sign and public notice shall read: "HISTORIC RESOURCE TO BE DEMOLISHED -- FOR SALE." The sign's lettering line height shall be at least five in. and line width shall be at least one half in. The sign and public notice shall be posted within two ft. of any street sidewalk abutting the property. Signs shall be posted for a minimum of 40 days prior to the public hearing;

d) The Designated Historic Resource has been listed for sale in local and state newspapers for a minimum of five days over a five-week period;

e) The Designated Historic Resource has been listed for sale in at least two preservation publications for at least 30 days;

f) A press release has been issued to newspapers of local and state circulation describing the Historic Significance of the resource, the physical dimensions of the property, and the reasons for the proposed Demolition; and/or

g) Notification through other means of advertisement has been accomplished (e.g. internet, radio).

d. **Trees** - A Historic Preservation Permit to remove a Historically Significant Tree as defined in Chapter 1.6 - Definitions, shall meet at least one of the criteria in "1-5," below. Removal of Historically Significant Trees that qualify as Hazardous Trees are addressed in Section 2.9.70.y. If removal of a Historically Significant Tree is approved through the provisions of this section (2.9.110.03.d), a replacement tree(s) may be required as mitigation if, in the opinion of the decision-maker, there is an opportunity either on the subject site, or within 750 ft. of the site, to plant an additional tree(s):

1. The Historically Significant Tree, in the opinion of the City's Urban Forester and City Engineer, negatively impacts existing public infrastructure, and both officials recommend removal of the tree;

2. The Historically Significant Tree, in the opinion of the Building Official and the City's Urban Forester, negatively impacts existing structures on the development site that are intended to remain, and both officials recommend removal of the tree;

3. The location of the Historically Significant Tree precludes the reasonable use of the property because the area needed to ensure preservation of the Historically Significant Tree, in the opinion of a certified arborist and the City's Urban Forester, encompasses an area that does not allow for the property owner to make improvements on up to 75 percent of the otherwise buildable portion of the lot - the area excluding required setback areas, after consideration of lot coverage and landscaping standards;

4. For the determination of buildable area in “3,” above, an automatic 15 percent reduction in setbacks and 10 percent increase in height limitation shall be allowed and used to assist a property owner in achieving reasonable use of property; and/or

5. In the case of public infrastructure, the location of the Historically Significant Tree precludes construction of necessary public infrastructure improvements and, in the opinion of the City Engineer and the City’s Urban Forester, design alternatives to accomplish the necessary public infrastructure and preservation of the tree are not feasible.

2.9.110.04 - Documentation Required Prior to Demolition of a Designated Historic Resource

a. Documentation of a Designated Historic Resource that has been approved for Demolition through the issuance of a Historic Preservation Permit shall occur using one or more of the methods outlined in “1-3,” below. The method(s) of documentation shall be specified in the Historic Preservation Permit. The required documentation must be approved by the Director prior to the issuance of a Building Permit for Demolition.

1**.** Documentation using guidelines in the Historic American Buildings Survey, including architectural drawings, photographs, and historical narrative;

2**.** Documentation by cataloging historic and contemporary photographs of the Designated Historic Resource and site; or

3. Documentation by salvaging Historically Significant architectural elements or artifacts from the Designated Historic Resource and site.

b. Dispensation of Documentation Materials:

1. Original documentation materials shall remain the property of the owner of the Designated Historic Resource being demolished;

2. Copies of documentation materials identified in Sections “a.1" and “a.2," above, shall be submitted to the Director for storage by the City or its designee; and

3. The Director may require an applicant to submit a plan for dispensing of the documentation materials identified in Section "a.3," above. The plan shall describe all re-use, sale, donation, or other actions investigated by the applicant.

2.9.110.05 - Status of Properties for Which Demolition Approved

a. **Local Register Designated Historic Resources** - If approval has been granted for the Demolition of a Locally-designated Historic Resource, the Historic Preservation Overlay may be removed through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Historic Preservation Permit, and provided the applicable provisions of Chapter 2.2 - Zone Changes are met. Once the City's Historic Preservation Overlay has been removed, the affected resource shall no longer be subject to the provisions of this Chapter, provided it is not listed in the National Register.

b. **Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the Demolition of a Designated Historic Resource listed in the National Register of Historic Places becomes effective. A proposed delisting of such a Designated Historic Resource shall be processed through state and federal procedures. Upon receipt of official notification from the Oregon State Historic Preservation Office (SHPO) that a delisting has occurred and is in effect, and when the affected Designated Historic Resource is not also listed in the Local Register, the affected Designated Historic Resource shall no longer be subject to the Historic Preservation Provisions of this Code. Upon receipt of official notification from SHPO that a delisting has occurred and is in effect, and when the affected resource is still listed in the Local Register, a Zone Change consistent with the provisions in Chapter 2.2 - Zone Changes, pertaining to the removal of the related Historic Preservation Overlay will need to be approved for the Designated Historic Resource to no longer be subject to the Historic Preservation Provisions of this Code. See "a," above.

2.9.110.06 - Temporary Stay of Demolition Building Permit for Publicly-owned Historic Resources Subject to a Pending Nomination for Listing in the National Register of Historic Places

a. If the Director has received from the State Historic Preservation Office official notification that a publicly-owned historic resource is the subject of a nomination application to list the resource in the National Register of Historic

Places, and the nomination application is currently being reviewed by the State Historic Preservation Office and/or the National Park Service, a Building Permit shall not be issued for the Demolition of that publicly-owned historic resource for the period that the nomination application is under review, provided:

1. The Director's receipt of official notification of the pending nomination of the publicly-owned historic resource for listing in the National Register of Historic Places occurred prior to the Director's receipt of an application for a Building Permit for Demolition of the affected publicly-owned resource;

2. For a pending National Register of Historic Places Historic District nomination, if applicable, the temporary stay of the Demolition Building Permit applies only to any publicly-owned resources proposed for classification as Historic/Contributing or Historic/Noncontributing in the nomination application. Any publicly-owned resources proposed for classification as Nonhistoric/Noncontributing in the nomination application are not subject to this Section's stay requirement;

3. For a pending nomination for a Historic Resource proposed to be individually listed in the National Register of Historic Places, if applicable, this Section's temporary stay does not apply to the issuance of a Demolition Building Permit for any publicly-owned resources on the subject site that are Nonhistoric as defined in Chapter 1.6 - Definitions; and

4. The affected Historic Resource is owned by the City of Corvallis, Benton County, the Corvallis School District, a publicly-owned special district, the State of Oregon, and/or the federal government.

b. **Removal of a Temporary Stay -** The temporary stay of the Demolition permit shall end upon the Director's receipt of official notification from the Keeper of the National Register, the National Park Service, and/or the State Historic Preservation Office regarding the final outcome of the proposed National Register of Historic Places listing. If the Historic Resource has been approved for listing in the National Register of Historic Places, the Demolition provisions of this chapter apply in addition to any required Building Permits.

Section 2.9.120 - MOVING A DESIGNATED HISTORIC RESOURCE

2.9.120.01 - Definition of Moving a Designated Historic Resource

An activity is considered to be Moving a Designated Historic Resource when the activity:

a. Is not an exempt activity as defined in Section 2.9.70.i;

b. Is not an Alteration or New Construction to a Designated Historic Resource as defined in Section 2.9.100;

c. Is not a Demolition as defined in Section 2.9.110; and

d. Involves relocating the Designated Historic Resource, in whole or in part, from its current site to another location. Review of the Moving request shall be limited to an evaluation of the removal of the Designated Historic Resource from its current location. Evaluation of the installation of the Designated Historic Resource at its new location is considered an Alteration or New Construction, and shall occur in accordance with the provisions of Section 2.9.100, if the new site is within the City limits. If the proposed new site of the Designated Historic Resource is outside the City limits, no City evaluation of the resource's installation at that new site will occur because the City has no jurisdiction over such locations.

2.9.120.02 - Historic Preservation Permit Required for Moving a Designated Historic Resource

An HRC-level Historic Preservation Permit is required for all activities meeting the definition for Moving a Designated Historic Resource, per Section 2.9.120.01, above.

2.9.120.03 - Review Criteria - For an HRC-level Historic Preservation Permit involving Moving of a Designated Historic Resource, the following review criteria shall be used, as applicable:

a. Evaluation of the current and potential future Historic Significance and Historic Integrity of the Designated Historic Resource, independent of its setting.

b. The review criteria in Section 2.9.110.03.b, but with respect to Moving instead of Demolition.

c. Moving the Designated Historic Resource will save it from Demolition.

d. Moving the Designated Historic Resource has benefits that outweigh the detrimental impact of removing the resource from its designated site.

2.9.120.04 - Documentation Required Prior to Moving for an HRC-level Historic Preservation Permit Issued for Moving a Designated Historic Resource

A Designated Historic Resource that has been approved for Moving through the issuance of an HRC-level Historic Preservation Permit shall be documented in accordance with Section 2.9.110.04, but with respect to Moving instead of Demolition, as applicable.

2.9.120.05 - Status of Properties for Which Moving is Approved

a. **Local Register Historic Resources** - If approval has been granted for Moving a Locally-designated Historic Resource, the Historic Preservation Overlay may be removed from the site from which the Designated Historic Resource is being moved, through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Historic Preservation Permit for Moving. Once the City's Historic Preservation Overlay has been removed, the affected resource site shall no longer be subject to the provisions of this Chapter.

b. **Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the Moving of a Designated Historic Resource listed in the National Register of Historic Places becomes effective. The Historic status of the original site shall be addressed in accordance with Section 2.9.110.05.b, except with respect to Moving instead of Demolition.

2.9.130 - ADMINISTRATIVE

2.9.130.01 - Enforcement

The Director shall administer and enforce these regulations and, to ensure compliance with these regulations, is authorized to take any action authorized by Chapter 1.3 - Enforcement, as well as those contained in Section 2.9.130.02, below.

2.9.130.02 - Ordered Remedies

a. Violations of these regulations shall be remedied in accordance with Chapter 1.3 - Enforcement. Additionally, if an after-the-fact Historic Preservation Permit is required to address a violation of these regulations, the decision-maker for that Historic Preservation Permit shall have full authority to implement these regulations, regardless of what improvements have been made in violation of these regulations. This includes requiring the Designated Historic Resource to be restored to its appearance or setting prior to the violation, unless this requirement is amended by the decision-maker. This civil remedy shall be in addition to, and not in lieu of, any other criminal or civil remedy set out in this Chapter and/or Chapter 1.3 - Enforcement.

b. Where the Alteration or New Construction, Demolition, or Moving of a Designated Historic Resource within a National Register of Historic Places Historic District or on any individually-listed property is in violation of these regulations, that Designated Historic Resource is protected by these regulations. Any person who intentionally causes or negligently allows the Alteration or New Construction, Demolition, or Moving of any Designated Historic Resource shall be required to restore or reconstruct the Designated Historic Resource in accordance with the pertinent architectural characteristics, guidelines and standards adopted by this chapter. These remedies are in addition to any other civil or criminal penalty set out in this Chapter and/or Chapter 1.3 - Enforcement.

CHAPTER 2.10
MAJOR NEIGHBORHOOD CENTER
MASTER SITE PLAN REQUIREMENTS

Section 2.10.10 - BACKGROUND

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

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

Section 2.10.20 - PURPOSES OF MASTER SITE PLAN

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

a. Ensure that the requirements of the Neighborhood Center Zone are implemented and coordinated with respect to Major Neighborhood Centers;

b. Establish a logical framework for development on the applicant's property(ies);

c. Promote compatibility with surrounding land uses by identifying the relationships of proposed and future development with existing surrounding development and open spaces;

d. Promote the efficient use of land and energy;

e. Promote development patterns at a human scale and that meet the needs of pedestrians through the arrangement of buildings, circulation systems, land uses, and utilities;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City and nearby property owners and occupants with assurances that the project will retain the character envisioned at the time of approval; and

g. Provide a basis for discretionary review of an overall plan of development that can subsequently be developed in phases over time through ministerial approvals.

Section 2.10.30 - APPLICABILITY

A Master Site Plan shall be required prior to development on any undeveloped site or on any site requiring major redevelopment within a Major Neighborhood Center. The subject property(ies) shall be specified by the applicant and property owner, and shall include only those property(ies) for which they have been authorized to apply. Major redevelopment includes individual or cumulative enlargements or extensions of structures involving floor area equivalent to 20 percent or more of the gross floor area of any existing building (or buildings if attached) on the site, or 3,000 sq. ft. or more of floor area within the site, whichever is less.

2.10.30.01- Exceptions

A Master Site Plan is not required for the following situations, provided that all other applicable requirements of this Code are met:

a. Any independent or cumulative enlargements, extensions, or expansions involving floor area equivalent to 500 sq. ft. or less for structures in existence and in compliance with this Code on December 31, 2006; and

b. Expansion of, or redevelopment on, any existing developed site not involving major redevelopment, as defined above.

Section 2.10.40 - MASTER SITE PLAN REVIEW PROCEDURES

An application filed for a Master Site Plan shall be reviewed in accordance with the following procedures.

2.10.40.01 - Application Requirements

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

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

Applications for a Master Site Plan shall be made on forms provided by the Director and shall be accompanied by the following:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Fifteen copies of the narrative, on 8.5 by 11 in. sheets, and 15 copies of graphics at an 8.5 by 11 in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11 by 17 in. size if, for legibility purposes, such a size would be helpful;

d. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24 by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted;

e. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

f. Graphic Requirements

Graphics shall include the following information where applicable:

1. All graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, bar scale, and legend placed in the same location on each sheet. Photos shall include scale references;

2. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;

3. Zoning Map - Typically one in. = 400 ft., but up to one in. = 800 ft., depending on the size of the site, with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;

4. Comprehensive Plan Map - Typically one in. = 800 ft. with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;

5. Existing Land Use Map - Typically a topographic map that extends at least a 1,000 ft. beyond the site. The map shall include building footprints and distinguish between single-family, multi-family, Commercial, and Industrial Uses, as well as other significant features such as roads, parks, schools, and Significant Natural Features identified by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

6. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:

   a) All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 -

Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

b) All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

7. General Land Use Map - The General Land Use Map shall include an off-site analysis with sufficient information on land areas within at least 300 ft. of the zone in which the subject property is located. The General Land Use Map shall indicate the relationship of the proposed development to adjacent land uses. An aerial photo may be used as the base for this off-site analysis. Ortho photos are available at City Hall.

At minimum, the General Land Use Map shall illustrate the following:

a) Existing zones and approximate densities;

b) Land uses, parcel lines, and existing buildings (building envelopes are acceptable);

c) Transportation corridors (automobile, bicycle, and/or pedestrian), functional classifications of streets, and driveways/parking areas; and

d) Significant Natural Features identified in "6," above, as applicable; and any other information that, in the Director's opinion, would assist in providing a context for the General Land Use Plan.

8. Master Site Plan Map - The Master Site Plan of the subject property(ies) shall include an on-site plan with sufficient information to indicate the existing and planned relationships among the

structures, circulation systems, Significant Natural Features, open spaces, and Green Areas on the subject property; other properties within the zone in which the subject property is located; and the land areas within at least 150 ft. of the zone. At minimum, the Master Site Plan of the subject property(ies) shall illustrate the following:

a) Factors to include for the subject property(ies) -

1) Boundary of the proposed development site and any interior boundaries related to proposed development phases or land divisions;

2) General location of improvements and existing and proposed structures (building envelopes are sufficient for proposed new buildings or expansions of existing buildings), including locations of entrances and exits; building types and gross density per acre; location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, parking calculations, and walkways; and any proposed Use restrictions. Where required by the applicable zone, lot coverage and Green Area calculations shall be provided, as applicable;

3) General location and dimensions of areas to be conveyed, dedicated, or reserved as common open spaces, common Green Area, public parks, recreational areas, school sites, and similar public and semipublic uses;

4) Existing and proposed general circulation system plan and dimensions including streets, driveways, bikeways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;

5) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems, and indicating proposed

treatments for points of conflict;

6) General utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems; and natural gas, and electric power lines;

7) Identification of Significant Natural Features that were included on the Significant Natural Features map(s) required in 2.10.40.01.f.6, above, to indicate the relationship of the proposal to the site's Significant Natural Features;

8) Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the subject site exceeds 10 percent and where the site abuts existing developed lots, a conceptual grading plan shall be required. This conceptual grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. It shall indicate how these objectives are met, how runoff or surface water will be managed in terms of a conceptual drainage control system; and

9) Identification of the Shopping Street.

b) <u>Factors to include for other properties within the zone in which the subject property(ies) are located and land areas within at least 150 ft. of the zone</u> -

1) Parcel lines;

2) General locations and types of circulation and parking systems including, but not necessarily limited to, reasonable approximation of the future extension of proposed Shopping Streets and pedestrian systems;

3) General locations of public, private, and franchise utilities (e.g., sanitary sewer, storm sewer, water, natural gas, electric power); and

4) Building locations (building envelopes are acceptable), and their approximate height and current Use Types.

g. Narrative Requirements

A written statement shall include the following information:

1. A legal description of the subject property, including the street(s) along the property's frontage. Copies of the legal description shall be provided in both written and electronic format;

2. A statement of the planning objectives to be achieved by the Master Site Plan. This statement shall include a description of the character of the proposed development, a brief rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria identified below, including the development standards required by this Code;

3. A statement describing project phases, if proposed. Phases shall be:

   a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, Green Areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of the construction and development, and be designed such that the phases support the infrastructure requirements for the project;

   b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and

   c) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not included with the subject proposal.

4. Quantitative data related to the subject site shall be provided for the following, where appropriate:

   a) Parcel sizes;

   b) Total number and type of dwelling units. A proposed range

with a 10 percent difference is permissible;

c) Gross residential densities per acre. A proposed range with a 10 percent difference is permissible;

d) Gross square footage of floor areas for nonresidential and residential construction. A proposed range with a 10 percent difference is permissible;

e) Floor Area Ratio(s). A proposed range with a 10 percent difference is permissible;

f) Proposed Green Areas to structure footprint ratios. A proposed range with a 10 percent difference is permissible. For a definition of Green Area, refer to Chapter 1.6 - Definitions; and

g) Number of parking spaces provided and any parking agreements with neighboring properties. A proposed range with a 10 percent difference is permissible.;

5. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. See Section 4.0.60.a; and

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

h. Required fees as described in LDC § 1.2.100.01.

2.10.40.02 - Acceptance of Application and Staff Evaluation

a. The application shall be accepted and evaluated by City staff in accordance with the procedures identified in Sections 2.3.30.02 and 2.3.30.03 of Chapter 2.3 - Conditional Development, and with Chapter 2.0 - Public Hearings.

b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall

be provided in accordance with Chapter 2.0 - Public Hearings.

c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.10.40.03 - Review Criteria

Requests for approval of a Master Site Plan shall be reviewed in accordance with the review criteria identified in Section 2.3.30.04 of Chapter 2.3 - Conditional Development. Additional review factors shall include the following:

a. Development shall comply with the applicable Use and development standards for the Neighborhood Center Zone;

b. Development of infrastructure systems shall not interfere with the operations of adjacent uses of property that are not party to the Master Site Plan; and

c. Development shall not preclude reasonable opportunities for the adjacent properties within the subject Neighborhood Center Zone, and not party to the application, to develop or redevelop in accordance with City requirements.

2.10.40.04 - Action by the Planning Commission, Notices, Notice of Disposition, Appeals, and Effective Date

The public review process for a Master Site Plan request shall be in accordance with Sections 2.3.30.05 through 2.3.30.08 of Chapter 2.3 - Conditional Development.

2.10.40.05 - Effective Period of Master Site Plan Approval

a. Master Site Plan approval shall be effective for a four-year period from the date of approval. The approval shall expire if the applicant has not, within four years:

1. Installed and/or bonded for all public improvements related to the project - or the first phase, if the project was approved in phases; or

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

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

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

b. A site development permit request shall be reviewed to determine whether the request is in compliance with the approved Master Site Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.10.40.03, does not involve modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Master Site Plan approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Master Site Plan.

[Section 2.10.40 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 2.10.50 - MASTER SITE PLAN MODIFICATION

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

2.10.50.01 - Purposes of a Master Site Plan Modification

a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Master Site Plans; and

b. Provide elements within the development site that compensate for requested variations from approved Master Site Plans such that the intent of the original approvals is still met.

2.10.50.02 - Thresholds that Separate a Minor Master Site Plan Modification from a Major Master Site Plan Modification

a. The factors identified in Section 2.3.40.02 - Thresholds of a Conditional Development Modification describe the thresholds that separate a Minor Master Site Plan Modification from a Major Master Site Plan Modification.

b. A Modification that equals or exceeds the thresholds identified in Section 2.3.40.02 - Thresholds of a Conditional Development Modification shall be processed as Major Master Site Plan Modification.

c. A Modification that falls below the thresholds identified in Section 2.3.40.02 - Thresholds of a Conditional Development Modification or that decreases the amount of variation from a standard that was previously approved shall be processed as a Minor Master Site Plan Modification.

d. In addition, only three such Minor Master Site Plan Modifications may be processed within one calendar year for any approved Master Site Plan. If more than three such Modifications are proposed within a calendar year, the Modifications, or any single such Modification proposed following the third, shall be processed as a Major Master Site Plan Modification and shall follow the procedures contained in Section 2.10.50.03.

e. A Modification to specific requirements established at the time of Master Site Plan approval, including Conditions of Approval, this Code's requirements, and all aspects of the Master Site Plan proposal, may be considered as a Minor Master Site Plan Modification only if it falls within the definition of a Minor Master Site Plan Modification described in Section 2.10.50.02.c.

2.10.50.03 - Procedures for a Major Master Site Plan Modification

If a Modification is proposed that equals or exceeds the thresholds described in Section 2.3.40.02 - Thresholds of a Conditional Development Modification, or if Modifications to more than three factors that fall below the thresholds identified in that Section are proposed within a single calendar year, the changes shall be processed as a Major Master Site Plan Modification.

a. An applicant may petition for review of previously approved plans for purposes of modifying a Master Site Plan, stating reasons for the change.

b. Where the Director determines that the proposed change is a Major Master

Site Plan Modification in accordance with the thresholds described in Section 2.3.40.02 - Thresholds of a Conditional Development Modification, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public Hearings. The Planning Commission may approve, conditionally approve, or deny the Major Master Site Plan Modification.

c. Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Master Site Plan.

d. In reviewing the proposed Modification, the Planning Commission shall follow the procedures herein required for Master Site Plan submittal and review. The Commission shall consider the review criteria in Section 2.10.40.03 to determine whether to authorize a Major Master Site Plan Modification.

e. Notice requirements, action on the application, issuance of the Notice of Disposition, processing of appeals, and establishment of the effective date and the effective period of a Major Master Site Plan Modification shall comply with the same provisions for a Master Site Plan.

2.10.50.04 - Determining Compliance with a Major Master Site Plan Modification

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Major Master Site Plan Modification. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.10.40.03, does not involve any additional deviations from this Code's development standards, and does not involve changes to any specific requirements established at the time of Major Master Site Plan Modification approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Major Master Site Plan Modification.

2.10.50.05 - Procedures for a Minor Master Site Plan Modification

a. An applicant may petition for review of previously approved plans for purposes of modifying a Master Site Plan, stating reasons for the change(s).

b. Where the Director determines that the proposed changes qualify as a Minor Master Site Plan Modification in accordance with the thresholds described in Section 2.3.40.02 - Thresholds of a Conditional Development Modification, the Director shall administratively process the application as a Minor Master

Site Plan Modification. The Minor Master Site Plan Modification may be approved, conditionally approved, or denied by the Director. If the proposed changes equal or exceed the thresholds identified in Section 2.3.40.02, the changes shall be processed as a Major Master Site Plan Modification, and the applicant shall follow the procedures described in Section 2.10.50.03.

c. In reviewing the proposed Modification, the Director shall follow the procedures herein required for Minor Master Site Plan Modification submittal and review.

d. To determine whether to authorize a Minor Master Site Plan Modification, the Director shall consider the review criteria in Section 2.10.40.03 and the following additional review criterion:

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

e. Upon finding that the application qualifies as a Minor Master Site Plan Modification, the Director may consider the redesign in whole or in part of any Master Site Plan, provided the redesign still qualifies as a Minor Master Site Plan Modification.

f. Notice for a Minor Master Site Plan Modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.

g. The Director's action on the application, including issuance of the Notice of Disposition, processing of appeals, establishment of the effective date, and the effective period of the Minor Master Site Plan Modification, shall be in accordance with Sections 2.12.30.07 through 2.12.30.11 of Chapter 2.12 - Lot Development Option.

2.10.50.06 - Determining Compliance with a Minor Master Site Plan Modification

A Building Permit or other site development permit request shall be reviewed to

determine whether the request is in compliance with any approved Minor Master Site Plan Modification. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.10.50.05.d, does not involve any additional deviations from this Code's development standards, and does not involve changes to any specific requirements established at the time of Minor Master Site Plan Modification approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Minor Master Site Plan Modification.

CHAPTER 2.11
FLOODPLAIN DEVELOPMENT PERMIT

Section 2.11.10 - BACKGROUND

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

Section 2.11.20 - PURPOSES

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

a. Protect human life, health and property;

b. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in Floodplains;

c. Help maintain a stable tax base by providing for the sound use and Development of flood-prone areas;

d. Minimize expenditure of public money for costly flood control projects;

e. Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;

f. Minimize unnecessary disruption of commerce, access and public service during times of flood;

g. Facilitate the notification of potential buyers that property is in an Special Flood Hazard Area;

h. Compel those who occupy property within the Special Flood Hazard Area to assume responsibility for their actions; and

i. Manage the alteration of Special Flood Hazard Areas, stream channels and shorelines to minimize the impact of Development on the natural and beneficial functions of the Floodplain.

Section 2.11.30 - APPLICABILITY

Unless exempt per Section 2.11.40, below, approval of a Floodplain Development Permit is required prior to initiating Development activities in any Special Flood Hazard Areas (SFHAs) established through Section 4.5.20.01.b. As defined in Section 1.6.40, Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, fencing, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within a Special Flood Hazard Area.

2.11.40 - EXEMPTIONS

The following types of Development are exempt from the Floodplain Development Permit process, if they are allowed by other applicable provisions in this Code. These activities may be prohibited by the provisions of Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; or other restrictions may apply.

a. **Placement of Fill in Residential Zones** - Within the Floodway Fringe, placement of fill in the RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9U, RS-12, RS-12U, RS-20 and MUR Zones, provided it is consistent with other applicable provisions of this Code and provided all of the following are met:

1. The fill is used solely for the purpose of constructing a sandbox, a raised gardening bed, or other similar landscape feature;

2. There are no undeveloped portions of the site that are outside the Floodway Fringe that can accommodate the items described in “a.1,” above;

3. The fill does not occupy an area that is greater than 10 percent of the minimum lot size of the corresponding zone or 10 percent of the area of the subject lot that is within the Floodway Fringe, whichever is less; and

4. The average depth of the fill does not exceed six in. over the area described in “a.3,” above;

b. **Construction of Fences and Walls** - Installation, expansion, reconstruction, and replacement of fences and/or walls within the Floodway Fringe, provided the velocity of the flood waters where the fence or wall is proposed is less than 5 ft. per second, as documented in the Flood Insurance Study for Benton County and Incorporated Areas, dated June 2, 2011. Fencing and walls installed, expanded, reconstructed, and/or replaced in areas where the flood water velocity is greater than 5 ft. per second shall obtain a Floodplain Development Permit and shall comply with Section 4.5.110.12. If no Floodplain study is available to confirm the velocity of flood water flow, either the flood water velocity shall be determined consistent with Section 4.5.50.03.p to confirm whether the proposed fence and/or wall is exempt from obtaining a Floodplain Development Permit, or the flood water velocity shall be assumed to be greater than 5 ft. per second, and the fence and/or wall shall obtain a Floodplain Development Permit and be constructed consistent with the provisions in Section 4.5.110.12;

c. Maintenance, repair, and/or replacement of existing infrastructure facilities, provided the facilities:

1. Are in-kind maintenance, repair, and/or replacement; and

2. Will not result in an increase in Base Flood Elevation;

d. Maintenance, minor repair, and/or improvement of existing structures, provided these activities do not:

1. Result in an increase in size or intensity of use;

2. Constitute repair of Substantial Damage; or

3. Constitute a Substantial Improvement;

e. Public agency placement of signs, markers, aids, etc.;

f. Customary dredging associated with routine channel maintenance to maintain existing channel capacity, provided it is consistent with State and Federal laws and permits;

g. Removal of vegetation activities, provided they are consistent with Section 4.5.80.03.a; and

h. Landscape maintenance activities, provided they are consistent with Section 4.5.80.03.b.

Section 2.11.50 - PROCEDURES

2.11.50.01 - Application Requirements

An application for a Floodplain Development Permit shall be made on forms provided by the Floodplain Administrator or designee and shall include the following information, where applicable. When the Floodplain Administrator or designee deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived. For example, the waiving of some of the application requirements below can occur to address projects that are small or less complex in nature. However, the Floodplain Administrator or designee shall ensure that enough information is submitted to properly evaluate a proposed application's adherence to the applicable criteria.

a. Location and description of the subject property(ies), including all of the following, as relevant: street address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Three copies of a narrative, on 8.5 by 11 in. sheets, describing how the application meets the review criteria in Section 2.11.50.04, below, and three copies of the supporting graphics at an 8.5 by 11 in. size. The Floodplain Adminstrator or designee may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Floodplain Administrator or designee may also require some or all graphics at a 24 by 36-in. size if, for legibility purposes, such a size would be helpful;

d. Three sets of full-scaled black line or blueprint drawings of the site plan graphic(s) on sheet size of at least 11 in. by 17 in. suitable for photocopy reproduction. Site plan(s) and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and show:

1. Information required by Sections 4.5.50.02, 4.5.50.03, and 4.5.50.04, as applicable;

2. Information required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable; and

3. Any other information relevant to the proposal;

e. Adequate information for the Floodplain Administrator or designee to assess whether or not a Substantial Improvement is proposed or Substantial Damage has occurred. See Floodplain Administrator or designee for specific requirements and procedures for these determinations; and

f. An electronic version of these documents (both text and graphics, as applicable). The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable. Any data submitted to substantiate Base Flood elevation(s), flood Depth Number(s), 0.2-ft. Floodway boundaries, or 100-year Floodway Fringe boundaries shall be compatible with the City's GIS system.

2.11.50.02 - Acceptance of Application

Per ORS 227, the Floodplain Administrator or designee shall review the Floodplain Development Permit application for compliance with the application requirements in Section 2.11.50.01, above. If the application is incomplete, the Administrator or designee shall notify the applicant and state what information is needed to make the application complete. Unless the Floodplain Administrator or designee determines that additional time is warranted, the applicant shall have a maximum of 10 days from this notification to submit additional materials.

2.11.50.03 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.11.50.04, below.

2.11.50.04 - Review Criteria

Requests for approval of a Floodplain Development Permit shall be reviewed by the Floodplain Administrator or designee to ensure:

a. Consistency with the standards from Sections 4.5.80, 4.5.90, and 4.5.100, as applicable;

b. New Development and subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage;

c. On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them during flooding;

d. Subdivisions shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH Federal Flood Zones, stormwater management shall be provided to guide floodwater around and away from all proposed and existing structures. This criteria shall be considered to be met if the proposed stormwater management is consistent with the provisions of the Building Code, Chapter 4.0 - Improvements Requirement with Development, and the provisions addressed in "e," below;

e. Consistency with other applicable standards of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-street Parking Standards; and any other applicable policies and standards adopted by the City Council; and

f. Preservation and/or protection of Significant Natural Features is achieved, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

2.11.50.05 - Action on Application

Based on the review criteria above, the Floodplain Administrator or designee shall review the proposed Development and either approve, conditionally approve, or deny the application. Floodplain Development Permits are processed like Building Permits, using a Ministerial Development process.

2.11.50.06 - Mandatory Conditions of Approval

The following Conditions of Approval are mandatory and shall be imposed on every approved Floodplain Development Permit:

a. **Required As-built Certification During Construction** - For all new construction and Substantial Improvements, the permit holder shall provide to the Floodplain Administrator or designee an as-built certification of the floor elevation or flood-proofing elevation immediately after the Lowest Floor or flood-proofing is placed and prior to further vertical construction. Any deficiencies identified by the Floodplain Administrator or designee shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator or designee or the Building Official to issue a stop-work order for the project.

b. **Required Documentation Prior to Issuance of Certificate of Occupancy**

1. In addition to the requirements of the Building Codes pertaining to Certificate of Occupancy, prior to the final inspection the owner or authorized agent shall submit the following documentation to the Floodplain Administrator or designee and the documentation shall be prepared and sealed by a registered surveyor or engineer:

    a) For elevated buildings and structures in Special Flood Hazard Areas (all A Federal Flood Zones), the as-built elevation of the Lowest Floor, including basement, or where no Base Flood Elevation is available the height above Highest Adjacent Grade of the Lowest Floor;

    b) For buildings and structures that have been floodproofed, the elevation to which the building or structure was floodproofed.

2. Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator or designee or the Building

Official to withhold a Certificate of Occupancy until such deficiencies are corrected.

2.11.50.07 - Permit

The Floodplain Administrator or designee shall provide the applicant with a permit that includes a written statement of the decision, a reference to the findings leading to it, any Conditions of Approval, and the appeal period deadline. The permit shall also be mailed to any persons who request such a decision. The permit and all applicable information shall be available in the Community Development Department.

2.11.50.08 - Permanent Retention of Development Applications

The Floodplain Administrator or designee shall maintain both paper and electronic permanent records of all Floodplain Development Permits.

2.11.50.09 - Appeals

a. The decision of the Floodplain Administrator or designee may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

b. **Appeal Review Criteria** - An appeal of a decision made by either the Floodplain Administrator or designee or the Land Development Hearings Board shall be reviewed against the criteria set forth in Section 2.11.50.04. In acting on an appeal, the hearing body shall make specific findings in response to each of the appeal review criteria.

2.11.50.10 - Effective Date

Unless an appeal has been filed, the decision of the Floodplain Administrator or designee shall become effective 12 days after the permit is signed.

2.11.50.11 - Effective Period of Approval

a. A Floodplain Development Permit shall expire 180 days after the permit is effective per Section 2.11.50.10, unless:

1. Start of Construction for the permitted activity has occurred and thereafter is pursued to completion; or

2. An extension consistent with Building Permit extension procedures is granted by the Floodplain Administrator or designee, in cases where Start of Construction has not yet occurred. However, the granting of such extension shall also require the Floodplain Administrator or designee to review the Floodplain Development Permit activity(ies) relative to the applicable Code requirements to ensure that the Floodplain Development Permit is still consistent with Code provisions. If the Floodplain Administrator or designee finds that the Floodplain Development Permit is still consistent with the applicable Code requirements, then the extension may be granted by the Floodplain Administrator or designee. If the Floodplain Administrator or designee finds that the Floodplain Development Permit is no longer consistent with the applicable Code requirements, then the Floodplain Administrator or designee shall deny the extension request.

b. Commencement of work includes Start of Construction, when the permitted work requires a Building Permit.

2.11.60 - VARIANCES

An application filed for a Floodplain Development Permit Variance shall comply with the following:

2.11.60.01 - Limited Scope of Variance Applications

a. Variances are limited to the following:

1. Altering the required elevation standard for new construction and Substantial Improvements on a lot less than or equal to one-half acre, provided the lot is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation;

2. Allowing a Water Dependent use, provided structures or other Development are protected by methods that minimize flood damages during the Base Flood and create no additional threats to public safety;

3. Reconstructing, rehabilitating, or restoring a Designated Historic Resource upon a determination that the proposed restoration, rehabilitation, or restoration will not preclude the structure's continued designation as a Designated Historic Resource and the Variance is the minimum necessary to preserve the historic character and design of the structure; or

4. Allowing a lesser degree of floodproofing than watertight or dry-floodproofing for nonresidential buildings in very limited circumstances, where it can be determined that such action will have low damage potential and otherwise comply with Building Codes.

b. Variance requests that exceed the limited scope described above in "a," above, shall be made through the Planned Development process in Chapter 2.5 - Planned Development.

2.11.60.02 - Variance Application Requirements

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

An application for a Floodplain Development Permit Variance shall include:

a. The items listed above in Sections 2.11.50.01 and an application submittal fee equal to that of a Major Lot Development Option application submittal fee;

b. Narrative explaining the basis for the Variance request and how the request still meets the purposes in Section 2.11.20 and 4.5.10; and

c. Other narrative and technical information sufficient to demonstrate compliance with the review criteria in Section 2.11.60.06. The applicant shall also provide narrative and technical information sufficient to demonstrate compliance with the review criteria in Section 2.11.50.04 which can still be met, despite the Floodplain Development Permit Variance request.

d. Required fees as described in LDC § 1.2.100.01.

2.11.60.03 - Acceptance of Variance Application

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

2.11.60.04 - Public Notice for a Variance Application

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

2.11.60.05 - Staff Evaluation

The Floodplain Administrator or designee shall prepare a report that evaluates whether or not the proposal qualifies as a Floodplain Development Permit Variance per Section 2.11.60.01, includes the required application materials per Section 2.11.60.02, meets the purposes in Sections 2.11.20 and 4.5.10, and complies with the review criteria in Section 2.11.60.06. The Floodplain Administrator or designee shall also evaluate the proposed Floodplain Development Permit Variance with respect to the review criteria in Section 2.11.50.04, to see how many of the criteria can still be met. The report shall include a recommendation for approval or denial and, if needed, a list of conditions for the Land Development Hearings Board to consider if an approval is granted.

2.11.60.06 - Review Criteria for a Variance Application

In reviewing requests for the approval of a Floodplain Development Permit Variance, the Land Development Hearings Board shall consider the purposes of this Chapter, the purposes in Section 4.5.10, the Variance thresholds contained in Section 2.11.60.01, the base Floodplain Development Permit review criteria in Section 2.11.50.04, standards specified in other sections of this chapter and Chapter 4.5 - Floodplain Provisions, all technical evaluations, and the criteria in "a," through "d," below. All of the criteria in "a," through "d," below, shall be met. In addition, all of the review criteria in Section 2.11.50.04 shall be met, with the exception of specific aspects of the criteria that cannot be met because of the nature of the Floodplain Development Permit Variance request. It is the applicant's burden to show that the Variance is warranted and meets said criteria.

a. Variances shall not be issued within a designated Floodway if any increase in flood levels during the Base Flood discharge would result.[1]

b. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.

c. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

[1]There are unique circumstances under which the Floodplain Administrator or designee may allow a rise in Base Flood Elevation in the Floodway - see Sections 4.5.50.04 and 4.5.80.05. However, these exceptions are granted via the provisions of those two Code sections and not through the Variance provisions of this chapter.

2. Determination that failure to grant the Variance would result in exceptional hardship to the applicant;

3. Determination that the granting of the Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or creation of nuisances; and

4. Determination that the granting of the Variance will not cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

d. Variances shall consider the following additional factors:

1. The danger that materials may be swept onto other lands to the injury of others as a result of approving the Variance request;

2. The potential to endanger life and property due to flooding or erosion damage caused by approval of the Variance request;

3. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner and adjacent properties;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability and viability of alternate locations for the proposed use that are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated Development. This criteria shall be considered to be met if the proposed application meets the review criteria in Section 2.11.50.04.e;

8. The relationship of the proposed use to the Floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

2.11.60.07 - Action on Variance Application

The Land Development Hearings Board shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Board shall approve, conditionally approve, or deny the Floodplain Development Permit Variance. The Board's decision shall include findings that specify how the application has or has not complied with the review criteria in Section 2.11.60.06. The Board's decision shall also include findings that specify the extent to which the application has or has not complied with the original Floodplain Development Permit review criteria in Section 2.11.50.04.

2.11.60.08 - Notice of Disposition

The Floodplain Administrator or designee shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Land Development Hearings Board's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline.

If a Variance is granted to allow the construction of a building below the Base Flood level, the property owner shall be put on notice along with the written decision that the permitted building will have its Lowest Floor below the Base Flood Elevation or flood depth, and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.

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

2.11.60.09 - Permanent Retention of Variance Applications

The Floodplain Administrator or designee shall maintain a permanent record of all Floodplain Development Permit Variances, and report any Variances to the Federal Emergency Management Agency upon request.

2.11.60.10 - Appeals

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

2.11.60.11 - Effective Date

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

2.11.60.12 - Effective Period of Approval

a. A Floodplain Development Permit Variance shall expire 180 days after issuance unless:

1. Start of Construction for the permitted activity has occurred and thereafter is pursued to completion;

2. An extension consistent with Building Permit extension procedures is granted by the Floodplain Administrator or designee, in cases where Start of Construction has not yet occurred. However, the granting of such extension shall also require the Floodplain Administrator or designee to review the Floodplain Development Permit Variance activity(ies) relative to the applicable Code requirements to ensure that the scope of the Variance activities has not deviated further from Code provisions as a result of any subsequent Land Development Code Text Amendment(s). If the Floodplain Administrator or designee finds that the Floodplain Development Permit Variance has not deviated further from the applicable Code requirements, then the extension may be granted by the Floodplain Administrator or designee. If the Floodplain Administrator or designee finds that the Floodplain Development Permit Variance does indeed vary further from applicable Code requirements, then the Floodplain Administrator or designee shall deny the extension request.

b. Commencement of work includes Start of Construction, when the permitted work requires a Building Permit.

[Section 2.11.60 amended by Ordinance 2012-17, effective December 13, 2012]

CHAPTER 2.12
LOT DEVELOPMENT OPTION

Section 2.12.10 - BACKGROUND

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

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

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

[Section 2.12.10 amended by Ordinance 2012-17, effective December 13, 2012]

Section 2.12.20 - PURPOSES

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

a. Permit efficient use of land;

b. Provide flexibility and innovation in site planning and architectural design on individual lots;

c. Encourage construction techniques and allow building locations that conserve energy;

d. Minimize procedural delays and ensure due process in the review of unique development situations;

e. Provide an avenue for better preservation of Significant Natural Features; and

f. Provide benefits within the development that compensate for the variations from development standards such that the intent of the development standards is still met.

Section 2.12.30 - PROCEDURES

An application filed for a Lot Development Option shall comply with the following:

2.12.30.01 - Application Requirements

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

An application for a Lot Development Option shall be made on forms provided by the Director and shall include the following, where applicable:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Narrative addressing all aspects of the requested variation(s), the rationale behind the assumptions and choices made, and describing how the application meets the review criteria in Section 2.12.30.06, below; and

d. Site plan(s) no larger than 11 by 17 in. suitable for photocopy reproduction. Site plan(s) and other graphics shall be drawn to scale and shall contain a

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

1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;

2. Identification of all requested variations;

3. Lot line dimensions;

4. Existing and proposed structures;

5. Structures on adjacent property(ies) affected by the request;

6. Vehicle and pedestrian access points and accessways;

7. Drainageways and any other prominent features;

8. Location of trees and shrubs over three ft. in height;

9. Fences and walls;

10. Off-street parking facilities;

11. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable; and

12. Any other information relevant to the proposal.

e. Documentation that the lot(s) and/or parcel(s) under consideration fall within the thresholds identified in Section 2.12.30.03, below.

f. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

g. Required fees as described in LDC § 1.2.100.01.

2.12.30.02 - Acceptance of Application

a. Minor Lot Development Option -

1. Per ORS 227, the Director shall review the Lot Development Option application for compliance with the application requirements in Section 2.12.30.01, above. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.

2. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

Figure 2.12-1
Typical Time Frame for Lot Development Options (LDOs)
(Total length of time per ORS 227, as amended)

Application Submitted

Director's Review to Determine Completeness
(Per ORS 227, as amended)

Applicant to Submit Additional Materials, If Needed
(Within 10 Days Following Staff Notification of Incomplete Application)

Notice Mailed/Posted
(Within 7 Days Following Receipt of Applicant's Additional Materials)

14-day Notification Period Runs

Director Develops Notice of Disposition and Approves, Approves with Conditions of Approval, or Denies Application
(Within 7 Days Following Conclusion of Notification Period)

Appeal Period Begins
(On the Day the Notice of Disposition is Signed)

Expiration of 12-day Appeal Period;
(If no Appeal, Decision Becomes Final;
See Chapter 2.19 - Appeals)

First Local Level of Appeal is to the Land Development Hearings Board
(40-60 Days Following Date Application is Complete)

Second/Final Local Level of Appeal is to the City Council
(70-90 Days Following Date Application is Complete;
Final Decision must occur within 120 days of the application having been deemed complete.)

State Appeal Level is to the State Land Use Board of Appeals (LUBA)
(within 21 Days Following the Date the Notice of Disposition is Signed for the Final Local Level Decision)

b. Major Lot Development Option -

1. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

2. After accepting a complete application, the Director shall schedule a public hearing to be held by the Land Development Hearings Board.

Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

3. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.12.30.03 - Determination of Lot Development Option Type - The Director shall determine whether an application qualifies as a Minor or Major Lot Development Option, as described in "a," and "b," below.

a. Minor Lot Development Option - A Minor Lot Development is classified as General Development and shall be processed consistent with this chapter. A Lot Development Option shall be considered Minor if it:

1. Meets "c" - "e," below; and

2. Falls within the thresholds in "h," below.

b. Major Lot Development Option - A Major Lot Development Option is classified as Special Development and shall be processed consistent with this chapter. A Lot Development Option shall be considered Major if it:

1. Meets "c" - "e," below;

2. Exceeds the thresholds of a Minor Lot Development Option in "h," below; and

3. Falls within the thresholds in "i," below.

c. Unless otherwise stated in the following chapters, the Minor and Major Lot Development Option processes shall not be used to vary from the minimum and maximum density specified in each zone, standards in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

d. Minor and Major Lot Development Option requests shall apply only to existing individual lots or parcels or to individual lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land

Partition process. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined in this Chapter need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

e. Whether a Lot Development Option request is Minor or Major, no more than a total of three variations may occur within a two-year period on the subject property(ies) and its parent recorded Partition, Replat, or Subdivision plat (the development-wide provision applies only to plats recorded after January 1, 2000). If a single lot is involved, variations of up to three different development standards may occur. If a development site includes plans for multiple lots through a Minor Land Partition or Tentative Subdivision Plat, and multiple variations are needed, up to three lots may be involved in variations from the same development standard or different development standards.

f. Variations exceeding the thresholds described in “a" and “b," above, shall be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

g. Variations to Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option, except for variations allowed per LDC Section 4.0.60.o., which shall be processed as a Minor Lot Development Option.

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

4. For 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. (Building Code may require special construction techniques and materials for structures near property lines)

5. Increasing the height of a structure by up to 10 percent;

6. Decreasing the required lot area by up to five percent. To be applied 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. Decreasing required lot width by up to five ft., excluding accessway widths required for flag lots created through the Minor Land Partition or Minor Replat process;

8. Increasing the total ground area proposed to be covered by structures, parking spaces, or vehicular circulation areas by up to five percent over that which is permitted in the underlying zone;

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

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

11. 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, for lots less than 1/4 acre (10,890 sq. ft.) in size, or on a lot containing residential structure(s) constructed prior to December 31, 2006, in any residential zone;

12. Increasing the fence height outside of Vision Clearance Areas by up to 33 percent;

13. Increasing the use size limitations up to 20% in the Mixed Use Community Shopping (MUCS) Zone. Increases in excess of 20% shall be processed through the Planned Development process in Chapter 2.5 - Planned Development.

14. Decreasing the designated Solar Access by up to 20 percent, except as provided in Chapter 4.6 - Solar Access; ~~and~~

15. Increasing the block perimeter distances in Section 4.0.60.o by more than 50 percent, to minimize impacts to: slopes greater than 15 percent, public parks, Significant Natural Features, existing street

and/or existing development patterns, and/or access management considerations, as determined by the City Engineer.

16. In addition to the thresholds identified above and in Item # 17 below, the following thresholds are allowed for lots less than 1/4 acre in size (10,890 sq. ft.):

    a. Reducing the required front, side, and rear yard setbacks to no less than the corresponding minimum existing setback for legal development of primary structures (conforming or nonconforming) on any adjacent lot, if the adjacent lot is within the same zone;

    b. 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. (Building Code may require special construction techniques and materials for structures near property lines);

    c. Increasing the height of a primary structure up to the height of a legal primary structure (conforming or non-conforming) on any adjacent lot (if the adjacent lot is within the same zone);

    d. Decreasing the required lot area to the lot area of any adjacent legally-created lot within the same zone, if both lots will contain the same building type. To be applied 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; and

    e. Decreasing required lot width to the width of any adjacent, legally-created lot, excluding accessway widths required for flag lots created through the Minor Land Partition or Minor Replat process.

17. Adjusting up to 20 percent, other applicable clearly measurable development standards not addressed in “1" through “14,” above, except that Floor Area Ratios (FARs) may not be varied because they are a required method of assuring that the land supply for commercial and industrial uses is not diluted in commercial and industrial zones where FAR restrictions are cited.

i. Major Lot Development Option Thresholds -

1. Major Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that exceed the Minor Lot Development Option thresholds in Section 2.12.30.03.g, above. The Major Lot Development Option process shall apply to all Zones; and

2. A request to vary from the requirements of Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option, except for variations allowed per LDC Section 4.0.60.o, which shall be processed as a Minor Lot Development Option.

j. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined respectively in “a” through “i," above, need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

2.12.30.04 - Public Notice

a. Minor Lot Development Option - Public Notice for a Minor Lot Development Option shall be consistent with “1,” “2,” and “3,” below.

1. The Director shall notify by mail affected parties that an application for a Lot Development Option has been filed.

2. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

3. The notice shall state that all comments concerning the proposed Lot Development Option must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:

   a) Street address or other easily understood geographical reference to the subject property;

b) Applicable criteria for the decision;

c) Place, date, and time comments are due;

d) Statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

e) Name and phone number of staff contact person;

f) Statement that a Notice of Disposition shall be provided to the applicant and any person who submits written comments;

g) An explanation of appeal rights; and

h) A summary of the local decision making process.

b. **Major Lot Development Option** - Public Notice for a Major Lot Development Option shall be provided consistent with Section 2.0.50.04.

2.12.30.05 - Staff Evaluation

a. **Minor Lot Development Option, Except for Variations to Block Perimeter Standards** - The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.12.30.06.a, below.

b. **Minor Lot Development Option for Variations to Block Perimeter Standards** - Where allowed by Section 2.12.30.03.h.15, the application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.12.30.06.b, below

c. **Major Lot Development Option** - The Director shall prepare a report that evaluates whether the proposal complies with the review criteria in Section 2.12.30.06.c, below. The report shall include a recommendation for approval or denial and, if needed, a list of conditions for the Land Development Hearings Board to consider if an approval is granted.

2.12.30.06 - Review Criteria

a. **Minor Lot Development Option** - With respect to the requested variation, a Minor Lot Development Option shall be reviewed to determine if the following criteria have been met:

1. The proposal is consistent with Section 2.12.30.03.a and Sections 2.12.30.03.c-e and “h;”

2. The land use for the proposed development is allowed in the underlying zone;

3. The proposed development falls within the minimum and maximum density requirements for the underlying zone;

4. All structures comply with Building and Fire Codes and Vision Clearance requirements established by the City Engineer;

5. The proposed development is not contrary to any other applicable policies and standards adopted by the City;

6. The proposed development does not substantially reduce the amount of privacy enjoyed by users of neighboring structures when compared to development located as specified by this Code;

7. The proposed development does not adversely affect existing physical and natural systems, such as traffic, drainage, dramatic land forms, or parks, nor adversely affect the solar access potential for abutting properties when compared to development located as specified in this Code;

8. Where architectural features are involved, the proposed development is compatible with the design character of existing structures on adjoining properties;

9. Where variations are proposed to Chapter 4.10 - Pedestrian Oriented Design Standards, the proposed development implements the purpose(s) of that chapter through inclusion of additional benefits to the pedestrian environment that compensate for the requested variations from development standards;

10. Preservation and/or protection of Significant Natural Features is achieved, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets are also designed along contours,

and structures are designed to fit the topography of the site to ensure compliance with these Code standards; and

11. The proposed development shall provide benefits within the development that compensate for the variations from development standards such that the intent of the development standards is still met.

b. Minor Lot Development Option for Variations to Block Perimeter Standards - A Minor Lot Development Option request to vary from the block perimeter standards shall be reviewed to ensure consistency with the policies of the Comprehensive Plan, other applicable policies and standards adopted by the City Council, and the following criteria:

1. The proposal is consistent with Section 2.12.30.03.a and Sections 2.12.30.03.c-d and “h.15;” and,

2. The benefits to the public received by minimizing impacts to: slopes greater than 15 percent, public parks, Significant Natural Features, existing street and/or existing development patterns, and/or access management considerations, outweigh the benefits of providing a street(s) consistent with the provisions in Section 4.0.60.o.

c. Major Lot Development Option - A Major Lot Development Option shall be reviewed to ensure consistency with the policies and density requirements of the Comprehensive Plan, other applicable policies and standards adopted by the City Council, and the following criteria:

1. The proposal is consistent with Section 2.12.30.03.b, c, d, e, g, and i;

2. The proposal is consistent with “a.2" through “a.11,” above; and

3. With respect to the requested variations, the application demonstrates compatibility in the following areas, as applicable:

   a) Basic site design (the organization of Uses on a site and the Uses’ relationships to neighboring properties);

   b) Visual elements (scale, structural design and form, materials, etc.);

   c) Noise attenuation;

d) Odors and emissions;

e) Lighting;

f) Signage;

g) Landscaping for buffering and screening;

h) Transportation facilities;

i) Traffic and off-site parking impacts;

j) Utility infrastructure;

k) Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

l) Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and

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

2.12.30.07 - Action on Application

a. **Minor Lot Development Option** - Based on the review criteria above and any written comments received from affected parties, the Director shall review the proposed development and either approve, conditionally approve, or deny the application after the completion of the 14-day comment period.

b. **Major Lot Development Option** - The Land Development Hearings Board shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Board shall approve,

conditionally approve, or deny the Major Lot Development Option. The Board's decision shall include findings that specify how the application has or has not complied with the review criteria in Section 2.12.30.06.c.

2.12.30.08 - Notice of Disposition

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

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

2.12.30.09 - Appeals

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

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

2.12.30.10 - Effective Date

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

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

2.12.30.11 - Effective Period of Approval

a. **Minor Lot Development Option** - Minor Lot Development Option approvals shall be effective for a two-year period from the date of approval. If the applicant has not begun the development or its phases within the two-year period, the approval shall expire.

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

[Section 2.12.30 amended by Ordinances 2012-16, 2012-17, and 2012-18, effective December 13, 2012]

CHAPTER 2.13
PLAN COMPATIBILITY REVIEW

Section 2.13.10 - BACKGROUND

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

a. Building's size in relation to other buildings in the area;

b. Residential, commercial, or industrial aspects of a proposed development;

c. Character of surrounding development;

d. Traffic capacity of adjacent streets; and

e. Potential environmental effects.

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

Section 2.13.20 - PURPOSES

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

a. Encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscaping design;

b. Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers; preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses;

c. Preserve the City's natural beauty and the quality of its visual character by ensuring proposed structures or improvements are compatible with the terrain and existing development; by preventing unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper

attention be given to the exterior appearance of structures, signs, parking areas, landscaping, and other improvements;

d. Protect and ensure adequacy and usefulness of public and private facilities and services as they relate to each other and to the neighborhood or area;

e. Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area; and

f. Promote and encourage energy conservation .

Section 2.13.30 - PROCEDURES

When an application is filed for a Plan Compatibility Review, it shall be reviewed in accordance with the following procedures.

2.13.30.01 - Application Requirements

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

An application for Plan Compatibility Review shall include the following:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. Narrative addressing all aspects of the requested variation(s) and describing how the application meets the review criteria in Section 2.13.30.05, below; and

d. One set of plans no larger than 24- by 36-in. and one set of plans reduced to no larger than 11- by 17-in. Where necessary, additional detail sheets shall be provided. Site plan(s) and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and show existing and proposed:

1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;

2. Lot line dimensions;

3. Location of structures;

4. Vehicle and pedestrian access points and accessways;

5. General location of vegetated areas;

6. Utility service areas;

7. Fences and walls;

8. Parking, maneuvering, loading, and refuse areas;

9. Direction of traffic flow on the property;

10. Drainage controls; and

11. Modifications to existing grades.

e. Exterior lighting plan, which may be shown on the site plan, indicating location, size, height, typical design, material, color, and method of illumination;

f. Plans and elevations of structure(s) drawn to scale indicating:

1. Heights of structures;

2. Entrances and exits of proposed structures; and

3. Architectural drawings or sketches, including floor plans, in sufficient detail to permit computation of yard requirements.

g. Landscape plan drawn to scale showing:

1. Location of existing trees and shrubs over three ft. in height proposed to be removed or retained on the site;

2. Location and design of landscaped areas;

3. Proposed varieties and sizes of trees and plant materials;

4. Other pertinent landscape features, including irrigation systems required to maintain plant materials.

h. Data indicating:

1. Square footage of site and structures;

2. Building coverage (as a percentage of the site);

3. Square footage of the site to be landscaped;

4. Landscape coverage (as a percentage of the site);

5. Number of parking spaces provided;

6. Building materials to be used; and

7. Specifications as to type, color, and texture of exterior surfaces of proposed structures.

i. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

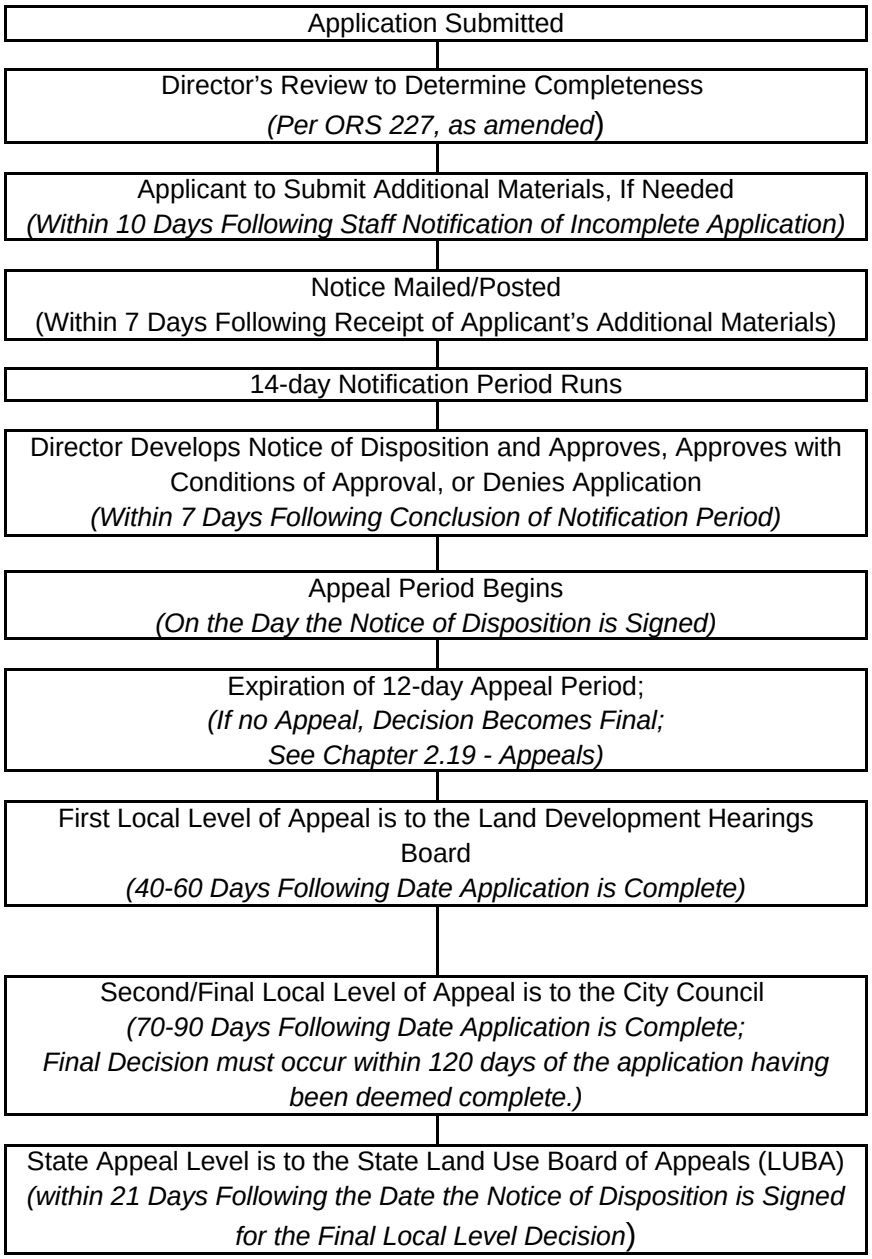
j. Any additional information that the Director may require for proper evaluation of the proposed site plan. Such additional information shall be required only where its need can be justified on the basis of special and/or unforeseen circumstances; and

k. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an

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

I. Required fees as described in LDC § 1.2.100.01.

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



2.13.30.02 - Acceptance of Application

a. Per ORS 227, the Director shall review the Plan Compatibility Review application for compliance with the application requirements in Section 2.13.30.01, above. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.

b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.13.30.03 - Public Notice

a. The Director shall notify affected parties that an application for a Plan Compatibility Review has been filed.

b. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

c. The notice shall state that all comments concerning the proposed Plan Compatibility Review must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:

1. Street address or other easily understood geographical reference to the subject property;

2. Applicable criteria for the decision;

3. Place, date, and time comments are due;

4. Statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

5. Name and phone number of staff contact person;

6. Statement that a Notice of Disposition shall be provided to the applicant and any person who submits comments;

7. An explanation of appeal rights; and

8. A summary of the local decision-making process.

2.13.30.04 - Staff Evaluation

The application and any written comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.13.30.05 below.

2.13.30.05 - Review Criteria

Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

a. Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses;

b. The proposed development shall not adversely affect traffic, parking, and access; and

c. Where Significant Natural Features are involved, the proposed development shall not adversely impact Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

2.13.30.06 - Action on Application

Based on the review criteria above and any written comments received from affected parties, the Director shall review the proposed development and either approve, conditionally approve, or deny the application after the completion of the 14-day comment period.

2.13.30.07 - Revisions of Proposed Plan

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

2.13.30.08 - Notice of Disposition

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

2.13.30.09 - Appeals

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

2.13.30.10 - Effective Date

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

2.13.30.11 - Effective Period of Approval

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

[Section 2.13.30 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

CHAPTER 2.14
PARTITIONS, MINOR REPLATS, AND PROPERTY LINE ADJUSTMENTS

Section 2.14.10 - BACKGROUND

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

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

Section 2.14.20 - PURPOSES

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

a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;

b. Minimize negative effects of development upon the natural environment and incorporate Significant Natural Features into the proposed development where possible;

c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;

d. Ensure appropriate levels of urban facilities and services including provisions for water, drainage, and sewage;

e. Create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses; and

f. Promote energy efficiency.

Section 2.14.30 - TENTATIVE PARTITION PLAT REVIEW PROCEDURES

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

2.14.30.01 - Application Requirements

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

Applications shall be made on forms provided by the Director and shall be accompanied by:

a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;

b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;

c. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;

d. **Graphic Requirements** - The Tentative Plat and other graphics for both Nonresidential and Residential Partitions shall be drawn to scale and shall

contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed below. The Tentative Plat and other graphics shall not exceed 24 by 36 in. and shall include the following information, as applicable:

1. Names of the owner, partitioner, engineer, and surveyor as appropriate;

2. Property line boundaries of all contiguous land in the same ownership as the area encompassed in the application;

3. Sufficient description to define location and boundaries of the area to be partitioned, re-platted, and/or adjusted;

4. Location of existing structures;

5. Number and type of units proposed when known and appropriate;

6. Location and width of all existing or proposed public or private accessways (rights-of-way) including any reserve strips and parking areas;

7. Location of all existing and proposed public and private utilities, including water, sewer, and storm drainage;

8. Proposed parcel layout indicating dimensions, parcel lines, and lot areas;

9. Approximate location and width of Watercourses for review in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; and

10. All areas to be dedicated to the public and their proposed Uses including street rights-of-way, drainageways, easements, and reserve strips.

11. <u>Significant Natural Features Map(s)</u> - Maps shall identify Significant Natural Features of the site, and provide all Code-required Significant Natural Feature information including but not limited to:

a) All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

b) All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

12. Tentative Plat and Other Graphics -

a) General -

1) Nonresidential Partition Graphics - Nonresidential Partition graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter Chapter 2.11 - Floodplain Development Permit, 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such

as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

2) Residential Partition Graphics - Residential Partition graphics shall include features within a minimum of 300 feet from all exterior boundaries of the site, showing existing streets and parcel boundaries; existing structures in excess of 100 sq. ft.; driveways; utilities; Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; and Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable. Additionally, if existing infrastructure is more than 300 ft. from an exterior boundary of the Residential Partition site, the Residential graphics shall extend beyond the required 300 ft. to include said features and all lands between the Residential Partition site and the existing infrastructure.

b) Conceptual Grading Plans - Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the Partition exceeds 10 percent and where the Partition abuts existing developed lots, a conceptual grading plan shall be required as follows:

1. Nonresidential Partitions - Conceptual grading plans for Nonresidential Partition applications shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. If a grading plan is required for a Nonresidential Partition, it shall indicate how these objectives are met, how runoff or surface water from individual lots will be managed, and how the proposal's surface waters will be managed. Additionally, Nonresidential Partition

applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria;

2. Residential Partitions - Conceptual grading plans for Residential Partition applications shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to the provisions in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. The conceptual grading plan shall also indicate how runoff and surface water from individual lots will be managed, and how the proposal's surface waters will be managed. Additionally, the conceptual grading plan for Residential Partitions shall meet the requirements in "c," and "d," below;

c) For residential development, excavation and grading shall maintain hydrology that supports existing wetland and riparian areas and the application shall demonstrate adherence;

d) For residential development, the graphics, including the conceptual grading plan, must demonstrate that each lot can be served by streets and infrastructure in a manner that is consistent with the clear and objective approval standards contained in the following: the City's development standards outlined in by the applicable underlying zoning designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;

13. Where it is evident that the parcel can be further divided, the applicant shall show, either on the Tentative Plat or as an attachment, that the Partition will not preclude efficient division of land in the future;

14. Narrative Requirements -

a) Phasing - Statement describing phases of project, if proposed. Phases shall be:

1) For Nonresidential Partitions, substantially and functionally self-contained and self-sustaining with regard to access, parking, transportation facilities, utilities, Green Areas, and drainage without reliance on any uncompleted phase; capable of substantial occupancy, operation, and maintenance upon completion of construction and development, and be designed such that the phases support the infrastructure requirements for the project.

2) Designed to Address Compatibility -

a. For Nonresidential Partitions, addressing compatibility means arranging the phases to avoid conflicts between higher and lower density development.

b. For Residential Partitions, Uses permitted outright within a zone are considered to be compatible and not to conflict. Between zones, compatibility is addressed at the time the zone is established. A Residential Use permitted outright within an existing zone is considered to be compatible with Uses permitted outright within existing neighboring zones;

c. For Residential Partitions, each proposed phase must meet all required clear and objective standards for access, parking, transportation facilities, utilities, Green Areas, and drainage without reliance on any uncompleted phase. Each proposed phase, and the proposal as a whole, must be designed so that in addition to each proposed phase meeting all required infrastructure standards for that phase, at the completion of each phase all completed phases together will cumulatively meet all infrastructure

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

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

15. Traffic Impact Study -

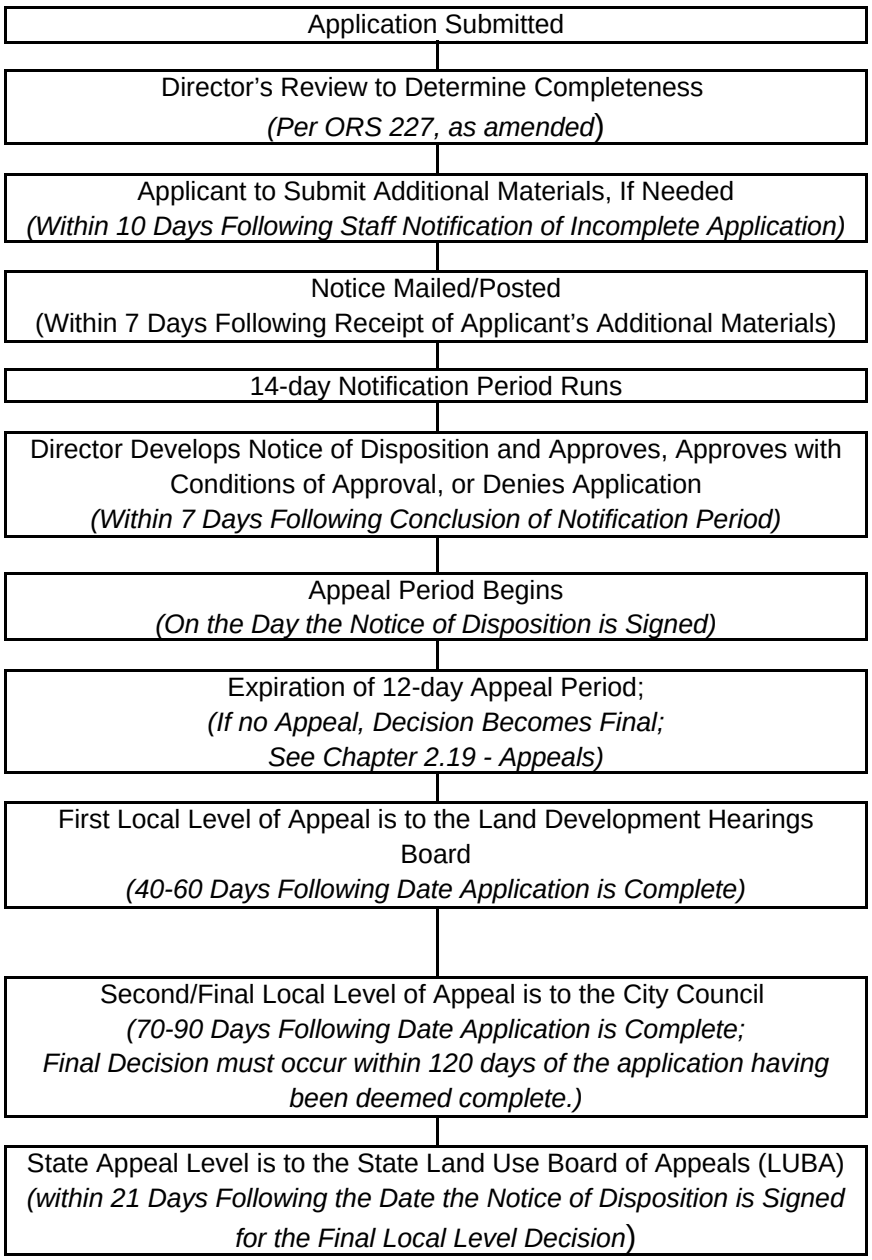
a) Nonresidential Partitions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

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

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

e. Required fees as described in LDC § 1.2.100.01.

Figure 2.14-1
Typical Time Frame for Partitions, Minor Replats, and Property Line Adjustments
(Total length of time per ORS 227, as amended)



2.14.30.02 - Acceptance of Application

a. Per ORS 227, the Director shall review the Tentative Plat application for compliance with the application requirements in 2.14.30.01. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.

b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.14.30.03 - Public Notice

a. The Director shall notify affected parties that an application for a Tentative Plat review has been filed.

b. Affected parties shall mean any owners and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

c. The notice will state that all comments concerning the proposed Tentative Plat review must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:

1. Street address or other easily understood geographical reference to the subject property;

2. Applicable criteria for the decision;

3. Place, date, and time comments are due;

4. Statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

5. Name and phone number of staff contact person;

6. Statement that a Notice of Disposition shall be provided to the applicant and any person who submits comments;

7. An explanation of appeal rights; and

8. A summary of the local decision making process.

2.14.30.04 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.14.30.05 below.

2.14.30.05 - Review Criteria

Requests for approval of a Tentative Partition Plat shall be reviewed to ensure:

a. **Nonresidential Partitions** - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:

1. Consistency with the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-street Parking Standards; and any other applicable policies and standards adopted by the City Council;

2. Pursuant to Comprehensive Plan Policy 3.2.7, demonstrated compatibility in the areas in "a," through "m," below, as applicable:

   a) Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);

   b) Visual elements (scale of potential development, etc.);

   c) Noise attenuation;

   d) Odors and emissions;

   e) Lighting;

   f) Signage;

   g) Landscaping for buffering and screening;

   h) Transportation facilities;

i) Traffic and off-site parking impacts;

j) Utility infrastructure;

k) Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

l) Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and

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

3. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities with respect to the provision of City services and access from a public street;

4. Consistency with the density requirements of the Zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site.; and

5. For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains:

a) An area unconstrained by Natural Resources or Natural Hazards;

b) An area that includes Formerly Constrained Areas; or

c) Contains an area that includes the areas in 5.a) and 5.b) above;

and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones is which the site falls. Exceptions to this requirement are:

d) Lots created for public park purposes; and

e) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space.

New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.

b. Residential Partitions - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:

1. Consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;

2. The following criteria are met for Residential Partitions and the application demonstrates adherence to them:

a) Approval will permit City services and access from a public street to be provided to property under the same ownership and on adjacent lands planned for urban densities;

b) Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site, for the distance the streets front the subject site;

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

d) Land uses shall be those that are outright permitted by the existing underlying zoning designation;

e) Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to this Code's Wetlands and/or Riparian Corridor provisions in Chapter 4.13 - Riparian Corridor and Wetland Provisions; and

f) For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains remaining lot or parcel contains:

1) An area unconstrained by Natural Resources or Natural Hazards;

2) An area that includes Formerly Constrained Areas; or

3) Contains an area that includes the areas in e.1) and e.2) above;

and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones is which the site falls. Exceptions to this requirement are:

4) Lots created for public park purposes; and

5) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space.

New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards. See also Section 4.11.30.

A Residential Partition that conforms to these criteria in “1,” and “2,” above, is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Partition that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall be the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

2.14.30.06 - Action on Application

Based on the review criteria above and any comments received from affected parties, the Director shall review the proposed development and either approve, conditionally approve, or deny the application at the completion of the 14-day comment period.

2.14.30.07 - Notice of Disposition

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

2.14.30.08 - Appeals

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

2.14.30.09 - Effective Date

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

2.14.30.10 - Effective Period of Tentative Partition Plat Approval

Approval of a Tentative Partition Plat shall be valid for a two-year period from the effective approval date.

[Section 2.14.30 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 2.14.40 - FINAL PLAT REVIEW PROCEDURES

2.14.40.01 - Application Requirements

a. The Final Partition Plat shall conform to the approved Tentative Partition Plat, as defined in Chapter 4.4 - Land Division Standards, and any Conditions of Approval.

b. An Oregon licensed land surveyor shall prepare the Final Partition Plat in accordance with ORS Chapters 92 and 209, as amended, and in conformance with the Final Partition Plat standards established by the County Surveyor.

c. An Oregon-licensed land surveyor shall survey and place monuments on the parcels. All monuments on the exterior boundary and all parcel corner monuments for a partition shall be placed before the partition is offered for recording.

d. The Final Plat shall include or be accompanied by:

1. Notarized signature of the owner declaring the ownership and consenting to recording of the Plat;

2. Legal descriptions of areas proposed for dedication, including street rights-of-way, drainageways, easements, and reserve strips. Legal descriptions shall meet the approval of the City Engineer;

3. Notarized copy of any deeds, signed by the grantor, dedicating land to the City;

4. A description of streets, driveways, utilities, and proposed improvements , as well as a time frame for completion of such.

5. A designated space on the Plat for approval signatures in accordance with Section 2.14.40.03; and

6. All easements and adjacent streets .

e. The surveyor shall submit one copy of the Plat to the Development Services Division. The surveyor shall also submit the original Plat and one copy, along with the appropriate recording fee, to the County Surveyor.

2.14.40.02 - Review of Final Partition Plat Application

a. Within 14 days after receiving the Final Partition Plat application, the Director shall review it for compliance with the above submittal requirements. If an application is incomplete, the Director shall notify the applicant within 10 days and state what is needed for a complete application.

b. Any required improvements not completed shall be subject to the Agreement for Improvement provisions in Section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.

2.14.40.03 - Final Plat Approval

Prior to final approval, the City shall be assured that:

a. The applicant has installed or has agreed to install required improvements in accordance with the provisions of Section 2.4.40.08;

b. Public assessments, liens, and fees with respect to the partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the City Council;

c. The City Engineer has reviewed a signed and notarized deed for any areas dedicated to the City prior to the Partition Plat's final signing; and

d. The Partition Plat has been signed by the Director and City Engineer.

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

2.14.40.04 - Recording of Final Plat

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

2.14.40.05 - Effective Date

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

2.14.40.06 - Notice of Recording

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

Section 2.14.50 - MINOR REPLAT PROCEDURES

a. An application for a Minor Replat shall be administered in accordance with the Tentative Partition Plat review procedures in Section 2.14.30.

b. A Final Minor Replat shall be prepared by an Oregon-licensed surveyor in accordance with Section 2.4.40 in Chapter 2.4 -Subdivision and Major Replats, with the exception that the Final Replat shall be signed by the Director instead of the Planning Commission Chair.

Section 2.14.60 - PROPERTY LINE ADJUSTMENT PROCEDURES

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

a. An application for a Property Line Adjustment shall be administered in accordance with the Tentative Partition Plat review procedures in Section 2.14.30, with the

exception that the application shall be exempt from public notice provisions in Section 2.14.30.03 and the review criteria in Section 2.14.30.05;

b. A Property Line Adjustment shall be approved if the following criteria have been met:

1. The Property Line Adjustment shall not result in creation of an additional unit of land;

2. Any unit of land reduced in size by the Property Line Adjustment shall comply with all applicable zoning regulations;

3. The Property Line Adjustment shall not increase the degree of nonconformity that may exist on the subject lots; and

4. The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment;

c. For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, the Property Line Adjustment shall not adjust properties unless each resultant property contains an area unconstrained by Natural Resources or Natural Hazards and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones is which the site falls. Exceptions to this requirement are:

1. Properties with public park purposes; and

2. Privately- or publicly-owned properties completely contained within an area zoned Conservation - Open Space.

d. Property Line Adjustments may not create new tracts. Where such tracts are proposed and/or required by this Code, a Land Division is required; and

e. Approvals shall be subject to the following minimum Conditions of Approval:

1. Deeds based on a metes and bounds legal description for all adjusted properties, from the Property Line Adjustment, shall be recorded with the Benton County Recorder's Office;

2. A Certified Boundary Survey map that reflects the approved Property Line Adjustment shall be reviewed by the City and signed by the Director and the City Engineer; The map shall then be filed with the County Surveyor; and

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

[Section 2.14.60 amended by Ordinance 2012-17, effective December 13, 2012]

Section 2.14.70 - MAJOR REPLATS

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

Section 2.14.80 - VACATING PLATS

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

CHAPTER 2.16
REQUEST FOR INTERPRETATION

Section 2.16.10 - BACKGROUND

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

Section 2.16.20 - PURPOSES

Requests for Interpretation may be made for the following purposes:

a. Ensure uniformity of interpretations of this Code and the Comprehensive Plan through a formal process; and

b. Provide an opportunity to appeal staff Interpretations while protecting owners, users, or developers of property from appeals that might otherwise be filed after an unreasonable delay.

Section 2.16.30 - PROCEDURES

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

2.16.30.01 - Application Requirements

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

2.16.30.02 - Acceptance of Application

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

b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.16.30.03 - Public Notice Prior to a Quasi-judicial Decision

a. The Director shall notify affected parties that a Request for a quasi-judicial Interpretation has been filed.

b. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other resident owners of property whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

c. The notice shall state that all comments concerning the interpretation must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:

1. Street address or other easily understood geographical reference to the subject property;

2. Applicable criteria for the decision;

3. Place, date, and time comments are due;

4. Statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

5. Name and phone number of staff contact person;

6. Statement that Notice of Disposition shall be provided to the applicant and any person who submits comments;

7. An explanation of appeal rights; and

8. A summary of the local decision-making process.

2.16.30.04 - Staff Evaluation

After accepting a Request for Interpretation that meets the requirements specified

above, the Director may route copies of the request to other City divisions or departments for comments or suggestions regarding the Interpretations.

2.16.30.05 - Action by Director

a. Within 30 calendar days after acceptance of a completed Request for Interpretation, the Director shall respond with a written Interpretation. The Director shall clearly state the Interpretation being issued and basis for such Interpretation.

b. The Director may interpret provisions of this Code or the Comprehensive Plan, but shall not issue any legal opinion or interpretation of case law.

c. Director's Interpretations are advisory only and do not bind the Land Development Hearings Board, Historic Resources Commission, Planning Commission, or City Council in making their decisions.

d. The Director may modify previously issued Interpretations if specific circumstances warrant such modification.

2.16.30.06 - Notice of Disposition

A copy of the Notice of Disposition and all applicable information shall be available in the Planning Division of the Community Development Department. The Notice of Disposition shall also be provided to the public in the following ways:

a. **Legislative Interpretation** - Notice shall be published in a newspaper of general circulation in Corvallis and shall include a statement of the decision, reasons leading to it, and the appeals period deadline.

b. **Quasi-judicial Interpretation** - The Director shall provide the applicant with a Notice of Disposition that includes a written statement of the decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who provided written comment on the mailed notice.

2.16.30.07 - Appeals

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

2.16.30.08 - Effective Date

Legislative and Quasi-judicial Interpretations - Unless an appeal is filed, the Director's interpretation shall become effective 12 days after the Notice of Disposition is signed.

[Section 2.16.30 amended by Ordinance 2012-17, effective December 13, 2012]

CHAPTER 2.18
SOLAR ACCESS PERMITS

Section 2.18.10 - BACKGROUND

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

Section 2.18.20 - PURPOSES

This Chapter provides permit procedures to accomplish the following:

a. Identify a process to protect Solar Access to support the use of a solar collector; and

b. Specify conditions under which Solar Access Permits are authorized.

Section 2.18.30 - LIMITS ON SOLAR PERMITS

A Solar Access Permit shall not affect:

a. A lot or portion thereof more than 150 ft. south of the solar collector location;

b. A lot located on a slope grade of 20 percent or more and facing within 45 degrees of true north;

c. Any lot located in the Central Business (CB) Zone;

d. Any tree or structure on a neighboring lot existing at the time the Solar Access Permit application is accepted;

e. New structures that shade the solar collector unless a Type 2 Solar Access Permit has been previously approved and recorded;

f. Proposed new structures resulting in shading of a Type 2 solar collector between 9 a.m. and 3 p.m. on November 21 in an amount that does not exceed the shading that would be caused by a flat-roofed structure half the allowed building height at the minimum setbacks for the zone; and

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

Section 2.18.40 - PROCEDURES

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

2.18.40.01- Application Requirements for Type 1 Solar Access Permit

An application for a Type 1 Permit shall include:

a. A statement of the solar heating hours for which Solar Access is sought;

b. Scaled drawing of the solar collector and its dimensions, height above ground level, orientation, and slope from the horizontal;

c. Sunchart for the proposed location of the solar collector, as measured from the center of the lower edge of the collector site and, if applicable, alternative locations for the solar collector. If the solar collector is more than 20 ft. in length, a sunchart photograph shall also be provided from each end of the collector;

d. Site plan showing lot lines and dimensions of the solar user's lot and neighboring lots that will be affected by the Solar Access Permit. The site plan shall indicate topography using two- or five-ft. contour intervals, and the location of the solar collector, structures, and trees. The site plan information shall indicate tree species;

e. Documentation showing that the solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a six ft.-high fence located on the applicant's lot lines;

f. Documentation showing that no reasonable alternative location exists for the solar collector that would result in fewer restrictions on a neighboring lot;

g. Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the solar collector that would result in fewer restrictions on a neighboring lot;

h. A list by owner of record and address for all affected lots, together with an identification by lot of exempt structures and vegetation as defined in Section 2.18.30 - Limits on Solar Permits;

i. Proposed solar envelopes for affected properties and, if applicable, proposed solar-access-friendly trees permitted to grow so as to only partly obstruct the Solar Access.

j. Required fees as described in LDC § 1.2.100.01.

2.18.40.02 - Application Requirements for Type 2 Solar Access Permit

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

a. Evidence that minimum setbacks and allowable building heights for the zone do not ensure Solar Access protection; and

b. Proposed solar envelopes prescribing allowed building heights for affected properties.

2.18.40.03 - Acceptance of Application

a. The Director shall review the Solar Access Permit application for compliance with the application requirements in Section 2.18.40.01 or Section 2.18.40.02, whichever is applicable. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.

b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.18.40.04 - Public Notice

a. The Director shall notify affected parties that an application for a Solar Access Permit has been filed.

b. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

c. The notice shall state that all comments concerning the proposed Solar Access Permit must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:

1. Street address or other easily understood geographical reference to the subject property;

2. Applicable criteria for the decision;

3. Place, date, and time comments are due;

4. Statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

5. Name and phone number of staff contact person;

6. Statement that Notice of Disposition shall be provided to the applicant and any person who submits comments;

7. An explanation of appeal rights; and

8. A summary of the local decision making process.

2.18.40.05 - Staff Evaluation

The application and any comments shall be reviewed to ensure consistency with the review criteria in Section 2.18.40.06, below.

2.18.40.06 - Review Criteria

Solar Access Permit applications shall be reviewed to ensure the following criteria are met:

a. The solar collector shall have at least four hours of unobstructed Solar Access between 9 a.m. and 3 p.m. on November 21 of each year;

b. After exempt vegetation has reached a mature height, sufficient Solar Access shall continue to exist for operation of the solar collector;

c. The solar collector shall not be shaded between 9 a.m. and 3 p.m. on November 21 by a six ft.-high fence located on the applicant's lot lines;

d. No reasonable alternative location exists for the solar collector that would result in fewer restrictions on neighboring lots;

e. Removing or trimming vegetation on the applicant's lot shall not permit an alternative location that would result in fewer restrictions on a neighboring lot; and

f. To provide for residential privacy, street trees, or for energy conservation benefits, the Director may specify as a Condition of Approval that solar-access-friendly trees be planted or allowed to grow so that Solar Access is only partly obstructed. Solar-access-friendly trees, if applicable, shall be designated at the time the permit is approved by location, species, and amount of future shading allowed by the tree.

2.18.40.07 - Action on the Application

Based on the review criteria above and any comments received from affected parties, the Director shall review the proposed development and either approve, conditionally approve, or deny the application at the completion of the 14-day comment period.

2.18.40.08 - Notice of Disposition

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

2.18.40.09 - Appeals

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

2.18.40.10 - Effective Date

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

[Section 2.18.40 amended by Ordinance 2012-17, effective December 13, 2012]

Section 2.18.50 - PERMIT RECORDING

Within 30 days after a Solar Access Permit and Building Permit for the solar energy system have been granted, the Director shall file the Solar Access Permit with the Benton County Recorder in such form as required by state law. The permit shall include approved solar envelopes for affected properties, exemptions to or limits on the solar right being created, and the solar collector drawing, sunchart, and site plan.

Section 2.18.60 - OBLIGATION CREATED BY SOLAR ACCESS PERMIT

The owner of any lot subject to a Solar Access Permit shall trim any nonexempt vegetation if subsequent vegetation growth is inconsistent with the Solar Access Permit. The cost of such trimming shall be paid by the owner of the vegetation.

Section 2.18.70 - REPLACEMENT OF TREES

Nothing in this Chapter shall prevent a property owner from replacing a species of tree that is partly obstructing Solar Access with a solar-access-friendly tree approved by the Director.

CHAPTER 2.19
APPEALS

Section 2.19.10 - BACKGROUND

This Code is intended to permit flexibility in achieving the goals of the Comprehensive Plan. Some provisions of this Code, therefore, allow considerable discretion in decisions made by the City Council and its agencies and officers.

Criteria and standards have been adopted as part of this Code to ensure consistency in land use and limited land use decisions. To ensure due process it is also necessary to provide for review of land use and limited land use decisions that are perceived to be inconsistent with the Comprehensive Plan and/or the requirements of this Code.

Section 2.19.20 - PURPOSES

Procedures and requirements in this Chapter are established for the following purposes:

a. Provide an Appeal process wherein parties affected by land use decisions may request review of such decisions;

b. Establish the basis for valid Appeals;

c. Establish who may appeal a land use and limited land use decision; and

d. Provide for timely review of Appeals.

Section 2.19.30 - PROCEDURES

Appeals shall be filed and reviewed in accordance with the following procedures:

2.19.30.01 - General Provisions

a. Every decision relating to the provision of this Code substantiated by findings of every board, commission, committee, hearings officer, and official of the City is subject to review by Appeal in accordance with the provisions of this Chapter.

b. **Staying of Decisions** -

1. The filing of an Appeal to a higher level of City hearing authority, in accordance with the provisions of this Chapter, shall initiate the

Appeal process and stay the order or decision appealed. The process shall include adequate public notice, a public hearing, and preparation of findings by the hearing authority that affirms, amends, or reverses the decision appealed.

2. A final decision by the City that is appealed to a state agency shall be stayed only through the relevant state procedures. When State procedures do not require the stay of a final decision, applicants may obtain development and/or site improvement permits. However, applicants will be proceeding at their own risk, pending the outcome of the Appeal.

c. All hearings on Appeals shall be held de novo (as a new public hearing). For any Appeal, the record of the decision made before the lower level of City hearing authority shall be part of the staff report on Appeal.

2.19.30.02 - Hearings Authority

a. Appeals of decisions of the Director shall be reviewed by the Land Development Hearings Board, except that:

1. Appeals of Historic Preservation Permit decisions by the Director shall be reviewed by the Historic Resources Commission;

2. Appeals of Residential Subdivision decisions by the Director shall be reviewed by the Planning Commission;

3. Appeals of Administrative District Change decisions by the Director shall be reviewed by the City Council. The definition of an Administrative District Change is contained within Section 2.2.50.b; and

4. Appeals of decisions made by the Director on Conceptual Plan Nullification requests on residentially zoned property shall be reviewed by the City Council.

b. Appeals of decisions of the Building Official that relate to the enforcement of this Code's requirements shall be reviewed by the Land Development Hearings Board.

c. Appeals of decisions by the City Engineer and the Floodplain Administrator shall be reviewed by the Land Development Hearings Board.

d. Appeals of decisions of the Planning Commission, the Land Development Hearings Board, or the Historic Resources Commission shall be reviewed by the City Council.

e. Appeals of decisions of the City Council shall conform with applicable ORS provisions, as amended.

2.19.30.03 - Standing

Appeals may only be filed by parties affected by a land use or limited land use decision. For purposes of this Chapter affected parties shall include any of the following:

a. The applicant or the applicant's authorized agent.

b. Any person who testified orally or in writing before the hearing authority whose decision is being appealed.

c. Any neighborhood organization that testified orally or in writing before the hearing authority whose decision is being appealed.

d. Any City agency, officer, or department that is responsible for provision of City facilities and services to the proposed development.

e. Ten registered voters who are City residents.

f. Any person who was mailed a copy of the Notice of Disposition for a Director-level Historic Preservation Permit.

g. Any person who is entitled to appeal a land use or limited land use decision pursuant to state law.

2.19.30.04 - Appeal Periods

Appeals must have been filed within 12 days after a decision is signed. In the case of a legislative interpretation of this Code or the Comprehensive Plan, an Appeal must have been filed within 12 days of a published Notice of such Interpretation. Appeals to the State Land Use Board of Appeals shall be made in accordance with the provisions of state law.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. Where the final day of an appeal period falls on a weekend or holiday the appeal period shall be extended to 5:00 p.m. on the next work day.

2.19.30.05 - Filing Requirements

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

a. Name and address of the appellant;

b. Reference to the subject development and case number, if any;

c. Statement of the specific grounds for the Appeal, stated in terms of specific review criteria applicable to the case;

d. Statement of the appellant's standing to appeal as an affected party; and

e. Appropriate filing fee.

2.19.30.06 - Notice and Hearing

a. The Director shall schedule a public hearing for complete and properly filed Appeals. Such hearing is to be held not later than 60 days after the receipt of the notice of Appeal. Incomplete or improperly filed Appeals shall be referred to the hearing authority for dismissal as noted in "b," below.

1. The hearing authority shall give notice of time, place, and particular nature of the Appeal. At least 20 days prior to the hearing, notice shall be sent by mail to the appellant(s), to the applicant, to the property owner(s) if different from the applicant, to persons and neighborhood organizations that originally received notice of the application, and to anyone who testified or submitted written information for the record of the case. If the decision being appealed was the Director’s administrative decision, notice shall be provided to residents and owners of properties within 100 feet of the subject property.

2. Public hearings shall be conducted in accordance with Chapter 2.0 - Public Hearings.

b. Appeals that are incomplete, filed late, or improperly filed may be denied by the hearing authority without further review.

2.19.30.07 - Effective Date of Decision

Unless an Appeal has been filed, approval of any development request shall become effective upon expiration of the appeal period. Where the hearing authority is the City Council, the effective date for filing an Appeal with the State Land Use Board of Appeals (LUBA) shall be in accordance with the provisions of state Law.

CHAPTER 3.0
USE CLASSIFICATIONS

Section 3.0.10 - PURPOSE

Use Classifications classify Use Types based on common functional, product, or compatibility characteristics, thereby regulating Uses according to relative compatibility. There are occasions, however, where a Use instead of a Use Type is listed. Where this occurs, reference is made to Chapter 1.6 - Definitions.

The Director shall have the authority to classify common Uses according to Use Types listed in Section 3.0.30 below. The classification of a Use is subject to the right of appeal in accordance with the provisions of Chapter 2.19 - Appeals. Use Types not specifically listed in a zone cannot be established except as authorized in this Code and in accordance with Chapter 2.16 - Request for Interpretation.

Section 3.0.20 - CLASSIFICATION OF COMBINATION OF PRIMARY USES

The following rules shall apply where a single lot contains two or more Uses:

a. **Separate Classification of Several Establishments with Different Uses** - The Primary Uses conducted on a lot or development site by two or more establishments, managements, or institutions shall be classified as separate Uses when the Uses resemble two or more different Use Types and are not classified as Accessory Uses in accordance with Chapter 4.3 - Accessory Development Regulations.

b. **Separate Classification of Same Establishment with Different Uses** - The Primary Uses conducted on a lot or development site by a single establishment, management, or institution shall be classified as separate Uses. Each Use shall be classified in the Use Type(s) whose description most closely portrays its nature when the Uses resemble two or more different Use Types and are not classified as Accessory Uses in accordance with Chapter 4.3 - Accessory Development Regulations.

c. **Single Classification of Same Establishment with Same Use Types** - Uses conducted on a lot or development site by a single establishment, management, or institution are considered to be a single Use, even if there is more than one Primary Use on the site, when the Uses fall within the same Use Types and are not classified as Accessory Uses in accordance with Chapter 4.3 - Accessory Development Regulations.

d. Separate Classification of Different Establishments with Same or Different Uses - The Primary Uses conducted on a lot or development site by two or more establishments, managements, or institutions are considered to be more than one Use, whether the Uses are the same Use or Use Type or different Uses or Use Types and the Uses are not classified as Accessory Uses in accordance with Chapter 4.3 - Accessory Development Regulations.

Section 3.0.30 - LISTING OF USE CLASSIFICATIONS

The primary activity on a lot or site is the Use. The Director shall classify Uses as one or more Use Types. All Use Types in this Chapter are arranged by Use Type category to make them easier to locate. This Chapter lists Use Type categories in the following order: Residential, Civic, Commercial, Industrial, Agricultural and Extractive. The Use Types within each Use Type category are in alphabetical order.

In addition to Use Types, this Code defines residential and nonresidential Building Types, as well as residential Housing Types, in Chapter 1.6 - Definitions. Residential Building Types are listed in each zone that permits Residential Use Types and are listed from least intensive to most intensive Use. For example, Single Detached is listed above Single Attached, and both of these Building Types are listed above Multi-dwelling. Both residential Building Types and Housing Types are listed in Chapter 4.9 - Additional Provisions, to assist in describing the requirements for Housing and/or Building Type variations in residential developments.

3.0.30.01 - Residential Use Types

Residential Use Types include the occupancy of living accommodations on a wholly or primarily non-transient basis. Also included is development that is Accessory to these Uses as specified in Chapter 4.3 - Accessory Development Regulations, and Home Business as defined in Chapter 1.6 - Definitions.

a. Family Residential - Residential occupancy of living units by an individual(s) or a family(ies). It excludes Transient Habitation and Group Care.

b. Group Residential Uses -

1. <u>Group Residential</u> - Residential occupancy of living units by persons other than an individual or a family, as defined in this Code, and providing communal kitchen/dining facilities. Typical Uses include occupancy of retirement homes, boarding houses, co-housing, and cooperatives that are not associated with institutions of higher education. This Use Type excludes fraternity and sorority houses and

Group Care facilities as specified below.

2. Group Residential/Group Care - Residential occupancy of facilities authorized, certified, or licensed by the State to provide Residential Care[1] to six or more physically or developmentally disabled, handicapped, elderly, or drug or alcohol dependent persons receiving treatment, or dependent or neglected children. This Use Type also applies to facilities authorized to provide supervisory or day-care services, but excludes those Uses classified under Major Services and Utilities where communal kitchen/dining facilities are provided. Typical Uses include halfway houses or intermediate care facilities. Caregivers required to be present as part of a facility's State license do not count toward the limitation on the number of persons.

c. **Cooperatives and Fraternity and Sorority Houses** - Buildings containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for cooperative, fraternity, or sorority members and their guests or visitors, and affiliated with an institution of higher learning.

d. **Home Business** - A lawful activity commonly carried on for profit within a dwelling and that meets all provisions contained in the Home Business definition in Chapter 1.6 - Definitions.

e. **Residential Care Facility** - A facility licensed by the state to provide Residential Care[1] for six to 15 physically disabled, or socially dependent individuals and to accommodate the resident staff persons engaged in their care. Care givers required to be present as part of a facility's state license do not count toward the limitation on the number of persons.

3.0.30.02 - Civic Use Types

Civic Use Types include the performance of utility, educational, recreational, cultural, protective, governmental, and other Uses strongly vested with public or social importance. Also included is development that is Accessory to these Uses, as specified in Chapter 4.3 - Accessory Development Regulations.

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[1] Residential Care is defined in Chapter 1.6 - Definitions as "services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; recreation; and the providing of room and board." This definition is taken from ORS 443.400. The Use Classifications also reflect the terms of this Section of ORS 443.

a. **Administrative Services** - Consulting, record keeping, clerical, or public contact services that deal directly with the public, together with incidental storage and maintenance of necessary vehicles. This Use Type excludes Professional and Administrative Services. Typical Uses are governmental offices.

b. **Community Recreation** - Recreational, social, or multi-purpose Uses typically associated with parks, play fields, golf courses, interpretive centers associated with parks, or community recreation buildings.

c. **Cultural Exhibits and Libraries** - Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

d. **Essential Services** - Services necessary to support development such as installation and/or maintenance of utilities, services involving only minor structures such as lines and poles, phone booths, fire hydrants, bus stops, benches, and mailboxes.

e. **Lodge, Fraternal, and Civic Assembly** - Meetings and activities primarily conducted for members of such groups. Excludes Group Residential, Group Care, and Lodging Services Use Types. Typical Uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations.

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

g. **Major Services and Utilities** - Services and utilities that have substantial impacts. Such Uses may be permitted when the public interest supersedes the usual limitations placed on land use and the Uses transcend the usual restraints of the zone for reasons of necessary location and community-wide interest. Typical Uses include sanitary landfills, airports, hospitals, detention and correctional institutions, and mass transit waiting stations or turnarounds. Excludes the University Services and Facilities Use Type.

h. **Minor Utilities** - Public utilities that have a local minor impact on surrounding properties. Typical Uses include electrical and gas distribution substations, wind generators, and radio facilities. Excludes Wireless Telecommunication Facilities Use Types.

i. **Parking Services -** Public parking garages and lots.

j. **Postal Services** - The following are Postal Services Use Types:

1. Customer - Mailing services and processing as traditionally operated or leased by postal and parcel service companies, provided the facilities serve an immediate neighborhood and are pedestrian-accessible, and the services and processing are oriented toward customers who can do business on the premises.

2. Community-Based - Mailing services and processing as traditionally operated or leased by postal and parcel service companies, but which may or may not include customer access on the premises. These facilities may be distribution centers and/or larger facilities that serve a broad part of the community, as opposed to an immediate neighborhood.

k. **Public Safety** - Services that provide protection to a zone or entity according to Fire and Life Safety Code sections, together with the incidental storage and maintenance of necessary vehicles. Typical Uses include fire stations, police stations, and ambulance services.

l. **Religious Assembly** - Religious services involving public assembly such as customarily occurs in synagogues, temples, and churches.

m. **Social Service Facilities** - Facilities operated in the interest of the physical and mental health and welfare of the community's population. Typical services include two or more of the following: individual counseling, family counseling, meal services, medical and/or dental services in structures less than 3,000 sq. ft. in size, short-term overnight accommodations, and office and administrative functions related to any or all of these services. Excludes the Medical Services Use Type.

n. **University Services and Facilities** - Services and facilities customarily associated with a major university. Typical Uses include housing facilities, classrooms, Research Services as defined in Section 3.0.30.03.aa, recreational amenities, parking facilities, and Commercial Uses that directly serve the student/faculty population or research/educational mission of the university.

o. **Wireless Telecommunication Facilities** - The site, structures, equipment, and appurtenances used to send and receive radio frequency transmissions

for wireless telecommunication services such as cellular telephone, personal communication services, enhanced/specialized mobile radio, and commercial paging services. Such facilities include antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics, and switching equipment.

1. Colocated/Attached Wireless Telecommunication Facility - A facility attached to an existing pole, tower, or other structure including, but not limited to, a structure that can accommodate the future installation of two or more antenna systems.

2. Freestanding Wireless Telecommunication Facility - A new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

3.0.30.03 - Commercial Use Types

Commercial Use Types include the distribution, sale, and/or rental of goods and the provision of services other than those classified as Civic Uses. Also included is development that is Accessory to these Uses, as specified in Chapter 4.3 - Accessory Development Regulations.

a. Agricultural Sales -

1. On-site sale of feed, grain, fertilizers, pesticides and similar goods. Typical Uses include nurseries, hay, and feed and grain stores; and

2. On-site retail sale of agricultural food products, provided all of the following are met:

    a. The associated structures are used for the sale of farm crops and livestock grown on the site or in the local agricultural area, and grown at least in part by the operator of the facility;

    b. As used in this subsection “2,” the phrase “farm crops and livestock" includes both fresh and processed farm crops and livestock grown on the site or in the local agricultural area, but does not include the sale or auctioning of live animals;

    c. As used in subsection “2.b,” above, the phrase “processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have

been processed and converted into another product, but does not include food items prepared for immediate consumption;

d. As used in this subsection “2,” the phrase "local agricultural area" includes the Oregon counties of Benton, Linn, Lane, Marion, Polk, and Lincoln;

e. The retail and associated structures do not include any dining areas and do not include any structures or outdoor areas for banquets, public gatherings or public entertainment; and

f. The size of the space dedicated to the on-site retail sales of agricultural food products does not exceed 1,500 sq. ft. This space may be located in existing buildings, additions to existing buildings, and/or new buildings.

b. **Agricultural Services** - Provision of agriculturally related services with incidental storage on off-site lots. Typical Uses include crop dusting and tree service firms.

c. **Animal Sales and Services** - The following are Animal Sales and Services Use Types:

1. Auctioning - Auctioning of livestock on a wholesale or retail basis with incidental storage of animals for a period not exceeding 72 hours. Typical Uses include animal auctions and livestock auction yards.

2. Grooming - Grooming of dogs, cats, and similar small animals. Typical Uses include dog bathing, clipping salons, and pet grooming shops.

3. Horse Stables - Boarding, breeding, or raising of horses not owned by the occupants of the premises, or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical Uses include boarding stables and public stables.

4. Kennels - Kennel services for dogs, cats, and similar small animals. Typical Uses include boarding kennels and dog training centers.

5. Stockyards - Stockyard services involving temporary housing of livestock for slaughter, market or shipping. Typical Uses include stockyards and animal sales yards.

6. Veterinary (Large Animals) - Veterinary services for large animals. Typical Uses include animal hospitals and veterinary hospitals for large animals.

7. Veterinary (Small Animals) - Veterinary services for small animals. Typical Uses include pet clinics, dog and cat hospitals, and animal hospitals for small animals.

d. Automotive and Equipment - Sales of motor vehicles or services related to motor vehicles. The following are Automotive and Equipment Use Types:

1. Car Wash - Washing, polishing, or detailing of automobiles. Typical Uses include car washes. This Use Type does not include auto repair, auto equipment repair, or installation of auto parts, which is classified as Automotive and Equipment - Light Equipment Repairs.

2. Fleet Storage - Storage of vehicles used regularly in business operation and not available for sale; or long-term storage of operating vehicles. Typical Uses include taxi fleets, mobile-catering truck storage, and auto storage garages.

3. Parking Services - Temporary parking of motor vehicles within a privately owned off-street parking area. Typical Uses include commercial parking lots and garages.

4. Heavy Equipment Repairs - Repair of trucks and other heavy equipment; sale, installation, or servicing of automotive equipment and parts; and body repairs, painting, and steam cleaning. Typical Uses include engine repair shops, auto body shops, and motor freight maintenance groups.

5. Light Equipment Repairs - Repair of automobiles and the sale, installation, or servicing of automobile equipment and parts. Excludes auto body repairs and painting. Typical Uses include muffler shops, auto or motorcycle repair garages, and auto glass shops.

6. Farm Equipment Sales/Rentals - Retail or wholesale sale and/or rental of farm equipment together with incidental maintenance. Typical Uses include farm equipment dealers.

7. Heavy Equipment Sales/Rentals - Retail or wholesale sale and/or rental of heavy construction equipment, trucks, and/or aircraft,

together with incidental maintenance. Typical Uses include aircraft dealers, heavy construction equipment dealers, tractor trailer dealers, motorhome and boat dealers, and recreational vehicles sales and rental agencies.

8. Light Equipment Sales/Rentals - Retail or wholesale sale and/or rental of autos, noncommercial trucks, motorcycles, and/or trailers with less than 10,000 lbs. gross cargo weight, together with incidental maintenance. Typical Uses include automobile dealers and car rental agencies .

9. Storage of Nonoperating Vehicles - Storage of nonoperating motor vehicles. Typical Uses include storage of private parking towaways and impound yards.

10. Storage of Recreational Vehicles and Boats - Storage of recreational vehicles and boats. Typical Uses include the collective storage of personal recreational vehicles and boats.

e. **Building Maintenance Services** - Provision of maintenance and custodial services to commercial and industrial establishments. Typical Uses include janitorial, landscape maintenance, and window cleaning services.

f. **Business Equipment Sales and Services** - Sale, rental, or repair of office, professional, and service equipment and supplies to firms rather than to individuals. Excludes Automotive and Equipment, Construction Sales and Services, and Farm Equipment Sales/Rentals Use Types. Typical Uses include office equipment and supply firms, small business machine repair shops, and hotel equipment and supply firms.

g. **Business Support Services** - Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical Uses include secretarial services, telephone answering services, and blueprint services.

h. **Communications Service Establishments** - Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as Major Services and Utilities and Minor Utilities. Typical Uses include television and radio studios, telecommunication service centers, and telegraph service offices.

i. **Construction Sales and Services** - Construction activities and incidental storage on lots other than construction sites. Also includes the retail or wholesale sale, from the premises, of materials used in the construction, maintenance, and repair/remodel of buildings or other structures, provided that such retail or wholesale Uses include the sale of heavy construction material such as lumber, cement, fencing, and/or roofing materials. Excludes Use Types classified as Automotive and/or Heavy Equipment. Typical Uses include building materials stores, tool and equipment rental or sales, and building contracting/construction offices.

j. **Convenience Sales and Personal Services** - Provision of small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to primarily serve the personal needs of the surrounding neighborhood. Typical Uses include neighborhood grocery stores, specialty stores, drugstores, laundromats/dry cleaners, barbershops, bookstores, video stores, coffee shops, and beauty salons.

k. **Day Care, Commercial Facility** - An institution, establishment, or place that commonly receives at one time more than 16 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of being given board, care, or training, apart from their parents or guardians, for compensation or reward in accordance to ORS 657A.250-440, as amended. See Section 4.9.70 for additional development standards, such as area per child and buffering requirements.

l. **Day Care, Family** - Babysitting or care of 16 or fewer children, including resident family members, as Accessory to any Residential Use Type. Day Care, Family is not subject to the definition of Home Business, as contained in Chapter 1.6 - Definitions.

m. **Drive-through Facilities -** Facilities that directly serve patrons in motor vehicles. Typically, this Use Type depends on a driveway or drive area that provides adequate room for vehicle stacking at a drive-up service window. See also Parking Lot Kiosk in “w,” below.

n. **Eating and Drinking Establishments** - Sale of prepared food and beverages for consumption on and off the premises. The following are Eating and Drinking Establishment Use Types:

1. <u>Fast Order Food</u> - Sale of food primarily intended for immediate consumption, availability within a short waiting time, and packaging or presentation such that it can be eaten off the premises from where it

is sold. Does not include Fast Order Food Drive-through establishments.

2. Fast Order Food, Drive-through - Sale of food directly to patrons in motor vehicles or to patrons who intend to use the motor vehicle as an eating area. Typically, this Use depends on a long driveway that provides adequate room for vehicle stacking at a drive-up service window or on a parking area near a walk-up service window.

3. Eating, Sit-down - Sale of food prepared and served for consumption on the premises. Typically, the clientele does not turn over rapidly.

o. Explosive Storage - Storage of any quantity of explosives in accordance with ORS 57.21, as amended. Typical Uses include storage in the course of manufacturing, selling, or transporting explosives or storage in the course of blasting operations.

p. Financial, Insurance, and Real Estate Services - Financial, insurance, real estate or securities brokerage services. Typical Uses include banks, insurance agencies, and real estate firms.

q. Food and Beverage Retail Sales - Retail sale of food and beverages for home consumption. Typical Uses include groceries and delicatessens.

r. Funeral and Interment Services - Provision of services involving the care, preparation, or disposition of human dead. The following are Funeral and Interment Services Use Types:

1. Cremating - Crematory services involving the purification and reduction of the human body by fire. Typical Uses include crematories and crematoriums.

2. Interring - Interring services involving the storage of human bodies other than in cemeteries. Typical Uses include columbariums and mausoleums.

3. Undertaking - Undertaking services involving preparing the dead for burial and arranging and managing funerals. Typical Uses include funeral homes and mortuaries.

4. Cemeteries - A place for burying the dead; graveyard.

s. **Fuel Sales** - Retail sale of petroleum products with incidental sale of tires, batteries, and replacement items, lubricating services, and minor repair services. Typical Uses include automobile service stations, filling stations and truck stops.

t. **Laundry Services** - Laundering, dry cleaning, or dyeing services other than those classified as Convenience Sales and Personal Services. Typical Uses include laundry agencies, diaper services, and linen supply services.

u. **Lodging Services** - Provision of temporary overnight accommodations with incidental food, drink, and other sales and services intended for the convenience of guests. The following are Lodging Services Use Types:

1. Campground - Areas for travelers in recreational vehicles or tents. Typical Uses include recreational vehicle parks.

2. Hotels/Motels - Provision of room or room and board in hotels or motels.

3. Bed and Breakfast Facilities - Provision of room or room and board in bed and breakfast inns that do not comply with the Home Business definition in Chapter 1.6 - Definitions.

v. **Medical Services** - Personal health services including prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health personnel; and medical testing and analysis services. Typical Uses include hospitals, medical offices, dental laboratories, and health maintenance organizations. Excludes Civic and Group Residential/Group Care Use Types.

w. **Parking Lot Kiosk** - A Commercial Use in a structure that is less than 120 sq. ft. in size and located within the parking lot of a development site. Parking Lot Kiosks typically contain Eating and/or Drinking Establishments, Food and/or Beverage Sales, Retail Sales, and/or Personal Services. Parking Lot Kiosks are allowed either when a zone identifies Drive-through Uses as Permitted Uses or when Parking Lot Kiosk is listed as a Permitted Use.

x. **Participant Sports and Recreation** - Provision of sports or recreation primarily by and for participants. Spectators are incidental and present on a nonrecurring basis. The following are Participant Sports and Recreation Use Types for either general or personal use:

1. Indoor - Conducted in an enclosed building. Typical Uses include bowling alleys, billiard parlors, swimming pools, and physical fitness centers.

2. Outdoor - Conducted in open facilities. Typical Uses include driving ranges, miniature golf courses, golf courses, and swimming pools.

y. **Professional and Administrative Services** - Professional, executive, management or administrative offices of private firms or organizations. Typical Uses include administrative offices, legal offices, and architectural firms.

z. **Repair Services, Consumer** - Provision of repair services to individuals and households, but not to firms. Excludes Automotive and Equipment Use Types. Typical Uses include appliance repair shops, apparel repair firms, and musical instrument repair firms.

aa. **Research Services** - Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical Uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

bb. **Retail Sales** -

1. General - Sale or rental of commonly used goods and merchandise for personal or household use. Excludes Agricultural Sales, Animal Sales and Services, Automotive and Equipment, Business Equipment Sales and Services, Construction Sales and Services, Food and Beverage Retail Sales, Fuel Sales, and Swap Meets. Typical Uses include department stores, apparel stores, and furniture stores.

2. University - Sale or rental of goods typically associated with or related to a university community in terms of the types of goods, the location, and the size and scale of the business. Typical Uses include bookstores, record stores, sporting good stores, gift shops, and similar Uses that cater to students, faculty, and university visitors.

cc. **Scrap Operations** - Storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical Uses include automotive wrecking yards, junk yards, paper salvage yards and recycling facilities.

dd. **Spectator Sports and Entertainment** - Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. The following are Spectator Sports and Entertainment Use Types:

1. Limited - Uses conducted on a development site and in an enclosed indoor area that generate an attendance of 299 or fewer people. Typical Uses include small theaters and meeting halls.

2. Other - Uses conducted on a development site in an open outdoor area and/or Uses conducted on a development site that generate an attendance of 300 or more people. Typical Uses include multi-plex theaters, large theaters, large exhibition halls, and sports stadiums.

ee. **Swap Meets** - Display, exchange, barter, or sale of new or used personal or common household items or office equipment and furnishings, provided that such activity is not a temporary Use. Typical Uses include flea markets where clothing, personal effects, household furnishings, and household appliances are sold or otherwise exchanged.

ff. **Technology and Support Services** - A center or facility where employees receive and make contact with the public to promote products and/or services, or provide technical support with regard to specific manufactured items. This use type also applies to facilities used to store and operate computer systems and associated components. Typical uses include call centers, customer support centers, data centers, technical support centers, and telemarketing centers.

gg. **Temporary Outdoor Markets** - Retail sales, personal services, or food and beverage sales that are conducted wholly or partially in an outdoor setting oriented to pedestrian activity and public gathering, and temporary in nature. Temporary Outdoor Markets shall not persist more than 45 days per calendar year per property. Permanent structures are not a part of these Uses. Typical Uses include farmers' markets, community festivals, and seasonal sales of produce and Christmas trees.

hh. **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.

ii. **Wholesale, Storage, and Distribution** - Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are Wholesaling, Storage, and Distribution Use Types:

1. Mini-Warehouses - Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental Uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant, but in no case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service Use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar Uses. Human occupancy shall be limited to that required to transport, arrange and maintain stored materials.

2. Light - Wholesaling, storage, and warehousing services within enclosed structures. Typical Uses include wholesale distributors, storage warehouses and moving and storage firms.

3. Heavy - Open-air storage, distribution, and handling of materials and equipment. Typical Uses include monument or stone yards and grain elevators.

3.0.30.04 - Industrial Use Types

Industrial Use Types include the on-site production of goods by methods not Commercial, Agricultural, or Extractive in nature. Also included is development that is Accessory to these Uses as specified in Chapter 4.3 - Accessory Development Regulations.

a. **Limited Manufacturing** - Establishments that employ 20 or fewer persons per shift unless otherwise specified by the applicable zone, do not involve outside storage of materials, do not require state or federal air quality discharge permits (except for parking), are compatible with nearby Residential Uses because there are few or no offensive external effects, and are primarily engaged in one of the following:

1. On-site production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this activity(ies) is a

subordinate part of total sales. Typical Uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing;

2. Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on site, but if so, this activity(ies) is a subordinate part of total sales; or

3. On-site production or processing of food products. Food products may be finished or semi-finished and are generally made for the wholesale market, ~~or~~ transfer to other businesses, or direct retail sales off-site. On-site retail sale of goods shall be a subordinate part of total sales. Limited Manufacturing excludes the activities of slaughtering animals, and canning, rendering, tanning, and reduction of meat.

b. Technological Production - Research and development, production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical Uses include manufacturing research instruments, electronic products, and surgical and medical instruments. Excludes Uses that require state or federal air quality discharge permits (except for parking).

c. General Industrial

1. Uses -

a) Production, processing, assembling, packaging, or treatment of food and non-food products; or

b) Manufacturing and/or assembly of electronic instruments and equipment and electrical devices.

2. Attributes - General Industrial Uses may require state or federal air quality discharge permits, but do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:

a) Continuous, frequent, or repetitive noises or vibrations;

b) Noxious or toxic fumes, odors, or emissions;

c) Electrical disturbances; or

d) Night illumination into residential areas.

Exceptions: Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring fewer than 15 minutes per day; an odor detected for fewer than 15 minutes per day; or noise detectable only as part of a composite of sounds from various off-site sources.

d. **Intensive Industrial** - Manufacturing, processing, or assembling of materials in a manner that would create any of the commonly recognized nuisance conditions or characteristics described above in the General Industrial Use Type classification.

3.0.30.05 - Agricultural Use Types

Agricultural Use Types include the on-site production of plant and animal products by agricultural methods. Also included is development that is Accessory to these Uses, as specified in Chapter 4.3 - Accessory Development Regulations.

a. **Animal Husbandry** - Raising and breeding of livestock.

b. **Animal Waste Processing** - Processing of animal waste and by-products, including animal manure, animal bedding waste, and similar by-products of animal husbandry operations, for use as a commercial fertilizer, soil amendment or compost.

c. **Aquaculture** - The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled marine or freshwater environments, typically for research or commercial purposes.

d. **Horticulture** - Horticultural and flora cultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes, or for the production of food producing plants, shrubs, or trees. The following are Horticulture Use Types:

1. Cultivation - Cultivation of plants.

2. Storage - Storage of plants, primarily in containers.

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.

f. **Row and Field Crops** - Cultivation of agricultural products grown in regular or scattered patterns. Crops include vines, field, forage, and other plant crops intended to provide food or fibers.

g. **Tree Crops** - Cultivation of tree-grown agricultural products such as orchards for apples and cherries.

h. **Garden** - A plot of ground, or other area such as on a rooftop, balcony, fence, wall, or window sill, that is used to grow food-producing or ornamental plants, shrubs, or trees. Gardens are intended for personal use or consumption, or for off-site sales. On-site sales of garden products are prohibited.

i. **Market Garden** - Commercial production and processing of fruit, vegetables, flowers, and other plants, animal products, and honey. Market Gardens are only accessory uses to Residential Use Types, except in the OSU zone. The residential character of the associated dwelling shall be maintained and the activity conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The activity also does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

j. **Community Garden** - A plot of ground, or other area such as on a rooftop, located on public or private land, and managed collectively by a group for the purpose of growing food-producing or ornamental plants. Community Gardens are only accessory uses to Civic Use Types, except in the OSU zone or as required in the RS-12 and RS-20 zones. Examples of community gardens include, but are not limited to, neighborhood gardens, school gardens, therapeutic gardens, demonstration gardens, and gardens operated on public lands. End products are typically consumed by those tending the garden, but may also be donated, or sold on or off-site.

3.0.30.06 - Extractive Use Types

Extractive Use Types include the on-site production of mineral products by extractive methods. Also included is development that is Accessory to these Uses as specified in Chapter 4.3 - Accessory Development Regulations.

Mining and Processing - Surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical Uses are borrow pits, oil and gas drilling rigs, and concrete batch plants.

[Section 3.0.30 amended by Ordinances 2012-16, 2012-18, and 2012-19 effective December 13, 2012]

CHAPTER 3.1
LOW DENSITY (RS-3.5) ZONE

Section 3.1.10 - PURPOSE

This zone implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-3.5 Zone is retained to provide land use and development standards for areas of the City that were zoned RS-3.5 and platted to urban densities as of December 31, 2006. Additionally, the RS-3.5 Zone is retained for areas of the City that were zoned RS-3.5 as of December 31, 2006, and are less than or equal to one acre in size. No new areas shall be zoned RS-3.5 and no existing zones shall be changed to RS-3.5.

Section 3.1.20 - PERMITTED USES

3.1.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types - Family

2. Residential Building Types - Single Detached (one unit per lot or parcel)

3. Civic Use Types -

   a) Community Recreation

   b) Public Safety Services

4. Agricultural Use Types -

   a) Garden

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions

2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the

existing structures, 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 this 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. Garden

13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.1.20.02 - Special Development

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

a. Colocated/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. Cultural Exhibits and Library Services

d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

e. Funeral and Interment Services - Interring and Cemeteries

f. Lodges, Fraternal and Civic Assembly

g. Major Services and Utilities

h. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

i. Participant Sports and Recreation - Indoor and Outdoor

j. Religious Assembly

k. Schools

3.1.20.03 - General Development

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

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

b. Development consistent with the development standards of the RS-5 Zone, provided adherence to the standards in Chapter 4.10 - Pedestrian Oriented Design Standards and provided that the Housing Types and land uses are consistent with the RS-3.5 Zone.

[Section 3.1.20 amended by Ordinance 2012-19, effective December 13, 2012]

Section 3.1.30 - RS-3.5 DEVELOPMENT STANDARDS

Table 3.1-1

		Standard
a.	Minimum Density	2 units per acre
b.	Maximum Density	6 units per acre
c.	Minimum Lot Area	8,000 sq. ft.
d.	Minimum Average Lot Width	65 ft.

		Standard
e.	Minimum Setbacks 1. Front yard 2. Rear yard 3. Side yard 4. Exterior Side Yard See also “k,” and “l,” below.	 15 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft. 25 ft. 8 ft. 20 ft. minimum and vision clearance in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading and Access Requirements.
f.	Minimum Garage/Carport Setbacks 1. Garage/carport entrance parallel to street 2. Garage/carport entrance sideways/perpendicular to the street See also “k,” and “l,” below.	 19 ft. 15 ft. Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.
g.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
h.	Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.
i.	Maximum Building Site Coverage	None
j.	Off-street Parking	See Chapter 4.1 - Parking Loading and Access Requirements.

		Standard
k.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within required front yard setback area. When located within 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
l.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o.	Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p.	Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
q.	Landscaping	See Section 3.1.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r.	Required Green Area and Private Outdoor Space	See Section 3.1.40, below.
s.	Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 3.1.30 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.1.40 - GREEN AREA REQUIREMENTS

a. A minimum of 50 percent of the gross lot area shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. Within the required Green Area for single-family dwellings, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed

to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, or patios.

Section 3.1.50 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-3.5 Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.1.60 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.1.30 “m” through “q,” and “s,” variations from development and design standards such as standards in this Chapter and in other chapters of this Code that discuss parking, landscaping, public improvements, and Pedestrian Oriented Design Standards may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.2
LOW DENSITY (RS-5) ZONE

Section 3.2.10 - PURPOSE

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

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

Section 3.2.20 - PERMITTED USES

3.2.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. <u>Residential Use Types</u> - Family

2. <u>Residential Building Types</u> -

   a) Single Detached

   b) Single Detached - Zero Lot Line

   c) Single Attached - Zero Lot Line, two units

   d) Attached - Townhouse, three units

   e) Duplex

   f) Multi-dwelling - Triplex only

3. Civic Use Types -

a) Community Recreation

b) Postal Services - Customer

c) Public Safety Services

4. Agricultural Use Types -

a) Garden

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions

2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, 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 this 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. Garden

13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.2.20.02 - 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. Cultural Exhibits and Library Services

d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

e. Funeral and Interment Services - Interring and Cemeteries

f. Group Residential

g. Group Residential/Group Care

h. Lodges, Fraternal and Civic Assembly

i. Major Services and Utilities

j. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

k. Participant Sports and Recreation - Indoor and Outdoor

l. Religious Assembly

m. Residential Care Facilities

n. Schools

3.2.20.03 - General Development

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

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

[Section 3.2.20 amended by Ordinance 2012-19, effective December 13, 2012]

Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS

Table 3.2-1

		Standard
a.	Minimum Density	2 units per acre for existing platted lots as of December 31, 2006; however, all new Residential Subdivisions and Planned Developments in this zone shall achieve a minimum density of 3 units per dwelling acre.
b.	Maximum Density	6 units per acre
c.	Minimum Lot Area	
	1. Single Detached and Attached (one unit only)	6,000 sq. ft.
	2. Single Detached and Attached (multiple units) and all other residential building type configurations	4,000 sq. ft. per unit
d.	Minimum Lot Width	
	1. Single Detached and Attached	60 ft.
	2. Duplex (or other configuration of building types resulting in two units)	80 ft.
	3. Triplex (or other configuration of building types resulting in three units)	120 ft.

		Standard
e.	Minimum Setbacks (all Building Types)	
	1. Front yard	15 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft.
	2. Rear yard	15 ft.
	3. Side yard	
	a) Single Detached	5 ft. minimum each side yard
	b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
	c) Duplex and Triplex	10 ft. minimum each side Also, interior attached townhouses exempt from interior side yard setbacks.
	4. Exterior Side Yard See also “k,” and “l,” below.	15 ft. minimum and vision clearance in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
f.	Minimum Garage/Carport Setbacks	
	1. Garage/carport entrance parallel to street	19 ft.
	2. Garage/carport entrance sideways/perpendicular to street See also “k,” and “l,” below.	15 ft. Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

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

		Standard
g.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
h.	Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits, or Chapter 4.6 - Solar Access.
i.	Maximum Lot Coverage	50 percent of lot area maximum; interior attached townhouses exempt from this provision
j.	Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.
k.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within required front yard setback area. When located within five to 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
l.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o.	Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.

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

[Section 3.2.30 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 3.2.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL

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

[Section 3.2.35 added by Ordinance 2012-17, effective December 13, 2012]

Section 3.2.40 - GREEN AREA REQUIREMENTS

a. A minimum of 50 percent of the gross lot area, and a minimum of 30 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for Multi-dwellings, a Private Outdoor Space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via

doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

Section 3.2.50 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the RS-5 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.2.60 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-5 Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.2.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.2.30 “m” through “q,” and “s,” variations from development and design standards, such as standards in this Chapter and in other chapters of this Code that discuss parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.3
LOW DENSITY (RS-6) ZONE

Section 3.3.10 - PURPOSE

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

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

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

Section 3.3.20 - PERMITTED USES

3.3.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. <u>Residential Use Types</u> -

    a) Family

    b) Group Residential - 12 or fewer persons

    c) Group Residential/Group Care - 12 or fewer persons

    d) Residential Care Facilities - 12 or fewer persons

2. <u>Residential Building Types</u> -

    a) Single Detached

b) Single Detached - Zero Lot Line

c) Single Attached - Zero Lot Line, two units

d) Attached - Townhouse, three to five units

e) Duplex

f) Multi-dwelling - Triplex and Fourplex only

3. Civic Use Types -

a) Community Recreation

b) Postal Services - Customer

c) Public Safety Services

4. Agricultural Use Types -

a) Garden

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions

2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, 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 Uses in accordance with Chapter 4.3 - Accessory Development Regulations

9. Sports and Recreation - personal use

10. Tree, Row, and Field Crops - personal use

11. Garden

12. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

13. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.3.20.02 - Special Development

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

a. Colocated/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. Cultural Exhibits and Library Services

d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

e. Funeral and Interment Services - Interring and Cemeteries

f. Group Residential - more than 12 persons

g. Group Residential/Group Care - more than 12 persons

h. Lodges, Fraternal and Civic Assembly

i. Major Services and Utilities

j. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

k. Participant Sports and Recreation - Indoor and Outdoor

l. Religious Assembly

m. Residential Care Facilities - more than 12 persons

n. Schools

3.3.20.03 - General Development

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

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

[Section 3.3.20 amended by Ordinance 2012-19, effective December 13, 2012]

Section 3.3.30 - RS-6 DEVELOPMENT STANDARDS

Table 3.3-1

	Standard
a. Minimum Density	2 units per acre for existing platted lots as of December 31, 2006; however, all new Residential Subdivisions and Planned Developments in this zone shall achieve a minimum density of 4 dwelling units per acre.
b. Maximum Density	6 units per acre

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

	Standard
e. Setbacks	10 ft. minimum; 25 ft. maximum
1. Front yard	Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2. Rear yard	5 ft. minimum
3. Side yard	
a) Single Detached	5 ft. minimum each side yard
b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
c) Duplex, Triplex and Fourplex	10 ft. minimum each side
4. Exterior Side Yard, and Rear Yard abutting a Street	Also, interior attached townhouses exempt from interior side yard setbacks.
See also “k,” and “l,” below.	10 ft. minimum and vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
f. Minimum Garage/Carport Setbacks	
1. Garage/carport entrance parallel to street	19 ft.
2. Garage/carport entrance sideways/perpendicular to street	10 ft.
See also “k,” and “l,” below.	Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

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

		Standard
g.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
h.	Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access
i.	Maximum Lot Coverage	60 percent of lot area maximum; interior attached townhouses exempt from this provision
j.	Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements
k.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within a required front yard setback area. When located within 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
l.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions .

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

[Section 3.3.30 amended by Ordinances 2012-17 and 2012-18 , effective December 13, 2012]

Section 3.3.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL

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

[Section 3.3.35 added by Ordinance 2012-17, effective December 13, 2012]

Section 3.3.40 - GREEN AREA REQUIREMENTS

a. A minimum of 40 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots, shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior

space via doors and windows. Within the required Green Area for multi-dwellings, a Private Outdoor Space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

Section 3.3.50 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the RS-6 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.3.60 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-6 Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.3.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.3.30 “m” through “q,” and “s,” variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.4
MEDIUM DENSITY (RS-9) ZONE

Section 3.4.10 - PURPOSE

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

Section 3.4.20 - PERMITTED USES

3.4.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. <u>Residential Use Types</u> -

   a) Family

   b) Fraternities and Sororities existing prior to December 31, 2006, in accordance with Section 3.4.60 below

   c) Group Residential - 12 or fewer persons

   d) Group Residential - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.4.60 below

   e) Group Residential/Group Care - 12 or fewer persons

   f) Group Residential/Group Care - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.4.60 below

   g) Residential Care Facilities - 12 or fewer persons

2. Residential Building Types -

a) Single Detached

b) Single Detached - Zero Lot Line

c) Single Attached - Zero Lot Line, two units

d) Attached - Townhouse, three to five units

e) Duplex

f) Manufactured Dwelling Park in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards

g) Multi-dwelling - Triplex and Fourplex only

h) North Campus Area only: Multi-dwellings (more than four units) existing prior to December 31, 2006 in accordance with Section 3.4.60 below

3. Civic Use Types -

a) Community Recreation

b) Postal Services - Customer

c) Public Safety Services

4. Commercial Use Types -

Offices, as defined in Chapter 1.6 - Definitions, and existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.4.20.02 below.

5. Agricultural Use Types -

a) Garden

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions

2. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, 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. Garden

13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

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

e. Cultural Exhibits and Library Services

f. Fraternities and Sororities

g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

h. Funeral and Interment Services - Interring and Cemeteries

i. Group Residential - more than 12 persons

j. Group Residential/Group Care - more than 12 persons

k. Lodges, Fraternal and Civic Assembly

l. Major Services and Utilities

m. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

n. Expansion of offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006

o. Participant Sports and Recreation - Indoor and Outdoor

p. Religious Assembly

q. Residential Care Facilities - more than 12 persons

r. Schools

3.4.20.03 - General Development

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

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

[Section 3.4.20 revised by Ordinances 2012-16 and 2012-19, effective December 13, 2012]

Section 3.4.30 - RS-9 DEVELOPMENT STANDARDS

Table 3.4-1

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

	Standard
e. Setbacks	
1. Front yard	10 ft. minimum; 25 ft. maximum Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2. Rear yard and Side yards Interior attached townhouses exempt from interior side yard setbacks.	5 ft. minimum. Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
a) Single Detached	5 ft. minimum each side yard
b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
c) Duplex, Triplex and Fourplex	10 ft. minimum each side
d) Abutting a more restrictive zone	10 ft. minimum
3. Exterior Side Yard and Rear Yard abutting a Street See also “k,” and “l,” below.	10 ft. minimum vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
f. Minimum Garage/Carport Setbacks	
1. Garage/carport entrance facing/parallel to the street	19 ft. minimum
2. Garage/carport entrance sideways/perpendicular to street	10 ft. minimum
See also “k,” and “l,” below.	Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

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

		Standard
g.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
h.	Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.
i.	Maximum Lot Coverage	70 percent of lot area maximum; interior attached townhouses exempt from this provision. Green Area is calculated per lot.
j.	Off-street Parking	See Chapter 4.1 - Parking, Loading , and Access Requirements.
k.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within required front yard setback area. When located within 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
l.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

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

[Section 3.4.30 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 3.4.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL

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

[Section 3.4.35 added by Ordinance 2012-17, effective December 13, 2012]

Section 3.4.40 - GREEN AREA REQUIREMENTS

a. A minimum of 30 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.4.30 is met. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior

space via doors and windows. Within the required Green Area for multi-dwellings, a Private Outdoor Space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

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, should not be restricted to residential use only. 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 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 Section 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 either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and, 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 in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9th Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

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

[Section 3.4.50 amended by Ordinance 2012-16, effective December 13, 2012]

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

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

Section 3.4.70 - REDEVELOPMENT OF EXISTING OFFICES IN NORTH CAMPUS AREA

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

Section 3.4.80 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the RS-9 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.4.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-9 Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.4.100 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.4.30 “m” through “q,” and “s,” variations from development and design standards such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

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

Section 3.5.10 - PURPOSE

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

Section 3.5.20 - PERMITTED USES

3.5.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types -

   a) Family

   b) Fraternities and Sororities existing prior to December 31, 2006, in accordance with Section 3.5.60 below

   c) Group Residential - 12 or fewer persons

   d) Group Residential - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.5.60 below

   e) Group Residential/Group Care - 12 or fewer persons

   f) Group Residential/Group Care - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.5.60 below

   g) Residential Care Facilities - 12 or fewer persons

2. Residential Building Types -

   a) Single Detached

b) Single Detached - Zero Lot Line

c) Single Attached - Zero Lot Line, two units

d) Attached - Townhouse, three to five units

e) Duplex

f) Multi-dwelling - Triplex and Fourplex only

g) Multi-dwellings - more than four units, existing prior to December 31, 2006 in accordance with Section 3.5.60 below

h) Manufactured Dwelling Facility in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards

3. Civic Use Types -

a) Community Recreation

b) Postal Services - Customer

c) Public Safety Services

4. Commercial Use Types - Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.5.20.02 below

5. Agricultural Use Types -

a) Garden

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions

2. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, 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. Garden

13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

3.5.20.02 - 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 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. Expansion of Offices, as defined in Chapter 1.6 - Definitions, existing as of December 31, 2006

d. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.5.50

e. Cultural Exhibits and Library Services

f. Fraternities and Sororities

g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

h. Funeral and Interment Services - Interring and Cemeteries

i. Group Residential - more than 12 persons

j. Group Residential/Group Care - more than 12 persons

k. Lodges, Fraternal and Civic Assembly

l. Major Services and Utilities

m. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

n. Participant Sports and Recreation - Indoor and Outdoor

o. Religious Assembly

p. Residential Care Facilities - more than 12 persons

q. Schools

3.5.20.03 - General Development

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

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional

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

[Section 3.5.20 amended by Ordinances 2012-16 and 2012-19, effective December 13, 2012]

Section 3.5.30 - RS-9(U) DEVELOPMENT STANDARDS

Table 3.5-1

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

	Standard
e. Setbacks	
1. Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2. Rear yard and Side yards Interior attached townhouses exempt from interior side yard setbacks.	5 ft. minimum. Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
a) Single Detached	5 ft. minimum each side yard
b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
c) Duplex, Triplex and Fourplex	10 ft. minimum each side
d) Abutting a more restrictive zone	10 ft. minimum
3. Exterior Side Yard and Rear Yard abutting a Street	10 ft. minimum, and vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also “k,” and “l,” below.	
f. Minimum Garage/Carport Setbacks	
1. Garage/carport entrance facing/parallel to the street	19 ft. minimum
2. Garage/carport entrance sideways/perpendicular to street	10 ft. minimum
See also “k,” and “l,” below.	Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

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

		Standard
g.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
h.	Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.
i.	Maximum Lot Coverage	70 percent of lot area maximum; interior attached townhouses exempt from this provision. Green area is calculated per lot.
j.	Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.
k.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within required front yard setback area. When located within 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
l.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

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

[Section 3.5.30 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 3.5.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL

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

[Section 3.5.35 added by Ordinance 2012-17, effective December 13, 2012]

Section 3.5.40 – GREEN AREA REQUIREMENTS

a. A minimum of 30 percent of the gross lot area and a minimum of 20 percent for center-unit townhouses on interior lots shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.5.30 is met. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior

space via doors and windows. Within the required Green Area for Multi-dwellings, a Private Outdoor Space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

Section 3.5.50 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE

The predominate purpose of the RS-9(U) Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, location, or age, should not be restricted to residential use only. 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:

3.5.50.01 - Size Limitation

a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006. The redeveloped building may occupy the same building envelope occupied by the existing structure; however, current parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements, shall be met even if these requirements interfere with reestablishment of the original structure;

OR

b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no “Shopping Street” frontage is required).

3.5.50.02 - Burden of Proof

The developer shall prove that:

a. The structure cannot feasibly be used for the Uses permitted in Section 3.5.20.01 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 either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and 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 in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9th Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

3.5.50.03 - 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.

3.5.50.04 - Required Off-Street Parking

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

[Section 3.5.50 amended by Ordinance 2012-16, effective December 13, 2012]

Section 3.5.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS

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

Section 3.5.70 - REDEVELOPMENT OF EXISTING OFFICES

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

Section 3.5.80 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the RS-9(U) Zone and shall be required

for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.5.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS AND ADDITIONAL DESIGN STANDARDS

3.5.90.01 - Compliance with Chapter 4.10 - Pedestrian Oriented Design Standards

Compliance with Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-9(U) Zone, except as modified by Section 3.5.90.02, below, in which case Section 3.5.90.02 shall apply:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

3.5.90.02 - Additional Design Standards

a. **Building Roof** - Roofs shall be gabled or hip type roofs (minimum pitch 3:1) with at least a 30-in. overhang and using shingles or similar roof materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 ft. have roofs similar to what is proposed.

b. **Building Materials (Exterior Walls)** - Lap/horizontal siding or walls of brick, masonry, or stone shall be required. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 ft. use materials similar to what is proposed.

c. **Structure Features** - Development shall be designed to minimize negative visual impacts affecting the character of the neighborhood by considering the scale, bulk, and character of the nearby structures in relation to the proposed structure. Elements of concern include roof style, off-sets in the building's exterior walls and in its roof, types of materials, and other architectural details.

Section 3.5.100 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.5.30 “m” through “q,” and “s,” variations from development and design standards such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be achieved through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

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

Section 3.6.10 - PURPOSE

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

Section 3.6.20 - PERMITTED USES

3.6.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. <u>Residential Use Types</u> -

    a) Family

    b) Group Residential

    c) Group Residential/Group Care

    d) Residential Care Facilities

    e) Fraternities and Sororities

2. <u>Residential Building Types</u> -

    a) Single Detached

    b) Single Detached - Zero Lot Line

    c) Single Attached - Zero Lot Line, two units

    d) Attached - Townhouse

    e) Duplex

    f) Multi-dwelling

g) Manufactured Dwelling Facility in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards

3. Civic Use Types -

a) Community Recreation

b) Postal Services - Customer

c) Public Safety Services

d) Religious Assembly

e) Social Service Facilities

4. Commercial Use Types -

a) Commercial Use Types existing prior to December 31, 2006, along SW Fifth and SW Sixth streets, from SW Adams Avenue to Western Boulevard

b) Lodging Services - Bed and Breakfast only

c) Offices, as defined in Chapter 1.6 - Definitions, and existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.6.20.02, below

5. Agricultural Use Types -

a) Garden

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

13. Garden

14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

3.6.20.02 - Special Development

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

a. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

b. Colocated/attached facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

c. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions

d. Commercial Use Types in existence as of December 31, 2006, such as Automotive and Equipment-Light Equipment Repairs and Light Equipment Sales and Rentals, in the RS-12 Zone at 2220 SW Third Street (Assessor's Map #12-5-11BC, Tax Lot 700 and 701), shall not be classified as nonconforming development. Upon further development, perimeter buffers shall be established consistent with Shopping Area Zone standards in effect at the time land use application LDT 94-1 was approved

e. Expansion of Offices, as defined in Chapter 1.6 - Definitions, in existence prior to December 31, 2006

f. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.6.60

g. Cultural Exhibits and Library Services

h. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

i. Funeral and Interment Services - Interring and Cemeteries

j. Lodges, Fraternal and Civic Assembly

k. Major Services and Utilities

l. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

m. Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006

n. Participant Sports and Recreation - Indoor and Outdoor

o. Schools

3.6.20.03 - General Development

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

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.6.20 amended by Ordinances 2012-16 and 2012-19, effective December 13, 2012]

Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

Table 3.6-1

		Standard
a.	Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b.	Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c.	Minimum Lot Area	2,200 sq. ft. per dwelling unit
d.	Minimum Lot Width	25 ft.

	Standard
e. Setbacks	
1. Front yard	10 ft. minimum; 25 ft. maximum Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
2. Rear yard and Side yards Interior attached townhouses exempt from interior side yard setbacks.)	5 ft. minimum. Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
a) Single Detached	5 ft. minimum each side yard
b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
c) Duplex and Multi-Dwelling	10 ft. minimum each side
d) Abutting a more restrictive zone	10 ft. minimum
3. Exterior Side Yard and Rear Yard abutting a Street	10 ft. minimum and vision clearance areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
See also “k,” and “l,” below.	
f. Minimum Garage/Carport Setbacks	
1. Garage/carport entrance facing/parallel to the street	19 ft. minimum
2. Garage/carport entrance sideways/perpendicular to street	10 ft. minimum
See also “k,” and “l,” below.	Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

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

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

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

[Section 3.6.30 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.6.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

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

a. Buildings with opposing windowed walls shall be separated by 20 ft.

b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in “b,” above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.

e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.

f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.

g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of ground level.

1. Driveways and parking lots shall be separated from windowed walls by at least eight ft.; sidewalks and multi-use paths shall be separated by at least five ft.

2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least seven ft.

3. Driveways and uncovered parking spaces shall be separated from doorways by at least five ft.

Section 3.6.50 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.6.50.01 - Green Area

a. A minimum of 30 percent of the gross lot area and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.6.30 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. The required Green Area shall be designed and arranged to offer the maximum benefits to the occupants of the development and provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.6.50.02 - Private Outdoor Space Per Dwelling Unit

a. Private Outdoor Space shall be required at a ratio of 48 sq. ft. per dwelling unit. This Private Outdoor Space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining Private Outdoor Space and Common Outdoor Space as allowed by Section 3.6.50.04.

b. Private Outdoor Space, such as a patio or balcony, shall have minimum dimensions of six-by-eight ft.

c. Private Outdoor Space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.

d. Private Outdoor Space shall be screened or designed to provide privacy for the users of the space.

e. Private Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.6.50.01, if it is located on the ground. Upper-story balconies cannot be counted.

3.6.50.03 - Common Outdoor Space Per Dwelling Unit

a. In addition to the Private Outdoor Space requirements of Section 3.6.50.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:

1. Studio, one- and two-bedroom units: 200 sq. ft. per unit

2. Three or more bedroom units: 300 sq. ft. per unit

b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.

c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.

d. The Common Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.6.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.

e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.

f. Where more than one tot lot or community garden is required, the developer may provide individual tot lots and / or community gardens, or combine them into larger playground or gardening areas.

g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.

3.6.50.04 - Option to Combine Private and Common Outdoor Space

a. The private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.

b. The combined outdoor space may be covered, but it shall not be fully enclosed.

3.6.50.05 - Outdoor Space Credits

When a development site zoned RS-12 is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an Outdoor Space Credit, not to exceed 25 percent of the total outdoor space requirement pertaining to both Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may

request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

3.6.50.06 - Location of Green Area

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;

b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;

c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;

d. Enhancing recreational opportunities near neighborhood commercial activity centers; and

e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

[Section 3.6.50 amended by Ordinance 2012-19, effective December 13, 2012]

Section 3.6.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE

The predominant purpose of the RS-12 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, location, or age, should not be restricted to residential use only. 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.

3.6.60.01 - Size 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 Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

3.6.60.02 - Burden of Proof

The developer shall prove that:

a. The structure cannot feasibly be used for the Uses permitted in Section 3.6.20.01 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 either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and 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 in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9th Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

3.6.60.03 - 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 pertaining 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.

3.6.60.04 - Required Off-Street Parking

The City recognizes that Section 3.6.60 sometimes applies to structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

[Section 3.6.60 amended by Ordinance 2012-16, effective December 13, 2012]

Section 3.6.70 - REDEVELOPMENT OF EXISTING OFFICES

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

Section 3.6.80 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the RS-12 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.6.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-12 Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.6.100 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.6.30 “m” through “q,” and “s,” variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

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

Section 3.7.10 - PURPOSE

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

Section 3.7.20 - PERMITTED USES

3.7.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types -

    a) Family

    b) Group Residential

    c) Group Residential/Group Care

    d) Residential Care Facility

    e) Fraternities and Sororities

2. Residential Building Types -

    a) Single Detached

    b) Single Detached - Zero Lot Line

    c) Single Attached - Zero Lot Line, two units

    d) Attached - Townhouse

    e) Duplex

f) Multi-dwelling

g) Manufactured Dwelling Facility in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards

3. Civic Use Types -

a) Community Recreation

b) Postal Services - Customer

c) Public Safety Services

d) Religious Assembly

e) Social Service Facilities

4. Commercial Use Types -

a) Professional and Administrative Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.7.20.02 below

b) Lodging Services - Bed and Breakfast only

5. Agricultural Use Types -

a) Garden

b. Accessory Uses Permitted Outright

1. Collocated/attached Wireless Telecommunication Facilities on multi-family 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. Collocated/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

13. Garden

14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.7.20.02 - 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 multi-family residential structures, three or more stories and that increase the height of

the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

b. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

c. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions

d. Expansion of Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006

e. Conversion of structures, or portions or structures, to Professional and Administrative Services Use Type in accordance with Section 3.7.60

f. Cultural Exhibits and Library Services

g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

h. Funeral and Interment Services - Interring and Cemeteries

i. Lodges, Fraternal and Civic Assembly

j. Major Services and Utilities

k. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

l. Participant Sports and Recreation - Indoor and Outdoor

m. Schools

3.7.20.03 - General Development

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

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional

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

[Section 3.7.20 amended by Ordinances 2012-16 and 2012-19, effective December 13, 2012]

Section 3.7.30 - RS-12(U) DEVELOPMENT STANDARDS

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

		Standard
a.	Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b.	Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c.	Minimum Lot Area	2,200 sq. ft. per dwelling unit
d.	Minimum Lot Width	25 ft.
e.	Setbacks	
	1. Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
	2. Rear yard and Side yards Interior attached townhouses exempt from interior side yard setbacks.	5 ft. minimum. Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
	a) Single Detached	5 ft. minimum each side yard
	b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side[1]
	c) Duplex and Multi-Dwelling	10 ft. minimum each side
	d) Abutting a more restrictive zone	10 ft. minimum
	3. Exterior Side Yard and Rear Yard abutting a Street	10 ft. minimum and vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
	See also “k,” and “l,” below.	

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

		Standard
f.	Minimum Garage/Carport Setbacks 1. Garage/carport entrance facing/parallel to the street 2. Garage/carport entrance sideways/perpendicular to street See also “k,” and “l,” below.	 19 ft. minimum 10 ft. minimum Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.
g.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
h.	Maximum Structure Height	35 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.
i.	Maximum Lot Coverage	70 percent of lot area maximum; interior attached townhouses exempt from this provision. Green Area is calculated per lot.
j.	Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.

		Standard
k.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within required front yard setback area. When locatedwithin10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
l.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o.	Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p.	Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
q.	Landscaping	See Section 3.7.50, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r.	Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.7.50, below.
s.	Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 3.7.30 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.7.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

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

a. Buildings with opposing windowed walls shall be separated by 20 ft.

b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in “b,” above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.

e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.

f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.

g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of ground level.

1. Driveways and parking lots shall be separated from windowed walls by at least eight ft.; sidewalks and multi-use paths shall be separated by at least five ft.

2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least seven ft.

3. Driveways and uncovered parking spaces shall be separated from doorways by at least five ft.

Section 3.7.50 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.7.50.01 - Green Area

a. A minimum of 30 percent of the gross lot area and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.7.30 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. The required Green Area shall be designed and arranged to offer the maximum benefits to the occupants of the development and provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.7.50.02 - Private Outdoor Space Per Dwelling Unit

a. Private Outdoor Space shall be required at a ratio of 48 sq. ft. per dwelling unit. This Private Outdoor Space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining Private Outdoor Space and Common Outdoor Space as allowed by Section 3.7.50.04.

b. Private Outdoor Space such as a patio or balcony shall have minimum dimensions of six-by-eight ft.

c. Private Outdoor Space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.

d. Private Outdoor Space shall be screened or designed to provide privacy for the users of the space.

e. Private Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.7.50.01, if it is located on the ground. Upper-story balconies cannot be counted.

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a. In addition to the Private Outdoor Space requirements of Section 3.7.50.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:

1. Studio, one- and two-bedroom units: 200 sq. ft. per unit

2. Three or more bedroom units: 300 sq. ft. per unit

b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.

c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.

d. The Common Outdoor Space may be considered as part of the 30 percent Green Area required under Section 3.7.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.

e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.

f. Where more than one tot lot or community garden is required, the developer may provide individual tot lots and / or community gardens, or combine them into larger playground or gardening areas.

g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.

3.7.50.04 - Option to Combine Private and Common Outdoor Space

a. The Private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy

Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.

b. The combined outdoor space may be covered, but it shall not be fully enclosed.

3.7.50.05 - Outdoor Space Credits

A developer may request an Outdoor Space Credit, not to exceed 25 percent of the total outdoor space requirement, including Private and Common Outdoor Space, when an RS-12 development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

3.7.50.06 - Location of Green Area

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;

b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;

c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;

d. Enhancing recreational opportunities near neighborhood commercial activity centers; and

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[Section 3.7.50 amended by Ordinance 2012-19, effective December 13, 2012]

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3.7.60.01 - Size 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 Section 3.14.20.a, with the exception of 3.14.20.a.4 (no “Shopping Street” frontage is required).

3.7.60.02 - Burden of Proof

The developer shall prove that:

a. The structure cannot feasibly be used for the Uses permitted in Section 3.7.20.01 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 either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and 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 in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9th Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

3.7.60.03 - 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 pertaining 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.

3.7.60.04 - Required Off-Street Parking

The City recognizes that Section 3.7.60 sometimes applies to structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

[Section 3.7.60 amended by Ordinance 2012-16 effective December 13, 2012]

Section 3.7.70 - REDEVELOPMENT OF EXISTING OFFICES

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

Section 3.7.80 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the RS-12(U) Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.7.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS AND ADDITIONAL DESIGN STANDARDS

3.7.90.01 - Chapter 4.10 - Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-12(U) Zone, except as modified by Section 3.7.90.02, below, in which case Section 3.7.90.02 shall apply:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or

constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

3.7.90.02 - Additional Design Standards

a. **Building Roof** - Roofs shall be gabled or hip type roofs (minimum pitch 3:1) with at least a 30-in. overhang and using shingles or similar roof materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 ft. have roofs similar to what is proposed.

b. **Building Materials (Exterior Walls)** - Lap/horizontal siding or walls of brick, masonry, or stone shall be required. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 ft. use materials similar to what is proposed.

c. **Structure Features** - Development shall be designed to minimize negative visual impacts affecting the character of the neighborhood by considering the scale, bulk, and character of the nearby structures in relation to the proposed structure. Elements of concern include roof style, off-sets in the building's exterior walls and in its roof, types of materials, and other architectural details.

Section 3.7.100 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.7.30 “m” through “q,” and “s,” variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.8
HIGH DENSITY (RS-20) ZONE

Section 3.8.10 - PURPOSE

This is the primary zone that implements the High Density Residential Comprehensive Plan designation, which allows 20 or more dwelling units per acre. It is intended to provide areas for high density group residential dwelling units and other closely related and/or supportive uses in various areas within the City.

Section 3.8.20 - PERMITTED USES

3.8.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types -

   a) Family

   b) Group Residential

   c) Group Residential/Group Care

   d) Residential Care Facilities

   e) Fraternities and Sororities

2. Residential Building Types -

   a) Single Detached

   b) Single Detached - Zero Lot Line

   c) Single Attached - Zero Lot Line, two units

   d) Attached -Townhouse

   e) Duplex

   f) Multi-dwelling

3. Civic Use Types -

a) Community Recreation

b) Lodges, Fraternal and Civic Assembly

c) Postal Services - Customer

d) Public Safety Services

e) Religious Assembly

f) Schools

g) Social Service Facilities

4. Commercial Use Types -

a) Professional and Administrative Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.8.20.02 below

b) Lodging Services - Bed and Breakfast only

5. Agricultural Use Types -

a) Garden

b. Accessory Uses Permitted Outright

1. Collocated/attached Wireless Telecommunication Facilities on multi-family 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. Collocated/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

13. Garden

14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.8.20.02 - 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 facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by

more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

b. Collocated/attached facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions

c. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions

d. Expansion of Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006

e. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.8.60

f. Cultural Exhibits and Library Services

g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

h. Funeral and Interment Services - Interring and Cemeteries

i. Major Services and Utilities

j. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

k. Parking Services

l. Participant Sports and Recreation - Indoor and Outdoor

3.8.20.03 - General Development

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

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 75 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.8.20 amended by Ordinances 2012-16 and 2012-19, effective December 3, 2012]

Section 3.8.30 - RS-20 DEVELOPMENT STANDARDS

3.8.30.01

Table 3.8-1

		Standard
a.	Minimum Density	20 units per acre. Applies to the creation of Land Divisions.
b.	Maximum Density	No Maximum
c.	Minimum Lot Area	None
d.	Minimum Average Lot Width	25 ft.
e.	Setbacks	
	1. Front, Side Yard, and Rear Yard Unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained. Interior attached townhouses exempt from interior side yard setbacks.	10 ft. minimum, except that portions may be reduced to 5 ft. provided that: 1. The 5 ft. setback is applied to 50 percent or less of the building face related to a yard space; 2. An average 10 ft. setback shall be provided along the building face; and 3. Where buildings exceed a length of 60 ft or exceed 3 stories, the above yard requirements shall be increased at a rate of 1 ft. for each 15 ft. of building length over 60 ft. and 2 ft. for each story over 3 stories.
	2. Maximum Front Yard Setback	25 ft.; interior buildings within a development are exempt from this requirement.
	3. Side and Rear Yard Setback Adjacent to Low Density Residential zones	Equal to most restrictive setback in the Low Density Residential zone.
	4. Exterior Side Yard and Rear Yard abutting a Street	10 ft. minimum and vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
	See also “k,” and “l,” below.	

		Standard
f.	Minimum Garage/Carport Setbacks 1. Detached and attached units a) Garage/carport entrance facing/parallel to the street b) Garage/carport entrance sideways/perpendicular to street 2. Multi-dwelling units See also “k,” and “l,” below.	 19 ft. minimum 10 ft. minimum Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards. Off-street parking and garages/carports shall be located interior to the site in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards.
g.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
h.	1. Maximum Structure Height 2. Maximum Structure Height adjacent to RS-3.5, RS-5, RS-6, RS-9, and RS-9(U) Zones	65 ft. above grade or 5 stories , whichever is less. See Section 3.8.30.02 below.
i.	Maximum Lot Coverage	75 percent of the lot area maximum; interior attached townhouses exempt from this provision. Green Area is calculated per lot.
j.	Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.

		Standard
k.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within required front yard setback area. When located within 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
l.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o.	Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p.	Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
q.	Landscaping	See Section 3.8.50, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r.	Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.8.50, below.
s.	Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

3.8.30.02 - Structure Height and Building Mass

a. Primary structures in the RS-20 Zone shall not exceed a height of 65 ft. or five stories, whichever is less.

b. Where a property in the RS-20 Zone abuts a property in the RS-9 or RS-9(U) Zone, the height of structures in the RS-20 Zone is limited to a maximum of 35 ft. within a distance of 20 ft. from the Medium Density Residential property. Where a street separates the land zoned RS-20 from the land zoned RS-9 or RS-9(U), this height restriction shall be in accordance with “d,” below. See Figure 3.8-1 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-9 or RS-9(U).

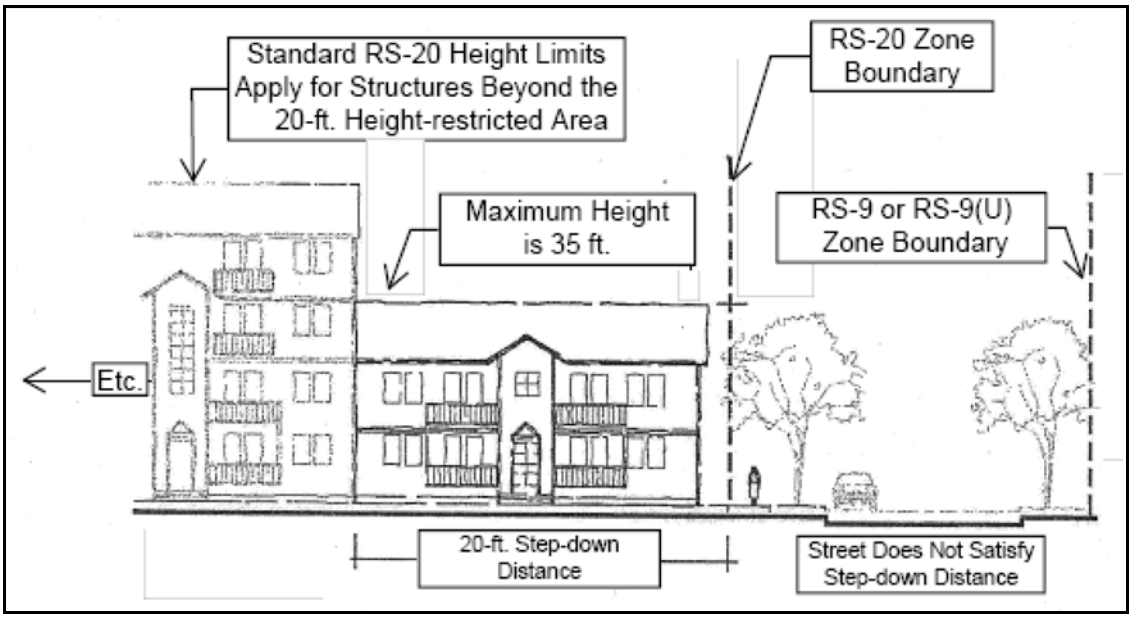

Figure 3.8-1 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-9 or RS-9(U)

c. Where a property in the RS-20 Zone abuts a property within the RS-3.5, RS-5, or RS-6 Zone, the height of structures in the RS-20 Zone is limited to a maximum of 35 ft. and two stories in height within the first 50 ft.; and a maximum of 45 ft. in height within a distance of 50 - 100 ft. from the Low Density Residential property. Where a street separates the land zoned RS-20 from the land zoned RS-3.5, RS-5, or RS-6, this height restriction shall be in accordance with "d," below. See Figure 3.8-2 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

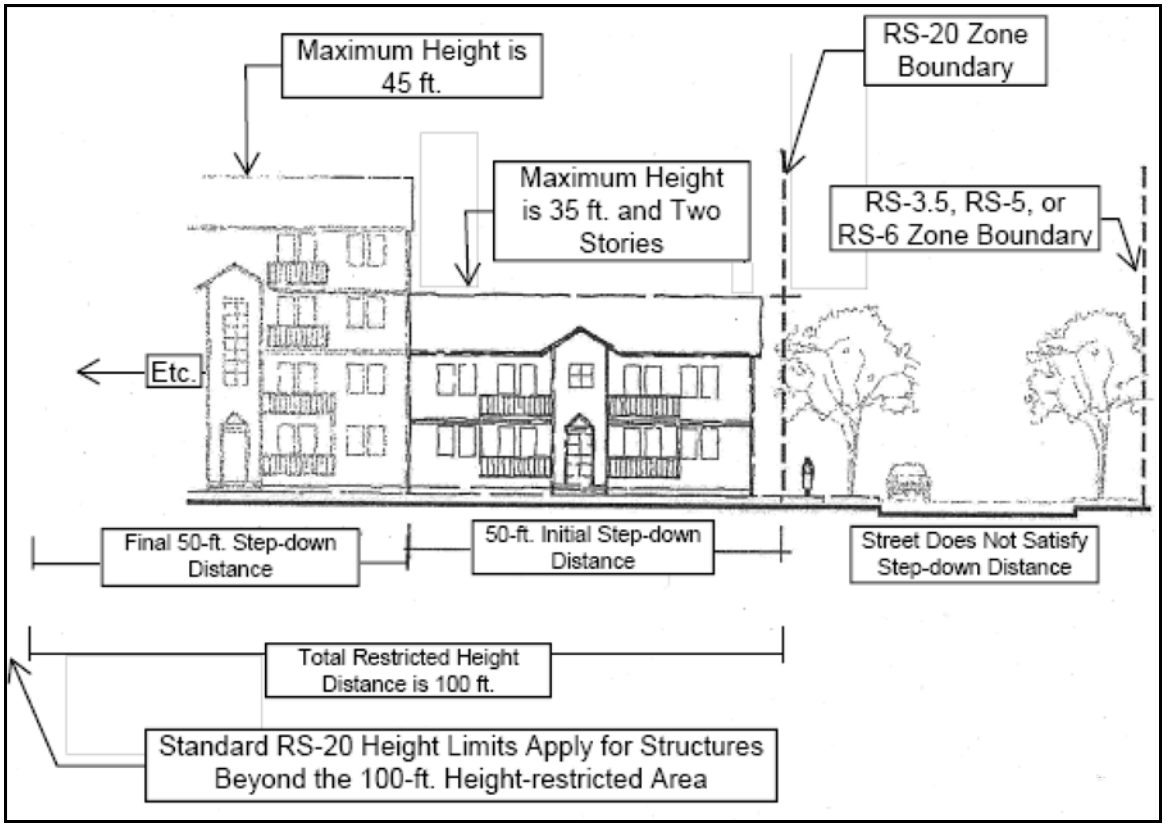

Figure 3.8-2 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-3.5, RS-5, or RS-6

d. Where the RS-20 Zone is separated from the Low or Medium Density Residential zone by an existing or planned street, the measurements outlined in "b," and "c," above, shall be taken from the RS-20 side of the street, and the street shall not be counted to satisfy the distance needed for the step-down in height. In cases where the RS-20 zoning boundary immediately abuts the Low or Medium Density Residential zoning boundary, and an existing or planned street is located within the RS-20 Zone and also abutting the Low or Medium Density Residential zoning boundary, the street shall not be counted to satisfy the distance needed for the step-down in height. See Figure 3.8-1 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-9 or RS-9(U) and Figure 3.8-2 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

e. Where a property in the RS-20 Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, buildings on the perimeter of the RS-20 site and closest to the Low Density Residential Zone shall be limited to 150 ft. in length.

[Section 3.8.30 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.8.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-20 Zone:

a. Buildings with opposing windowed walls shall be separated by 20 ft.

b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in “b” above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.

e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.

f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.

g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of ground level.

1. Driveways and parking lots shall be separated from windowed walls by at least eight ft.; sidewalks and multi-use paths shall be separated by at least five ft.

2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least seven ft.

3. Driveways and uncovered parking spaces shall be separated from doorways by at least five ft.

Section 3.8.50 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.8.50.01 - Green Area

a. A minimum of 25 percent of the gross lot area and a minimum of 15 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 75 percent maximum lot/site coverage standard of Section 3.8.30 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. The required Green Area shall be designed and arranged to offer the maximum benefits to the occupants of the development and to provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.8.50.02 - Private Outdoor Space Per Dwelling Unit

a. Private Outdoor Space shall be required at a ratio of 48 sq. ft. per dwelling unit. This Private Outdoor Space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining Private Outdoor Space and Common Outdoor Space as allowed by Section 3.8.50.04.

b. Private Outdoor Space, such as a patio or balcony, shall have minimum dimensions of six-by-eight ft.

c. Private Outdoor Space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.

d. Private Outdoor Space shall be screened or designed to provide privacy for the users of the space.

e. Private Outdoor Space may be considered as part of the 25 percent Green Area required under Section 3.8.50.01 if it is located on the ground. Upper-story balconies cannot be counted.

3.8.50.03 - Common Outdoor Space Per Dwelling Unit

a. In addition to the Private Outdoor Space requirements of Section 3.8.50.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:

1. Studio, one- and two-bedroom units: 200 sq. ft. per unit

2. Three or more bedroom units: 300 sq. ft. per unit

b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.

c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.

d. The Common Outdoor Space may be considered as part of the 25 percent Green Area required under Section 3.8.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.

e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.

f. Where more than one tot lot or community garden is required, the developer may provide individual tot lots and / or community gardens, or combine them into larger playground or gardening areas.

g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.

3.8.50.04 - Option to Combine Private and Common Outdoor Space

a. The Private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.

b. The combined outdoor space may be covered, but it shall not be fully enclosed.

3.8.50.05 - Outdoor Space Credits

When an RS-20 development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an Outdoor Space Credit, not to exceed 25 percent of the total outdoor space requirement, including Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

3.8.50.06 - Location of Green Area

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;

b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;

c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;

d. Enhancing recreational opportunities near neighborhood commercial activity centers; and

e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

[Section 3.8.50 amended by Ordinance 2012-19, effective December 13, 2012]

Section 3.8.60 - CONVERSION OF A UNIT TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES

The predominant purpose of the RS-20 Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, location, or age, should not be restricted to residential use only. 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.

3.8.60.01 - Size 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 Section 3.14.20.a, with the exception of 3.14.20.a.4 (no “Shopping Street” frontage is required).

3.8.60.02 - Burden of Proof

The developer shall prove that:

a. The structure cannot feasibly be used for the uses permitted in Section 3.8.20.01 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 either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and 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 in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9th Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

3.8.60.03 - 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 pertaining 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.

3.8.60.04 - Required Off-street Parking

The City recognizes that Section 3.8.60 sometimes applies to structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

[Section 3.8.60 amended by Ordinance 2012-16, effective December 13, 2012]

Section 3.8.70 - REDEVELOPMENT OF EXISTING OFFICES

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

Section 3.8.80 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the RS-20 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.8.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-20 Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.8.100 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.8.30 “m” through “q,” and “s,” variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.9
MIXED USE RESIDENTIAL (MUR) ZONE

Section 3.9.10 - PURPOSE

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

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

Section 3.9.20 - GENERAL PROVISIONS - Establishment of the MUR Zone

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

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

a. Locational Criteria

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

1. The MUR Zone designation shall be applied only to properties that are contiguous with property designated Commercial on the Comprehensive Plan Map;

2. The outer boundary of the MUR Zone shall extend no farther than 450 ft. (1.5 to 2 blocks) from the edge of the adjacent commercially

designated property. Variations from this locational criteria may be requested through the Planned Development process outlined in Chapter 2.5 - Planned Development; and

3. Unless designated on the Transportation Plan Map, streets shall not make up the boundaries of an MUR Zone when the zone abuts a Low Density Residential zone, except for existing situations as of December 31, 2006.

b. Dimensional Criteria

A new MUR Zone shall consist of at least one whole legal lot or parcel if the lot or parcel is one acre or smaller in size. When multiple tax lots or parcels are included, portions of individual lots or parcels at least one acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zoning designation. Existing public street rights-of-way shall not count toward the total area of a zone.

Section 3.9.30 - PERMITTED USES

3.9.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types -

   a) Family

   b) Group Residential

   c) Group Residential/Group Care

   d) Residential Care Facilities

   e) Fraternities and Sororities

2. Residential Building Types -

   a) Single Detached

   b) Single Detached - Zero Lot Line

c) Single Attached - Zero Lot Line, two units

d) Attached - Townhouse

e) Duplex

f) Multi-dwelling in a residential-only development - minimum density of 20 units/gross acre

g) Multi-dwelling in a mixed use development that contains a minimum of 10 percent nonresidential Use Types - minimum density of 12 units/gross acre

h) Accessory Dwelling Unit

3. Civic Use Types -

a) Cultural Exhibits and Library Services - limited to 3,000 sq. ft. per use

b) Postal Services - Customer

c) Community Recreation

d) Social Service Facilities

4. Commercial Use Types - limited to 3,000 sq. ft. of gross floor area per use

a) Business Support Services

b) Convenience Sales and Personal Services

c) Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions

d) Eating and Drinking Establishments - Sit-down,15 or fewer seats

e) Financial, Insurance, and Real Estate Services

f) Food and Beverage Sales - such as deli, espresso bar

g) Laundry Services

h) Lodging Services - Bed & Breakfast only

i) Professional and Administrative Offices

j) Vocational or Professional Training - within buildings only

5. Agricultural Use Types -

a) Garden

b. Accessory Uses Permitted Outright

1. Essential Services

2. Home Business, as defined in Chapter 1.6 - Definitions

3. Day Care, Family, as defined in Chapter 1.6 - Definitions

4. Required off-street parking for Uses permitted in the zone, in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements

5. Garden

6. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

7. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

3.9.30.02 - Special Development

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

a. Eating and Drinking Establishments - Sit Down, more than 15 seats

b. Medical Services - Minor, limited to 3,000 sq. ft. gross floor area

c. Lodging Services - limited to Bed and Breakfast with five or fewer bedrooms

d. Religious Assembly - limited to 3,000 sq. ft. of gross floor area per use

e. Major Services and Utilities - limited to 3,000 sq. ft. of gross floor area per use

f. Schools

3.9.30.03 - General Development

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

a. Minor utilities subject to standards in Chapter 4.9 - Additional Provisions

b. Projections (attached to the building) such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 75 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions.
Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

3.9.30.04 - Prohibited Uses

All Uses not explicitly listed in Sections 3.9.30.01 through 3.9.30.03 are prohibited. For emphasis, the following Uses are identified as prohibited:

a. Automotive and Equipment Use Types

b. Drive-through Facilities

c. Fuel Sales

d. Car Washes

e. Retail Sales - General

f. Any other Use not specifically listed in Sections 3.9.30.01 through 3.9.30.03

[Section 3.9.30 amended by Ordinances 2012-16 and 2012-19, effective December 13, 2012]

Section 3.9.40 - MUR ZONE DEVELOPMENT STANDARDS

3.9.40.01 - Minimum/Maximum Residential Densities

a. Minimum residential densities for strictly residential development within an MUR Zone shall be 20 units per acre.

b. Minimum residential densities for developments that include mixed uses within an MUR Zone shall be 12 units per acre. For these mixed use developments, if less than 20 units per acre are provided, the development shall include a minimum of 10 percent of the total gross floor area in nonresidential uses.

c. No maximum residential densities are established for the MUR Zone. Building heights regulate maximum densities.

3.9.40.02 - Nonresidential Uses

a. Nonresidential uses in the MUR Zone shall not exceed a size of 3,000 sq. ft. of gross floor area per individual use and shall be limited to a maximum of 20 percent of the total gross floor area in the development site.

b. Nonresidential uses shall be developed as part of a mixed use building that includes housing (with the exception of Civic Uses) and shall be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of two or more phases, each phase shall also meet this standard.

3.9.40.03 - MUR Development Standards

Table 3.9-1

		Standard
a.	Minimum Lot Area	None
b.	Minimum Lot Width	None

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

		Standard
e.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
f.	Maximum Lot Coverage	80 percent of the lot area maximum; interior attached townhouses exempt from this provision. Green Area is calculated per lot.
g.	Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.
h.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within required front yard setback area. When located within 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
i.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
j.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
k.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
l.	Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
m.	Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.

		Standard
n.	Landscaping	See Section 3.8.60, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
o.	Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.8.60, below.
p.	Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

3.9.40.04 - Structure Height and Building Mass

a. Primary structures in the MUR Zone shall not exceed a height of 65 ft. or five stories, whichever is less.

b. Where a property in the MUR Zone abuts a property in the RS-9 or RS-9(U) Zone, the height of structures in the MUR Zone is limited to a maximum of 35 ft. within a distance of 20 ft. from the Medium Density Residential property. Where a street separates the land zoned MUR from the land zoned RS-9 or RS-9(U), this height restriction shall be in accordance with "d," below. See Figure 3.9-1 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-9 or RS-9(U).

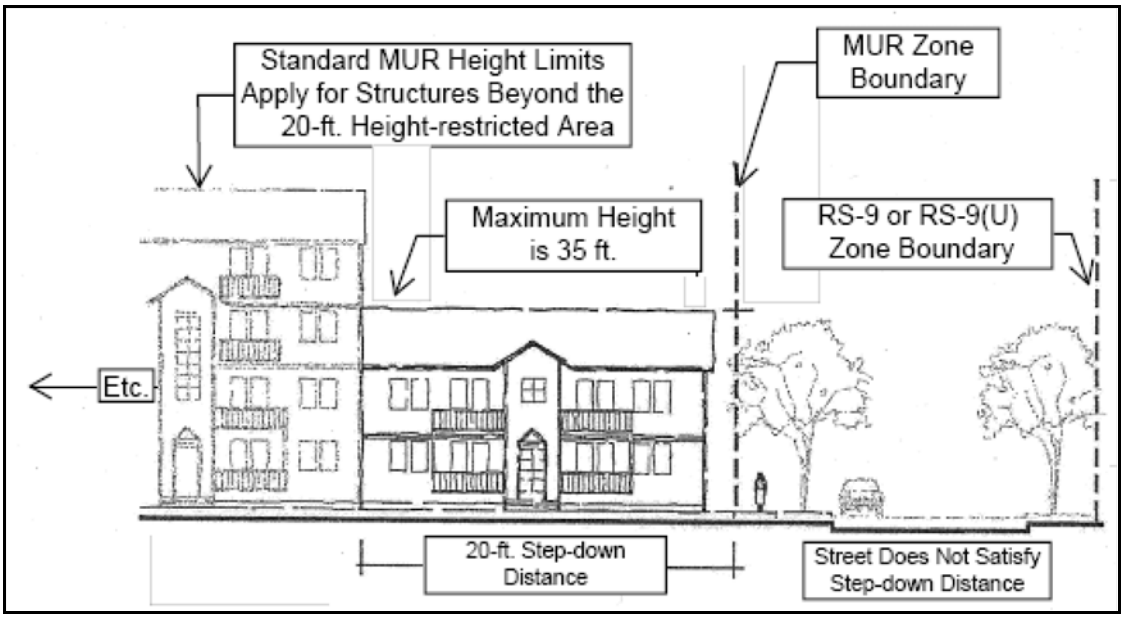

Figure 3.9-1 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-9 or RS-9(U)

c. Where a property in the MUR Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, the height of structures in the MUR Zone is limited to a maximum of 35 ft. or two stories in height within the first 50 ft.; and a

maximum of 45 ft. in height within a distance of 50 - 100 ft. from the Low Density Residential property. Where a street separates the land zoned MUR from the land zoned RS-3.5, RS-5, or RS-6, this height restriction shall be in accordance with "d," below. See Figure 3.9-2 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

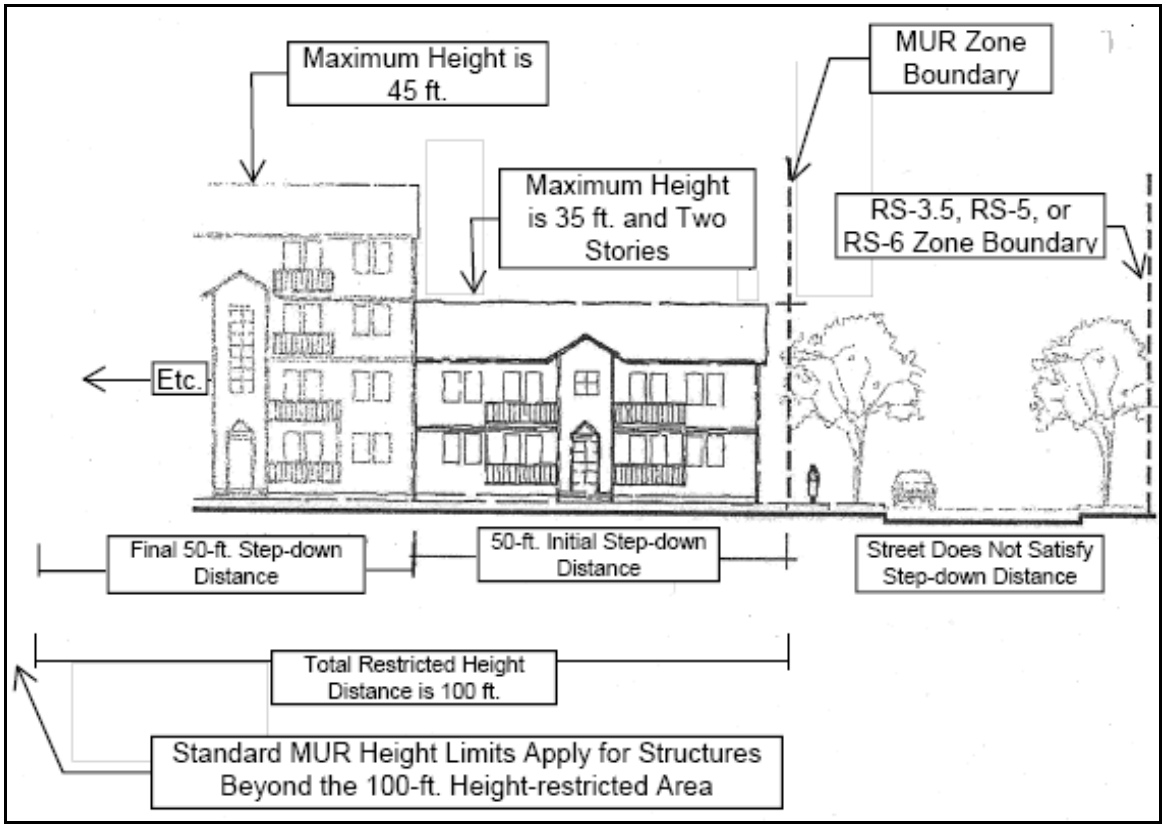

Figure 3.9-2 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-3.5, RS-5, or RS-6

d. Where the MUR Zone is separated from the Low or Medium Density Residential zone by an existing or planned street, the measurements outlined in "b," and "c," above, shall be taken from the MUR side of the street, and the street shall not be counted to satisfy the distance needed for the step-down in height. In cases where the MUR zoning boundary immediately abuts the Low or Medium Density Residential zoning boundary, and an existing or planned street is located within the MUR Zone and also abutting the Low or Medium Density Residential zoning boundary, the street shall not be counted to satisfy the distance needed for the step-down in height. See Figure 3.9-1 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-9 or RS-9(U) and Figure 3.9-2 - Required Height

Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

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

[Section 3.9.40 amended by Ordinances 2012-17 and 2012-18, effective December 13, 2012]

Section 3.9.50 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

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

a. Buildings with opposing windowed walls shall be separated by 20 ft.

b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in “b” above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.

d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.

e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.

f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.

g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of the ground level.

1. Driveways and parking lots shall be separated from windowed walls by at least eight ft.; sidewalks and multi-use paths shall be separated by at least five ft.

2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least seven ft.

3. Driveways and uncovered parking spaces shall be separated from doorways by at least five ft.

Section 3.9.60 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.9.60.01 - Green Area

a. A minimum of 20 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 80 percent maximum lot/site coverage standard of Section 3.9.40.03 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

c. The required Green Area shall be designed and arranged to offer the maximum benefits to the occupants of the development and provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.9.60.02 - Private Outdoor Space Per Dwelling Unit

a. Private Outdoor Space shall be required at a ratio of 48 sq. ft. per dwelling unit. This Private Outdoor Space requirement may be met by providing

patios and balconies for some or all dwelling units, or by combining Private Outdoor Space and Common Outdoor Space as allowed by Section 3.9.60.04.

b. Private Outdoor Space, such as a patio or balcony, shall have minimum dimensions of six-by-eight ft.

c. Private Outdoor Space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.

d. Private Outdoor Space shall be screened or designed to provide privacy for the users of the space.

e. Private Outdoor Space may be considered as part of the 20 percent Green Area required under Section 3.9.60.01, if it is located on the ground. Upper-story balconies cannot be counted.

3.9.60.03 - Common Outdoor Space Per Dwelling Unit

a. In addition to the Private Outdoor Space requirements of Section 3.9.60.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units for use by all residents of the development, in the following amounts:

1. Studio, one- and two-bedroom units: 200 sq. ft. per unit

2. Three or more bedroom units: 300 sq. ft. per unit

b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.

c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.

d. The Common Outdoor Space may be considered as part of the 20 percent Green Area required under Section 3.9.60.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.

e. A children's tot lot shall be provided for each 20 units. The minimum dimensions for any tot lot shall be 20-by-20 ft., with a minimum size of 400 sq. ft. The tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats.

f. Where more than one tot lot is required, the developer may provide individual tot lots or may combine them into larger playground areas.

g. Housing complexes that include 20 or more dwelling units designed for older persons do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d," above.

3.9.60.04 - Option to Combine Private and Common Outdoor Space

a. The Private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.

b. The combined outdoor space may be covered, but it shall not be fully enclosed.

3.9.60.05 - Outdoor Space Credits

a. When an MUR development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an Outdoor Space Credit not to exceed 25 percent of the total outdoor space requirement, including Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

b. Provisions for the Central Business Zone, the Central Business Fringe Zone, and the Neighborhood Center Zone reference the Mixed Use Residential development standards. The same Outdoor Space Credits available for sites

within the Downtown Residential Neighborhood shall be available to sites within the Central Business, Central Business Fringe, and Neighborhood Center zones.

3.9.60.06 - Location of Green Area

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;

b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;

c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;

d. Enhancing recreational opportunities near neighborhood commercial activity centers; and

e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

Section 3.9.70 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the MUR Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.9.80 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the MUR Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.9.90 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.9.40.03 “j,” through “n,” and “p,” variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.10
EXTRA-LOW DENSITY RESIDENTIAL (RS-1) ZONE

Section 3.10.10 - PURPOSE

This Zone implements elements of the Low Density Comprehensive Plan designation. While the normal density range for the Low Density Residential Comprehensive Plan designation is two - six dwelling units per acre, this Extra-low Density Residential designation is limited to a density range of 0.5 to 2 dwelling units per acre. It is intended to provide an Extra-low Density Residential Zone with a full range of urban services only for areas having the following specific characteristics:

a. The property contains significant Natural Resources or Natural Hazards required to be protected under provisions of this Code;

b. The property is located within an area identified on the Comprehensive Plan Map as appropriate for the application of this Zone;

c. Such designation of the property will not inhibit extension of public facilities or services to other properties within the Urban Growth Boundary; and

d. The property is not necessary to satisfy the City's buildable lands needs.

Section 3.10.20 - PERMITTED USES

3.10.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. <u>Residential Use Types</u> - Family

2. <u>Residential Building Types</u> - Single Detached

3. <u>Civic Use Types</u> -

   a) Community Recreation

   b) Public Safety Services

   c) Minor Utilities

4. Agricultural Use Types

a) Garden

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions

2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, 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 this 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. Garden

13. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

14. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.10.20.02 - Special Development

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

a. Colocated/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. Cultural Exhibits and Library Services

d. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

e. Funeral and Interment Services - Interring and Cemeteries

f. Lodges, Fraternal and Civic Assembly

g. Major Services and Utilities

h. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

i. Participant Sports and Recreation - Indoor and Outdoor

j. Religious Assembly

k. Schools

l. Spectator Sports and Entertainment - Limited and Other

3.10.20.03 - General Development

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

a. Projections such as chimneys, spires, domes, and towers not used for

human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

b. Development consistent with the development standards of the RS-5 Zone, provided adherence to the standards in Chapter 4.10 - Pedestrian Oriented Design Standards and provided that the Housing Types and land uses are consistent with the RS-3.5 Zone.

[Section 3.10.20 amended by Ordinance 2012-19, effective December 13, 2012]

Section 3.10.30 - RS-1 DEVELOPMENT STANDARDS

Table 3.10-1

		Standard
a.	Minimum Density	2 units per acre
b.	Maximum Density	6 units per acre
c.	Minimum Lot Area	8,000 sq. ft.
d.	Minimum Average Lot Width	65 ft.
e.	Minimum Setbacks	
	1. Front yard	25 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft.
	2. Rear yard	25 ft.
	3. Side yard (interior)	8 ft.
	4. Corner lot	20 ft. on side abutting street and vision clearance in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading and Access Requirements.
	See also “k,” and “l,” below.	
f.	Minimum Garage/Carport Setbacks	
	1. Garage/carport entrance parallel to street	19 ft.
	2. Garage/carport entrance sideways/perpendicular to the street	15 ft.
	See also “k,” and “l,” below.	Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

g.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also “k,” and “l,” below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
h.	Maximum Structure Height	30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access.
i.	Maximum Building Site Coverage	60 percent or 15,000 sq. ft., whichever is less.
j.	Off-street Parking	See Chapter 4.1 - Parking Loading and Access Requirements.
k.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within required front yard setback area. When located within 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
l.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.
o.	Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p.	Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.

q.	Landscaping	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r.	Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 3.10.30 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.10.40 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.10.30 “m” through “r,” variations from development and design standards, such as standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.11
PROFESSIONAL AND ADMINISTRATIVE OFFICE (P-AO) ZONE

Section 3.11.10 - PURPOSE

The Professional and Administrative Office (P-AO) Zone implements the Professional Office Comprehensive Plan designation. The P-AO Zone is intended to establish suitable urban areas for diversified office uses in concentrated centers and in appropriate isolated locations. Purposes of this zone also include the following:

a. Accommodate location of intermediate uses between residential zones and areas of more intense development;

b. Afford opportunities for employment and for business and professional services in close proximity to residential neighborhoods and transportation facilities;

c. Provide a range of compatible and supportive uses;

d. Promote user convenience and the conservation of energy; and

e. Establish development standards that ensure consistency with the Comprehensive Plan.

Section 3.11.20 - PERMITTED USES

3.11.20.01 - Ministerial Development

a. Prior Established Uses Permitted

1. Uses existing prior to and in compliance (e.g. not a Nonconforming Use Type) with the Code on December 31, 2006.

2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property.

b. Primary Uses Permitted Outright

1. <u>Civic Use Types</u> -

a) Administrative Services

b) Parking Services

c) Postal Services - Customer

d) Public Safety Services

2. Commercial Use Types -

a) Business Support Services

b) Finance, Insurance, Real Estate Services

c) Medical Services

d) Professional and Administrative Services

e) Research Services

f) Technology and Support Services - less than 10,000 sq. ft.

g) Temporary Outdoor Markets

h) Vocational or Professional Training - within buildings only

c. Accessory Use Types Permitted Outright

1. Day Care, Commercial Facility

2. Day Care, Family

3. Essential Services

4. Home Business - applicable to residential units, and as defined in Chapter 1.6 - Definitions

5. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements

6. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations

7. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

8. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

9. Garden

10. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

3.11.20.02 - Special Development

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

a. Animal Sales and Services

1. Veterinary - Small Animals

2. Grooming

b. Major Services and Utilities

c. Participant Sports and Recreation - Indoor

d. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

e. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c of Chapter 4.9 - Additional Provisions

f. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

g. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

h. Technology and Support Services - 10,000 sq. ft. or greater

3.11.20.03 - General Development

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

a. Drive-through Facilities accessory to a Permitted Use, such as financial institutions

b. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions

c. Projections such as chimneys, spires, domes and towers not used for human occupancy and exceeding 55 ft. in height in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U), the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less.
Note: Flagpoles are subject to height requirements of Section 4.7.70.b in Chapter 4.7 - Sign Regulations.

d. Residential Use Types permitted in the RS-20 Zone, which shall be developed either simultaneously with or following development of Primary and Accessory Uses permitted outright. Residences shall be arranged and located for principal service to the employees or users of one or more Primary Uses on the same development site or in the immediate vicinity, subject to the regulations of Sections 3.11.30 through 3.11.60.

e. Freestanding Wireless Telecommunication Facilities up to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.11.20 amended by Ordinances 2012-16, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.11.30 - DEVELOPMENT STANDARDS

3.11.30.01 - Dimensional Requirements

Lot size permitted or authorized in this zone shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the zone.

3.11.30.02 - Setbacks

Setbacks from lot lines abutting the following:

a. Residential Zones - Shall be equal to the most restrictive setback required in the abutting subject yards. This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. No parking or loading areas or driveways shall occupy the landscaped buffer area.

b. Streets - Minimum of 15 ft. from all street rights-of-way.

c. All Other Zones - None.

d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Building Code.

3.11.30.03 - Height of Structures

a. Structures in the P-AO Zone shall not exceed a height of 45 ft., or three stories, whichever is less.

b. Where the P-AO Zone abuts an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the height of structures within the P-AO Zone shall be limited to a maximum of 30 ft. in height (generally two stories) within the first 50 ft. of the property line; and a maximum of 45 ft. in height when more than 50 ft. from contiguous residentially zoned property.

3.11.30.04 - Lot Coverage

Lot Coverage shall not exceed 65 percent of the site area. See also Section 3.11.40.02.a for minimum Green Area requirements.

Section 3.11.40 - DEVELOPMENT CRITERIA AND REQUIREMENTS LIST

The goals used in developing the following criteria were intended to make the criteria specific and quantifiable, and allow for flexibility in design. The elements of the list are grouped into three categories: General Design Requirements, Additional Site Design Requirements, and Additional Structure Design Requirements. Each element contains several criteria that are often interdependent or have strong causal relationships between each other.

3.11.40.01 - General Design Requirements

a. Applicable requirements include all of the provisions in Article IV of this Code, unless more restrictive provisions are established in this Chapter.

b. Except for Sections 4.10.70.02.d, 4.10.70.04.d, 4.10.70.05.a.1, and 4.10.70.05.b.6, the requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the P-AO Zone:

1. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

2. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

3. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

3.11.40.02 - Additional Site Design Requirements

The site design shall mitigate negative effects through the most effective arrangement of structures, parking areas, walks, entries, and landscaping.

a. **Green Area and Landscaping** - A minimum of 35 percent of the total lot area shall be retained as Green Area, landscaped with a mixture of vertical elements such as trees, tall shrubs, and hedges; and horizontal elements such as grass, ground cover, etc. Courtyards, decks, sidewalks, and other features such as bike paths, areas of congregation, etc. can be included in the Green Area requirement, except that a minimum of 10 percent of the lot area shall be landscaping or preserved vegetation.

b. **Design Menu** - A minimum of five of the following menu options shall apply:

1. Underground parking for all required parking;

2. Parking arranged in small clusters of not more than 16 spaces in one cluster;

3. Covered parking above grade for all of the required parking;

4. Increase in landscaped area to 15 percent of the lot area.

5. Provide trees on the site greater than 1.5-in. caliper as measured four ft. above finished grade;

6. Provide shrubs greater than the size typically found in gallon containers upon installation;

7. Provide either dedicated open space or quasi-public open space protected through scenic or view easements, deed restrictions, special setback requirements, and restriction of tree cutting, etc., of 20 percent greater than that already provided through the 35 percent requirement in “a,” above; and/or

8. Provide at least 15 percent more bicycle parking facilities than that required in Chapter 4.1 - Parking, Loading, and Access Requirements. This may be achieved by providing more spaces and/or increasing the covered area.

c. Incorporate Natural Resource, Natural Hazard, and Minimum Assured Development Area (MADA) elements required by Section 3.11.60, as applicable.

3.11.40.03 - Additional Structure Design Requirements

a. **Ground-floor Windows and Doors** - A minimum of 30 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. Additional requirements for windows shall include the following:

1. General - Ground-floor windows shall be framed by bulkheads, piers, or sills where applicable, such as a recessed window, with a Top Treatment such as a hood, awning or a storefront cornice separating the ground floor from the second story. The Base Treatment standards in Section 4.10.70.05.b.7.d and the Top Treatment standards in Section 4.10.70.05.b.7.e of Chapter 4.10 - Pedestrian Oriented Design Standards, shall be used as a guide for providing bulkheads and cornices that meet this standard. Alternatively, all ground-floor windows shall provide a minimum three-in. trim or three-in. recession.

2. Window Type - Ground-floor windows used to comply with this Section shall meet all of the following standards:

   a) Opacity of greater than 60 percent is prohibited for any required window; and

   b) Ground-floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than four ft. above the adjacent exterior grade.

b. **Windows on Commercial Stories above Ground Floors** - Each facade on commercial stories above the ground floor and that face a street or other public area accessible to the public shall include at least 20 percent window coverage.

c. **Structural Design Menu** - A minimum of two of the following menu options shall apply:

1. Pitched roofs - minimum 4:12 pitch;

2. Transitional elements between public areas and structures such as landings, fences, foyers, patios, and gates;

3. Inner courtyard or atrium; and/or

4. Development that visually complements a residential neighborhood environment by using similar architectural style elements, such as vertical windows, and porches.

Section 3.11.50 - OFF-STREET PARKING FACILITIES

Off-street parking facilities shall be provided on the site of each use as described in Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 3.11.60 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.11.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.11.60, variations from development and design standards, such as standards in this Chapter and other chapters of this Code that discuss parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.14
NEIGHBORHOOD CENTER (NC) ZONE

Section 3.14.10 - PURPOSE

The Neighborhood Center (NC) Zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The Neighborhood Center Zone is intended to provide for concentrations of Civic Uses, retail businesses, commercial and personal service activities, and residential/commercial mixed use developments in the core of comprehensive neighborhoods, as envisioned by the Comprehensive Plan.

Commercial Uses in Minor Neighborhood Centers are intended to serve neighborhood shopping and office needs. Commercial uses in Major Neighborhood Centers are intended to serve broader community shopping and office needs in addition to the needs of the nearby neighborhood. Both Minor and Major Neighborhood Centers are encouraged to the maximum extent possible to include Civic uses that support the nearby comprehensive neighborhood. In Major Neighborhood Centers, such civic uses may also serve a larger population.

The Neighborhood Center Zone also serves these purposes:

a. Locates a range of businesses within convenient walking and cycling distance of residential areas;

b. Ensures human-scale development oriented to pedestrian-friendly Shopping Streets;

c. Supports the use of alternative modes of transportation, including walking, riding transit, and bicycling;

d. Develops neighborhood cores at an appropriate human scale, while minimizing hazards, noise, traffic congestion, and other related effects of commercial concentrations;

e. Implements the Comprehensive Plan provisions for development of Minor and Major Neighborhood Commercial Centers by establishing Minor NC and Major NC Zones on the Official Zoning Map; and

f. Provides useful public spaces serving the neighborhood core and surrounding uses.

Section 3.14.20 - GENERAL PROVISIONS - Establishment of the NC Zone

The NC Zone designation shall apply to lands identified as NC on the Official Zoning Map as of December 31, 2006, except as amended in accordance with the provisions of this Chapter, Chapter 2.2 - Zone Changes, and applicable Comprehensive Plan policies. Zone Changes to establish new NC Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or properties to which this designation is applied through a subsequent or concurrent Comprehensive Plan Map Amendment. The NC Zone also may be applied through a legislative process in accordance with the procedures identified in Chapter 2.0 - Public Hearings. The designation of Minor NC or Major NC shall be applied when the Zone is established.

The following locational and dimensional criteria shall apply to new NC Zones.

a. Locational Criteria

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

1. The Major NC Zone designation may be applied only to parcels at or near an intersection of Collector and/or Arterial Streets.

2. The Minor NC Zone may be applied to parcels at or near intersections of Neighborhood Collector, Collector, or Arterial Streets. Intersections may also include a Local or Local Connector Street, provided that it intersects with a Neighborhood Collector, Collector, or Arterial Street.

3. As much as practicable, NC Zone boundaries shall occur such that similar Uses face each other along street frontages.

4. The Minor NC Zone shall have at least 100 ft. of frontage and the Major NC Zone at least 200 ft. of frontage either along an existing or planned Shopping Street, as defined in Chapter 4.0 - Improvements Required with Development, or along a dedicated public square or plaza. See Figure 3.14-1 - Frontage Along a Shopping Street .

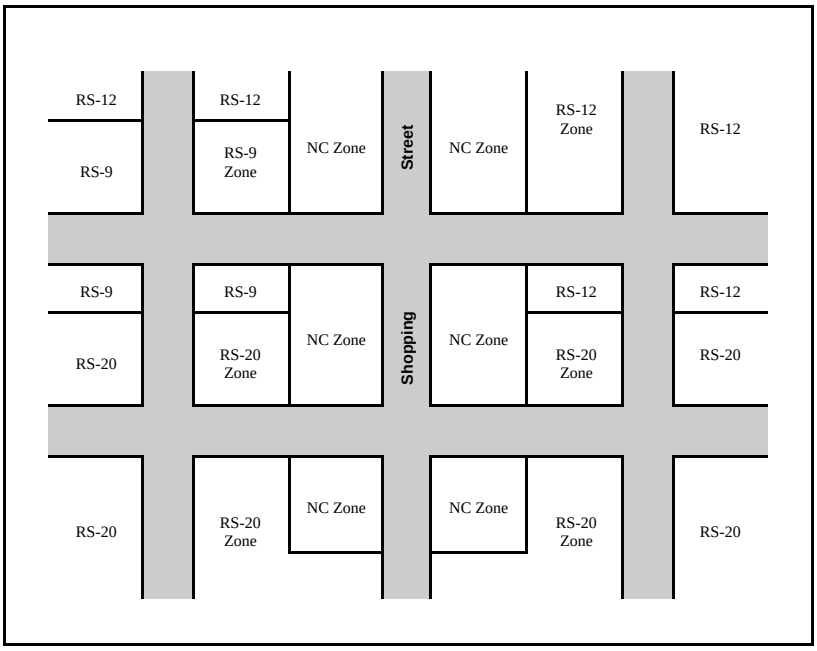

Figure 3.14-1 - Frontage Along a Shopping Street

AND EITHER

5. All portions of the NC Zone shall be located within 1/4 mile of existing or planned transit service, and any Major NC Zone shall be located at major intersections along transit routes on Arterial Streets.

OR

6. The NC Zone shall be located in areas determined, through a legislative process in accordance with Chapter 2.0 - Public Hearings, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood for Minor NC Zones, and to the affected comprehensive neighborhood and larger community for Major NC Zones.

b. Zone Size and Dimensions

The following size and dimensional criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes.

1. A new NC Zone shall consist of at least one whole legal lot or parcel if the lot or parcel is one acre or smaller in size. When multiple tax lots or parcels are included, portions of individual lots or parcels at

least one acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zoning designation. Existing public street rights-of-way shall not count toward the total area of a zone.

2. Minor NC Zones shall not exceed three acres.

3. Major NC Zones shall not exceed 12 acres.

4. Exceptions to “2," and “3," above, may occur if a site is determined, through a legislative process in accordance with Chapter 2.0 - Public Hearings, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

c. Master Site Plan for Major Neighborhood Centers

A Master Site Plan for each Major NC Zone shall be required for applicable development, as defined in Section 2.10.30 of Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.

Section 3.14.30 - PERMITTED USES

Land uses in the NC Zone shall conform to the list of Use Types in Table 3.14-1 - Use Types. Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.3 - Conditional Development Review and Chapter 2.5 - Planned Development Review are identified with a CD and a PD, respectively. Uses identified with an N are not permitted.

Table 3.14-1 - Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted		
Use Types	***Permit Procedure***	
	Minor NC	***Major NC***
a. Prior Established Uses[1]		
1. Uses existing prior to December 31, 2006, and in compliance with the Code on that date	P	P
2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P	P
b. Civic Use Types[2]		
1. Administrative Services[3]	P	P
2. Civic Assembly - maximum use size of 5,000 sq. ft.	P	P
3. Civic Assembly - use size > 5,000 sq. ft.	N	CD

1 Uses that were in existence and permitted in zoning prior to December 31, 2006, and are now located in NC Zones, shall not be classified as nonconforming uses unless they have been discontinued for a period of at least 18 months, in which case the requirements in Section 1.4.40.03 of Chapter 1.4 - Nonconforming Development, shall apply. Expansions and enlargements shall comply with all other applicable Code requirements. Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2006, are allowed pursuant to the requirements in Section 1.4.50.02 of Chapter 1.4 - Nonconforming Development.

2 A Civic Use Type that exceeds 5,000 sq. ft. must demonstrate through a Conditional Development Review that it primarily serves the immediate area. Parks, plazas, and similar public spaces are exempt from this provision.

3 A Civic Use Type that may be considered as a Commercial Use for the purposes of calculating the minimum Floor Area Ratio (FAR) as required by Section 3.14.40.05, provided it occupies the ground floor area.

Table 3.14-1 - Use Types
P = Use Types Permitted Outright
PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review
CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development
PD = Use Types Subject to Review of Chapter 2.5 - Planned Development
N = Not Permitted

Use Types		***Permit Procedure***	
		Minor NC	***Major NC***
4.	Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions	P	P
5.	Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions	P	P
6.	Community Recreation	CD	PC
7.	Cultural Exhibits and Libraries[3]	P	P
8.	Essential Services	P	P
9.	Freestanding Wireless Telecommunication Facility	N	PC
10.	Lodge and Fraternal - above ground floor only	CD	PC
11.	Major Services and Utilities - including hospitals, mass transit waiting stations or turnarounds, and schools (on second floors), but not including uses such as sanitary landfills, airports, or detention and correctional institutions	CD	CD
12.	Minor Utilities - subject to standards in Chapter 4.9 - Additional Provisions	PC	PC

Table 3.14-1 - Use Types
P = Use Types Permitted Outright
PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review
CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development
PD = Use Types Subject to Review of Chapter 2.5 - Planned Development
N = Not Permitted

Use Types			***Permit Procedure***	
			Minor NC	***Major NC***
	13.	Parking Services	N	CD
	14.	Postal Services - Customer[3]	P	P
	15.	Public Safety	P	CD
	16.	Religious Assembly - maximum use size of 5,000 sq. ft.	P	P
	17.	Religious Assembly - use size > 5,000 sq. ft.	N	CD
	18.	University Services and Facilities	PC	PC
c.	**Commercial Use Types - contained within enclosed building**			
	1.	Agricultural Sales	N	CD
	2.	Animal Sales and Service - Grooming, Kennels - indoor, Veterinary - small animals, but excluding other Animal Sales and Service Use Types	P	P
	3.	Automotive and Equipment - subject to the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards	N	CD
		a) Car Wash	N	CD
		b) Light Equipment Repairs	N	CD
		c) Light Equipment Sales and Rentals	N	CD
	4.	Building Maintenance Services	CD	P
	5.	Business Equipment Sales and Services	P	P
	6.	Business Support Services	P	P
	7.	Day Care, Commercial Facility	CD	P
	8.	Communication Service Establishments	CD	P

Table 3.14-1 - Use Types

P = Use Types Permitted Outright
PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review
CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development
PD = Use Types Subject to Review of Chapter 2.5 - Planned Development
N = Not Permitted

Use Types		***Permit Procedure***	
		Minor NC	***Major NC***
9.	Construction Sales and Services	CD	P
10.	Convenience Sales and Personal Services - except Drive-though Facilities	P	P
11.	Drive-through Facilities	N	CD
12.	Eating and Drinking Establishments - except Drive-through Facilities	P	P
13.	Financial, Insurance, and Real Estate Services	P	P
14.	Food/Beverage Retail - except Drive-through Facilities	P	P
15.	Fuel Sales	N	CD
16.	Funeral and Interment Services - Cremating and Undertaking only	N	CD
17.	Laundry Services	P	P
18.	Lodging Services - Hotels/Motels, above ground floor only	N	CD
19.	Medical Services	P	P
20.	Participant Sports and Recreation		
	a) Indoor	P	P
	b) Outdoor	N	CD
21.	Professional and Administrative Services	P	P
22.	Repair Services - Consumer	P	P
23.	Research Services	PC	P
24.	Retail Sales	P	P

Table 3.14-1 - Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted		
Use Types	***Permit Procedure***	
	Minor NC	***Major NC***
25. Spectator Sports and Entertainment a) Limited b) Other	 CD N	 PC CD
26. Technology and Support Services - upper floors only	P	P
27. Temporary Outdoor Markets - limited to farmers' markets and similar uses	PC	P
28. Vocational or Professional Training - upper floors only	P	P
d. Residential Use Types - Family, Group Residential, Group Residential/Group Care, Residential Care Facilities, Home Business[4]	P	P
e. Residential Building Types - Attached, Townhouse, Multi-dwelling. Any residential Building Type may be authorized through a Planned Development approval	PC	P
f. Accessory Uses[5]		
1. Essential Services - contained within enclosed building	P	P
2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P	P

4 Single-family residential units approved and constructed prior to Annexation are allowed as Nonconforming Uses.

5 All Accessory Uses shall comply with the provisions of Section 3.14.40.01.

Table 3.14-1 - Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted		
Use Types	***Permit Procedure***	
	Minor NC	***Major NC***
3. Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations	P/PC	P
4. Day Care, Family, as defined in Chapter 1.6 - Definitions	P	P
5. Garden	P	P
6. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.	P	P
7. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.	P	P
g. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 45 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements of Section 4.7.70.b of Chapter 4.7 - Sign Regulations.	N	PC

[Section 3.14.30 amended by Ordinances 2012-16, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.14.40 - NC ZONE DEVELOPMENT STANDARDS

3.14.40.01 - Use and Building Size

All development shall comply with the following standards for Use and building size:

a. Minor NC Zone

1. The maximum size of a Use shall be 5,000 sq. ft., except that Uses fronting an Arterial or Collector Street may be 15,000 sq. ft. per Use.

2. The maximum building footprint shall be 20,000 sq. ft. per building except that the footprint of buildings fronting Arterial or Collector Streets may be 25,000 sq. ft. Floor space exceeding 20,000 sq. ft. of gross floor area within one building footprint, or 25,000 sq. ft. for buildings on Arterial or Collector Streets, shall be accommodated on additional floors, such as basements, full floors, partial floors, and/or mezzanines.

b. Major NC Zone

1. There is no maximum size of Uses in the Major NC Zone, with the exception of the Construction Sales and Services Use Type. This Use Type shall not exceed 55,000 sq. ft. of total sales and storage area, not including parking, and no more than 50 percent of the site area shall be dedicated to unenclosed display/storage area.

2. The maximum building footprint shall be 55,000 sq. ft.

3. Floor space exceeding 55,000 sq. ft. of gross floor area within one building footprint shall be accommodated on additional floors, such as basements, full floors, partial floors, and/or mezzanines.

3.14.40.02 - Location of Residential Uses

In Minor and Major NC Zones, housing shall not be permitted on a ground-floor space that faces a Shopping Street. Housing on the ground floor is allowed if it faces a street other than a Shopping Street or is oriented to a courtyard, alley, lane, or other access set back from the Shopping Street that provides pedestrian access to public rights-of-way in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards. See Figure 3.14-2 - Location of Residential Dwelling Units in Relation to Shopping Street.

3.14.40.03 - Location of Civic Use Types

Civic Use Types such as community buildings, government offices, recreation centers, and libraries should be located in central locations as highly visible focal points. Civic Uses shall also be located within 300 ft. of transit stops, unless an exception is provided in accordance with Section 3.14.20.a.5.

3.14.40.04 - Common Outdoor Space

NC Zones shall include Common Outdoor Space, such as a park, plaza, pedestrian promenade or other public gathering area. An example of a pedestrian promenade is where Shopping Street sidewalks are wider than the minimum required. The Common Outdoor Space may be publicly or privately owned, but must be accessible to the general public. Privately owned Common Outdoor Space shall have a public access easement that meets the approval of the City Engineer.

Common Outdoor Space shall be located in a central or other location conducive to creating a focal point for the Neighborhood Center. The size of the Common Outdoor Space shall be established through the Major Neighborhood Center Master Site Plan process for Major NC Zones, or through compliance with the Lot Coverage standards in Section 3.9.40.03 of Chapter 3.9 - Mixed Use Residential (MUR) Zone. Residential components of the NC Zones shall comply with the Green Area requirements of Section 3.9.50.

3.14.40.05 - Commercial Floor Area Ratio and Preservation of Commercial Land Supply

Minimum commercial Floor Area Ratios (FARs) are required for all property within the NC Zone. This requirement ensures that commercial land is preserved for primarily commercial purposes. For an explanation of how to apply/calculate FARs, see Floor Area Ratio in Chapter 1.6 - Definitions.

All commercial and mixed use developments shall comply with the following standards for commercial floor area.

a. **Commercial Use Types** - For Commercial Use Types, the minimum Floor Area Ratio (FAR) shall be 0.25 and the maximum FAR shall be 1.0.

b. **Excluded Features** - Residential Uses and structured parking shall be excluded from the maximum FAR.

c. **FAR Exceptions Process** - To increase FARs above the established maximum, an applicant must apply for a Planned Development in accordance with Chapter 2.5 - Planned Development. In all cases, the Primary Use of the property shall remain commercial.

3.14.40.06 - Mixed Use Standards

a. **Residential Ground-floor Uses** - Residential Uses located on the ground floor shall not exceed 50 percent of the ground-floor space per parcel. However, the Planned Development process may be used to transfer ground-floor Commercial and Residential Uses among parcels in the same development, resulting in stand alone Residential Uses, provided that no more than 50 percent of the ground-floor space in the entire development is residential.

b. **Residential Density in Mixed Use Developments** - The minimum residential density for mixed use developments involving stand-alone residential buildings shall be 20 units per acre. For mixed use buildings, no minimum densities are established. For this standard, residential densities shall be calculated only for the portion of the site being used for Residential Uses, including residential structures, parking areas, landscaping, circulation areas, etc. Modifications to this standard can be requested through a Planned Development Review process in accordance with Chapter 2.5 - Planned Development.

3.14.40.07 - Setbacks

There is no minimum setback in NC Zones. Maximum setbacks in NC Zones shall conform to Table 3.14-2.

Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.5 - Planned Development Review are identified with a PD.

Table 3.14-2 Setbacks		
Setback	**Maximum**	**Permit Procedure**
Front[6]	5 ft.	P
	20 ft.	PC
	>20 ft.	PD
Side[7]	none	P
Rear	none	P

3.14.40.08 - Structure Height

Structure heights shall comply with the following standards.

a. **Minor NC Zone** - Structures shall not exceed a height of 35 ft. or three stories. Planned Development approvals may authorize buildings up to a maximum of 75 ft. or six stories in a Minor Neighborhood Center. For such approvals, all stories above the third shall be used only for residential purposes.

b. **Major NC Zone** - Structures shall not exceed a height of 75 ft. or six stories. All stories above the third shall be used only for residential purposes.

c. **Step-down Height** - Where the NC Zone abuts an RS-3.5, RS-5, RS-9 or RS-9(U) Zone along a property line or alley, the height of structures within the NC Zone shall be limited to a maximum of 35 ft. within a distance of 20 ft. from this boundary.

3.14.40.09 - Alleys and Access Consolidation

a. Alleys shall be required for all new blocks created in NC Zones, and provided in accordance with the standards in Chapter 4.0 - Improvements Required with Development. This standard is intended to apply to undeveloped sites that can accommodate new blocks developed in accordance with block standards in Chapter 4.0 - Improvements Required with Development.

6 Where existing sidewalks are not consistent with the standards for Shopping Streets contained in Section 4.0.60.I of Chapter 4.0 - Improvements Required with Development, a building's minimum setback shall provide the opportunity for improvement of the sidewalk to these standards.

7 Corners require compliance with clear vision and pedestrian standards such as building orientation and entrance standards.

Although adherence to this standard is encouraged, this standard is not necessarily intended to apply to redevelopment of, or intensification of Uses on, developed sites in every case.

b. With development, access consolidation, particularly along Arterial Streets, shall be required to the maximum extent practicable. Access consolidation shall be accomplished as approved by the City Engineer, and/or as required by applicable access control plans approved by the City Council. Connectivity between adjacent parking and vehicle circulation areas and internal to development sites shall be implemented where practicable.

3.14.40.10 - Compliance with Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the NC Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.14.50 - SHOPPING STREET REQUIREMENTS

Shopping Streets are intended to be active pedestrian areas with a concentration of retail services and eating and drinking establishments on the ground floors of all buildings.

3.14.50.01 - Shopping Street Required

Every NC Zone shall include at least one Shopping Street consistent with the Shopping Street provisions in Chapter 4.0 - Improvements Required with Development, and/or a public square toward which ground-floor Commercial and/or Civic Uses are oriented.

3.14.50.02 - Designation of Shopping Streets

A Shopping Street location shall be designated in one of the following ways:

a. Through an approval issued by a discretionary hearing authority as part of a Special Development review, such as the Planning Commission's review of Major NC's Master Site Plan; or

b. Through approval by the Director, such as a Director's Interpretation involving a Minor NC, provided that all Shopping Streets comply with all of the standards for Shopping Street development in Chapter 4.0 - Improvements Required with Development.

When a Shopping Street location has been designated through one of the methods above, all future development shall be consistent with the Shopping Street standards specified in Chapter 4.0 - Improvements Required with Development, or with standards specified in Conditions of Approval associated with a discretionary decision.

3.14.50.03 - Prohibited Location of Uses

The following Uses, and those determined to have the same Use Type classification under Chapter 3.0 - Use Classifications, are prohibited from facing Shopping Streets, unless they are authorized as part of a Planned Development.

a. **Residential Use Types on the Ground Floor** - Ground-floor Residential Use Types are prohibited from facing Shopping Streets. However, access to ground-floor or upper-floor Residential Uses is permitted via courtyards or common access pedestrian ways. Any access connection between the courtyards/common pedestrian ways and the Shopping Street shall be no wider than 20 ft., and such connections shall cumulatively constitute no more than 10 percent of any Shopping Street block face. See Figure 3.14-3 - Location of Residential Dwelling Units in Relation to Shopping Street. The courtyard or common access pedestrian area shall not be used in calculating the private outdoor space requirements of the associated Residential Uses. In addition, the longest side of the courtyard/common pedestrian way shall not face a parking lot.

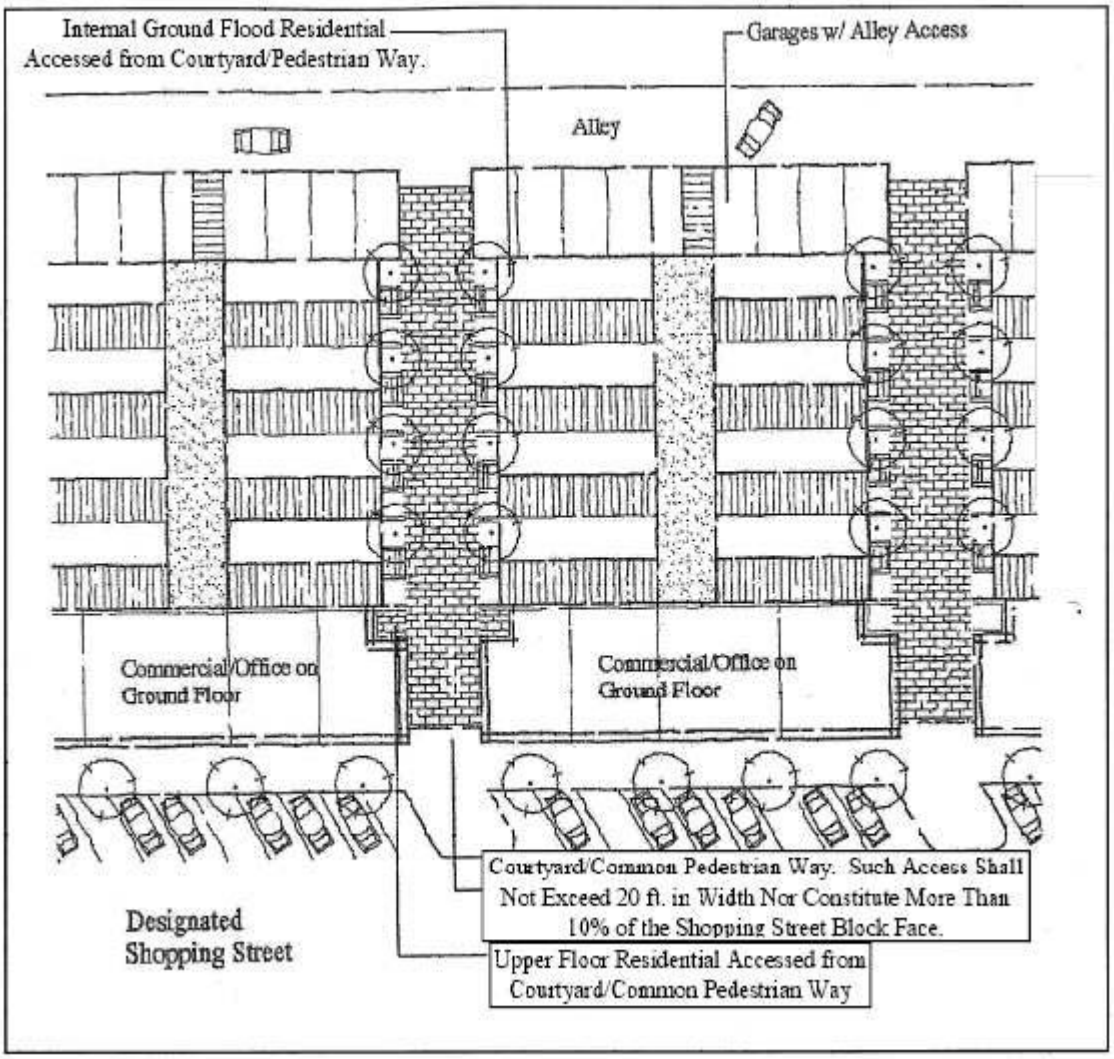

Figure 3.14-2 - Location of Residential Dwelling Units in Relation to Shopping Street

b. Uses Highly Dependent on Automobile Circulation

These Uses are prohibited from facing a Shopping Street:

1. Drive-through Facilities;

2. Eating and Drinking Establishments - Fast Order Food Drive-through;

3. Car Washes;

4. Fuel Sales;

5. Lodging Services on the Ground Floor. However, access to adjacent or upper floors of such Uses is permitted via lobbies or common areas shared with other businesses; and

6. Lodge and Fraternal Assembly Uses on the Ground Floor. However, access to adjacent or upper floors of such Uses is permitted via lobbies or common areas shared with other businesses.

Section 3.14.60 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of this Code including all chapters in Article IV, unless more restrictive provisions are established in this Chapter.

[Section 3.14.60 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.14.70 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.14.80 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.14.70, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.15
RIVERFRONT (RF) ZONE

Section 3.15.10 - PURPOSE

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

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

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

Section 3.15.20 - GENERAL PROVISIONS

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

Section 3.15.30 - PERMITTED USES

3.15.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Prior Established Use Types -

   a) Use Types existing prior to December 31, 2006, and in compliance with the Code on that date.

   b) Use Types permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property.

2. Residential Use Types -

   a) Family

   b) Group Residential

   c) Group Residential/Group Care

   d) Residential Care Facilities

3. Residential Building Types - Multi-dwelling. In the RF Zone, this includes only non-ground-floor dwelling units in buildings intended primarily for Commercial and Civic Uses; however, access areas such as stairways and lobbies are permitted on the ground floor adjacent to sidewalks.

4. Civic Use Types -

   a) Administrative Services[1]

   b) Social Service Facilities[1]

   c) Community Recreation

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[1] A Civic Use Type that may be considered as a Commercial Use for the purposes of calculating the minimum Floor Area Ratio (FAR) as required by Section 3.15.40.02, provided it occupies the ground floor area.

d) Cultural Exhibits and Library Services

e) Lodges, Fraternal and Civic Assembly

f) Parking Services - structured parking, surface parking along alleys, or surface parking interior to sites(s) and accessed only via the alley

g) Postal Services[2]

h) Public Safety

i) Religious Assembly

j) Schools - above ground floor

k) Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

l) Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

5. Commercial Use Types -

a) Animal Sales and Services

1) Grooming

2) Veterinary - small animals

b) Business Equipment Sales and Services

[2] A Civic Use Type that may be considered as a Commercial Use for the purposes of calculating the minimum Floor Area Ratio (FAR) as required by Section 3.14.40.05, provided it occupies the ground floor area, and provided it serves the general public as a post office.

c) Business Support Services

d) Communication Services

e) Convenience Sales and Personal Services

f) Day Care, Commercial Facility

g) Eating and Drinking Establishments - except Drive-through Facilities

h) Financial, Insurance, and Real Estate Services

i) Food and Beverage Sales

j) Medical Services

k) Participant Sports and Recreation

1) Indoor

2) Outdoor

l) Professional and Administrative Services

m) Repair Services - Consumer

n) Research Services

o) Retail Sales - General

p) Spectator Sports and Entertainment - Limited

q) Technology and Support Services - upper floors only

r) Temporary Outdoor Markets

s) Lodging Services - Hotel/Motel - In the RF Zone, this includes only non-ground-floor rooms; however, access areas such as stairways and lobbies are permitted on the ground floor adjacent to sidewalks.

t) Vocational or Professional Training

6. Industrial Use Types -

a) Limited Manufacturing

b) Technological Production

7. Parking Services - in accordance with this Chapter

b. Accessory Uses Permitted Outright

1. Essential Services

2. Day Care, Family - Accessory to a Permitted Residential Use

3. Home Business - when conducted in conjunction with a Permitted Residential Use

4. Off-street surface and/or structured parking - in accordance with this Chapter

5. Garden (Does not count toward FAR)

6. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions. (Does not count toward FAR)

7. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions. (Does not count toward FAR)

8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

3.15.30.02 - Special Development

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

3.15.30.03 - General Development

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

a. Minor Utilities - as projections only, subject to standards in Chapter 4.9 - Additional Provisions.

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

[Section 3.15.30 amended by Ordinances 2012-16, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.15.40 - DEVELOPMENT STANDARDS

3.15.40.01 - Lot Area and Setback Requirements

a. The RF Zone has no minimum parcel area and no minimum setbacks, except as provided in “b,” below, and as required for vision clearance, such as at parking structure entrances and intersections.

b. A building’s occupied space shall extend to the street along at least 75 percent of the property line at the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities that occupy 100 percent of the additional setback area. Enhanced pedestrian spaces and amenities consist of publicly accessed features including plazas, arcades, courtyards, lawns, outdoor cafes, widened sidewalks, benches, shelters, street furniture, or kiosks. Enhanced pedestrian spaces shall open to the sidewalk, include at least one adjoining entry into a building, and meet ground-floor development standards.

3.15.40.02 - Structure Height and Step-backs

a. Buildings shall be a minimum of three stories in height.

b. Beginning with the third floor, step-backs of upper stories are permitted along sidewalks. A minimum 2.5 Floor Area Ratio shall be maintained.

c. Maximum structure height shall be 75 ft.

d. Structure height excludes parapets or pitched roofs.

e. Occupied towers or penthouses above 75 ft. may be permitted subject to Conditional Development Review.

3.15.40.03 - Weather Protection

a. General - Except as provided in “b,” and “c,” below, new development in the RF Zone shall include the provision and maintenance of at least a six ft.-wide weather-protected area adjacent to the sidewalk, with a minimum of 60 percent sidewalk coverage along the face of buildings, and no uncovered areas longer than 20 ft. Back-lit plastic awnings are prohibited;

b. Development on buildings abutting street sidewalks and pedestrian plazas shall provide weather protection consistent with the locational, dimensional, and design standards in “a,” above, when:

1. Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor’s office; and

2. The building does not meet the exemption provisions in “c,” below.

See also Section 4.10.70.05.a.1 for additional weather protection requirements; and

c. Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for weather protection in “a,” and “b,” above. This default to Chapter 2.9 and exemption from “a,” and “b,” above, applies whether or not weather protection such as awnings or canopies is proposed.

3.15.40.04 - Ground-floor Uses, Window Standards, and Primary Entrances

The applicable provisions of Chapter 4.10 - Pedestrian Oriented Design Standards and all of the following standards shall apply to development in the RF Zone. Where conflicts exist between this Chapter and Chapter 4.10 - Pedestrian Oriented Design Standards, the provisions of “a,” through “d,” below, shall prevail.

a. Residential and Lodging Services Uses shall not be permitted in ground-floor space; however, access areas for stairways and lobbies, etc., are permitted on the ground floor adjacent to sidewalks.

b. Windows -

1. General - Except as provided in “2,” below, a minimum of 60 percent of the length of the building street frontage shall be glass with a maximum sill height above grade of 30 in. The glass shall extend no less than 84 in. above sidewalk grade. Tinted and/or mirrored glass/glazing is not permitted as ground-floor windows used to meet this standard along street facades; and

2. Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for windows in Section 3.15.40.04.b.1, above. This default to Chapter 2.9 and exemption from Section 3.15.40.04.b.1, above, applies whether or not windows are proposed.

c. Buildings shall have at least one entrance oriented toward each abutting street or sidewalk, with the primary entrance oriented toward First Street, Second Street, or toward a corner where two streets intersect.

d. Secondary entrances shall be required on larger buildings. The distance between a building’s entrances cannot exceed 100 ft.

Section 3.15.50 - LANDSCAPING

Landscaping and screening shall be required in accordance with the Riverfront Commemorative Park Plan and associated graphics, which were approved by the City Council on February 26, 1997, and as amended over time.

Section 3.15.60 - Standards for Off-street Parking Facilities

a. Parking requirements in the RF Zone shall be consistent with the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements.

b. Vehicle entries/exits serving off-street parking facilities shall not be allowed along First Street.

c. Alleys or vehicle accessways dividing blocks shall be constructed in the following manner:

1. Unobstructed travel lane width shall be a minimum of 12 ft. for one-way alleys and 20 ft. for two-way alleys or vehicle accessway facilities.

2. Where parking is provided along an alley or vehicle accessway, the following standards apply:

   a) The parking shall not interfere with required refuse and recycling facilities, utilities, or pedestrian facilities; and

   b) The unobstructed travel lane width abutting the parking spaces shall be a minimum of 14 ft. Alleys constructed before adoption of this Code are exempt from this requirement.

d. Above- and/or below-ground parking structures shall meet the following design requirements:

1. Where parking structures front streets, retail and other Uses shall be required along the ground-level frontage, except that parking access entries/exits, when needed, may be located no farther east than the first 25 ft. immediately east of the alley or vehicle accessway; and

2. Parking structures shall not be visible from any street in the RF Zone. Visibility shall be blocked along the streets, except down alleys or vehicle accessways, by occupiable building spaces that meet the RF Zone standards.

e. Required parking may be provided through easements on properties within 200 ft. of a proposed development.

Section 3.15.70 - SIDEWALKS

A public sidewalk shall adjoin every private/public property line, whether there is a street or not, except within alleys, unless otherwise required by this Chapter. The sidewalk shall conform to City standards including the special standards adopted in the Riverfront Commemorative Park Plan and drawings adopted by the City Council on February 26, 1997, and as amended over time.

Section 3.15.80 - SIGNS

Refer to the Central Business Zone standards in Chapter 4.7 - Sign Regulations for sign regulations in the Riverfront Zone, with the following exceptions:

a. Pole signs and monument signs are not permitted.

b. Internally illuminated signs are not permitted. Neon signs are permitted.

Section 3.15.90 - COMPLIANCE WITH THE RIVERFRONT COMMEMORATIVE PARK PLAN AND THIS CODE

All development shall comply with applicable design standards and other provisions of the Riverfront Commemorative Park Plan and associated graphics, adopted by the City Council on February 26, 1997, and as amended over time. All development shall also comply with the applicable design standards and other provisions of the Code including, but not limited to, all chapters in Article IV, unless the provisions in this Chapter are more restrictive.

If a design standard or other provision of the Riverfront Commemorative Park Plan conflicts with the standards of the Code, the Riverfront Commemorative Park Plan shall prevail.

[Section 3.15.90 amended by Ordinance 2012-18, effective December 13, 2012]

3.15.100 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13

- Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.15.110 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.15.100, variations from development and design standards, such as standards in this Chapter and other chapters of this Code that discuss parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.16
CENTRAL BUSINESS (CB) ZONE

Section 3.16.10 - PURPOSE

This zone implements the Central Business Comprehensive Plan designation. It is intended to provide an area for Commercial Uses, as well as Civic and Residential Uses, and to provide all basic services and amenities required to keep the downtown the vital center of our community. While the Zone does not permit new Low Density Residential Building Types, it is not intended to preclude dwelling units in buildings containing commercial activities.

Section 3.16.20 - PERMITTED USES

3.16.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. <u>Residential Use Types</u> -

   a) Family

   b) Group Residential

   c) Group Residential/Group Care

   d) Residential Care Facilities

2. <u>Residential Building Types</u> -

   a) Single Detached - existing prior to adoption of this Code

   b) Single Detached - Zero Lot Line - existing prior to adoption of this Code or when added to existing development on an underdeveloped site

   c) Single Attached - Zero Lot Line, two units - existing prior to adoption of this Code or when added to existing development on an underdeveloped site

d) Duplex - existing prior to adoption of this Code or when added to existing development on an underdeveloped site

e) Attached - Townhouse

f) Multi-dwelling - In this zone, this includes dwelling units in commercial buildings

3. Civic Use Types -

a) Administrative Services

b) Social Service Facilities

c) Community Recreation

d) Cultural Exhibits and Library Services

e) Lodges, Fraternal and Civic Assembly

f) Parking Services

g) Postal Services

h) Public Safety Services

i) Religious Assembly

4. Commercial Use Types -

a) Agricultural Sales

b) Animal Sales and Services

1) Grooming

2) Kennels

3) Veterinary - large and small animals

c) Automotive and Equipment

1) Cleaning

2) Fleet Storage

3) Parking Services

4) Repairing, Light Equipment

5) Sales/Rental

a. Farm Equipment

b. Heavy Equipment

c. Light Equipment

d) Building Maintenance Services

e) Business Equipment Sales and Services

f) Business Support Services

g) Communication Services

h) Construction Sales and Service

i) Convenience Sales and Personal Services

j) Eating and Drinking Establishments

k) Financial, Insurance, and Real Estate Services

l) Food and Beverage Sales

m) Fuel Sales

n) Funeral and Interment Services - Undertaking

o) Laundry Services

p) Lodging Services

1) Hotels/Motels

2) Bed & Breakfast

q) Medical Services

r) Participant Sports and Recreation - Indoor and Outdoor

s) Professional and Administrative Services

t) Repair Services - Consumer

u) Research Services

v) Retail Sales - General

w) Spectator Sports and Entertainment

1) Limited

2) Other - Uses existing as of June 1, 2001

x) Temporary Outdoor Markets

y) Technology and Support Services - upper floors only

z) Vocational or Professional Training

aa) Wholesaling, Storage, and Distribution

1) Mini-warehouses

2) Light

5. Industrial Use Type - Limited Manufacturing

b. Accessory Uses Permitted Outright

1. Essential Services

2. Day Care, Family - Accessory to a Permitted Residential Use

3. Home Business - when conducted in conjunction with a Permitted Residential Use

4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements

5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

8. Garden

9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

10. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

3.16.20.02 - Special Development

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

a. Major Services and Utilities

b. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

d. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

e. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

f. Spectator Sports and Entertainment - Other - Uses not already Permitted Uses per Section 3.16.20.01.a.4.w.2.

3.16.20.03 - General Development

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

a. Drive-through Facilities - such as Financial Institutions, Eating Establishments, etc.

b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

c. Projections such as chimneys, spires, domes, and towers flagpoles, not used for human occupancy exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

d. Freestanding Wireless Telecommunication Facilities up to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.16.20 amended by Ordinances 2012-16, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.16.30 - DEVELOPMENT STANDARDS

3.16.30.01 - Lot Area and Setback Requirements

a. There is no minimum lot area or setback other than that required by the Building Code, for any Civic, Commercial, or Industrial Use Type structure.

b. The requirements for residential structures containing a Residential Use shall be in accordance with Chapter 3.9 - Mixed Use Residential (MUR) Zone standards.

3.16.30.02 - Structure Height

a. No structure shall exceed 75 ft. in height; and

b. New buildings which are within both the Central Business (CB) Zone and the Downtown Pedestrian Core Area (see Chapter 1.6 - Definitions for a map of the Downtown Pedestrian Core Area), shall be constructed with a minimum building height of:

1. two stories; or

2. a 22-ft. floor-to-ceiling height to accommodate a current or future mezzanine level.

This standard does not apply to new buildings within the Central Business (CB) Zone, but not within the Downtown Pedestrian Core Area, nor does it apply to new buildings within the Downtown Pedestrian Core Area, but not within the Central Business (CB) Zone.

3.16.30.03 - Weather Protection

a. General - Except as provided in “b,” and “c,” below, within the Downtown Pedestrian Core Area as defined in Chapter 1.6 - Definitions, new structures shall be constructed adjacent to street sidewalks and pedestrian plazas, and shall include the provision and maintenance of at least a six ft.-wide weather protected area over the sidewalk along the entire frontage of the structure;

b. Development on buildings abutting street sidewalks and pedestrian plazas shall provide weather protection consistent with the locational and dimensional standards in “a,” above, when:

1. Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor’s office; and

2. The building does not meet the exemption provisions in “c,” below.

See also Section 4.10.70.05.a.1 for additional weather protection requirements; and

c. Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for weather protection in “a,” and “b,” above. This default to Chapter 2.9 and exemption from “a,” and “b,” above, applies whether or not weather protection such as awnings or canopies is proposed.

Section 3.16.40 - LANDSCAPING, SCREENING, AND LIGHTING

Landscaping, screening, and lighting shall be required, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, except street trees shall be provided in accordance with the Downtown Tree Management Program contained in the Downtown Streetscape Plan, dated November 2, 1988.

Section 3.16.50 - OFF-STREET PARKING

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 3.16.60 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards, shall apply to the following types of development in the CB Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

3.16.70 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter Chapter 2.11 - Floodplain Development Permit, 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.16.80 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.16.70, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.17
CENTRAL BUSINESS FRINGE (CBF) ZONE

Section 3.17.10 - PURPOSE

The Central Business Fringe Zone implements the Central Business Comprehensive Plan designation and is intended to allow commercial activity necessary to support regional shopping facilities located in the Central Business Zone. Because of its unique location, site development in this area should contribute to a visually attractive entrance to the downtown area.

Section 3.17.20 - PERMITTED USES

Uses permitted in the CBF Zone shall be the same as those permitted in Chapter 3.16 - Central Business (CB) Zone except for the following:

a. All Residential Building Types listed in Chapter 3.16 - Central Business Zone, are Permitted Uses;

b. Any new Commercial Use shall require a Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review; and

c. Projections such as chimneys, spires, domes, and towers, not used for human occupancy exceeding 45 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions, shall require a Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 45 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

Section 3.17.30 - DEVELOPMENT STANDARDS

3.17.30.01 - Dimensional Requirements

a. **Lot Area** - There is no minimum lot area for any Civic, Commercial, or Industrial Use Type structure. The requirements for residential structures shall be in accordance with Chapter 3.9 - Mixed Use Residential (MUR) Zone.

b. **Setbacks** - The minimum setback for any Civic, Commercial, or Industrial Use Type shall be 10 ft. in any front or exterior side yard. Setbacks for

residential structures shall be in accordance with Chapter 3.9 - Mixed Use Residential Zone.

3.17.30.02 - Structure Height

No structure shall exceed 35 ft. in height.

3.17.30.03 - Off-Street Parking

a. Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

b. Where there is an existing alley, access to parking areas from an adjacent alley shall be used to limit the use of any yard abutting a street for parking facilities.

c. Shared access with neighboring sites and the establishment of reciprocal access agreements shall be used where practical.

3.17.30.04 - Landscaping, Lighting, and Screening

a. Landscaping, lighting, and screening shall be required, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

b. A minimum of 25 percent of the gross lot area shall be retained and developed as permanent Green Area. The area shall be landscaped with a mixture of vertical elements such as trees, tall shrubs, and hedges; and horizontal elements such as grass, ground cover, etc. Patios, decks, sidewalks, areas for congregation, and other like features may be included in the landscaped Green Area requirement, except that a minimum of 15 percent of the required Green Area shall be landscaping or preserved vegetation.

3.17.30.05 - Design Standards

a. The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the CBF Zone, except as modified by “b,” below, in which case “b,” below, shall apply:

1. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

2. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

3. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

b. **Additional Requirement** - Additionally, pitched roofs, minimum 4:12 pitch, shall be used to retain the residential character of the area where there is a predominance of pitched roofs on 90 percent or more of the structures on the same block or adjacent .50 blocks.

Section 3.17.40 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Lanscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.17.50 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.17.40, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.19
MIXED USE COMMUNITY SHOPPING (MUCS) ZONE

Section 3.19.10 - PURPOSE

The Mixed Use Community Shopping (MUCS) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside Neighborhood Center (NC) Zones and the Mixed Use General Commercial Zone. The MUCS Zone is applied to areas that are already largely developed, are mostly located between neighborhood centers, and are intended to transition to a more pedestrian- and human-scale environment.

The MUCS Zone is intended to provide for retail businesses and commercial and personal service activities of limited sizes, with larger Uses in the Major Neighborhood Center Zone, and mixed use developments, accommodating both pedestrian oriented Uses and a limited number of land uses that are more dependent on automobile circulation.

The MUCS Zone also serves these purposes:

a. Provides transitions from a linear pattern of commercial development toward a pedestrian-friendly environment;

b. Locates a range of complementary businesses close to each other;

c. Provides human-scale development to the greatest extent practicable;

d. Mitigates the adverse effects of automobile-oriented development on the pedestrian environment;

e. Supports the use of alternative modes of transportation, including walking, riding transit, and bicycling;

f. Minimizes hazards, noise, traffic congestion, and other related effects of commercial concentrations; and

g. Implements the Comprehensive Plan provisions for access management on Arterial Streets.

Section 3.19.20 - GENERAL PROVISIONS - Establishment of the MUCS Zone

Zone Changes to establish new MUCS Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The MUCS Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Hearings. The following locational and dimensional criteria shall apply to any new MUCS Zone.

a. **Locational Criteria** - The following locational criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes:

1. The MUCS Zone shall have at least 50 ft. of frontage along a Collector or Arterial Street, as designated in the Corvallis Transportation Plan;

AND EITHER

2. All portions of the MUCS Zone shall be located within 1/4 mile of existing or planned transit service;

OR

3. The MUCS Zone shall be located in areas determined, through a legislative process, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

b. **Zone Size and Dimensions** - A new MUCS Zone shall consist of at least one whole legal lot or parcel if the lot or parcel is one acre or less in size. When multiple lots or parcels are included, portions of individual lots or parcels at least one acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zone designation. Public street rights-of-way shall not count toward the total area of a zone.

Section 3.19.30 - PERMITTED USES

Land use in the MUCS Zone shall conform to the list of Permitted Use Types in Table 3.19-1 - Permitted Uses. Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.3 - Conditional Development Review are identified with a CD. Uses identified with an N are not permitted.

Table 3.19-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted			
Use Types	***Permit Procedure***		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
a. Prior Established Uses			
1. Uses existing prior to December 31, 2006, and in compliance with the Code on that date [1]	P		
2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P		

[1] Uses that were in existence and permitted in zoning prior to December 31, 2006, and are now located in the MUCS Zone, shall not be classified as Nonconforming Uses unless they have been discontinued for a period of at least 18 months, in which case the requirements of Section 1.4.40.03 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements.

Table 3.19-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted			
Use Types	***Permit Procedure***		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
b. Residential [2] 1. Residential Use Types limited to: a) Family b) Group Residential c) Group Residential/Group Care d) Residential Care Facilities	P		

[2] All Residential Uses shall comply with the provisions of Section 3.19.40.04 - Mixed Use Development.

Table 3.19-1 **Permitted Use Types** **P = Use Types Permitted Outright** **PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review** **CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development** **PD = Use Types Subject to Review of Chapter 2.5 - Planned Development** **N = Not Permitted**			
Use Types	***Permit Procedure***		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
2. <u>Residential Building Types limited to</u>: a) Detached - existing as of December 31, 2006 b) Attached - Townhouse - common wall with Commercial and/or Civic Use c) Multi-dwelling - see also Section 3.19.40.04 d) Accessory Dwelling - in conjunction with attached dwelling	P		

Table 3.19-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted			
Use Types	***Permit Procedure***		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
c. Accessory Uses			
1. Essential Services - contained within enclosed building	P		
2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P		
3. Other development customarily incidental to the Primary Use, contained within enclosed building, in accordance with Chapter 4.3 - Accessory Development Regulations	P		
4. Home Business	P		
5. Day Care, Family, as defined in Chapter 1.6 - Definitions	P		
6. Garden	P		
7. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.	P		

Table 3.19-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted			
Use Types	***Permit Procedure***		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
8. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.	P		
d. Projections such as chimneys, spires, domes, and towers not used for human occupancy exceeding 75 ft. in height, in accordance with Chapter 2.13 - Plan Compatibility Review, unless adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.	PC		
e. Civic Use Types			
1. Administrative Services[3]	P		
2. Community Recreation	PC		
3. Essential Services	P		
4. Lodge, Fraternal, and Civic Assembly		P	CD

[3] A Civic Use Type that may be considered as a Commercial Use for the purposes of calculating the minimum Floor Area Ratio (FAR) as required by Section 3.19.40.03, provided it occupies the ground floor area.

Table 3.19-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted			
Use Types	***Permit Procedure***		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
5. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions	P		
6. Major Services and Utilities - such as transit and similar facilities	PC		
7. Parking Services	PC		
8. Public Safety Services	PC		
9. Social Service Facilities[3]	P		
10. Religious Assembly		P	CD
11. University Services and Facilities	P		
12. Wireless Telecommunication Facilities			
a) Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.	P		

Table 3.19-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted			
Use Types	***Permit Procedure***		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
b) Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.	P		
c) Freestanding Wireless Telecommunication Facilities	PC		
f. Commercial Use Types - contained within enclosed building[4]			
1. Agricultural Sales and Service	P		
2. Animal Sales and Service - Grooming; Kennels; Veterinary, Small Animals	P		
3. Animal Sales and Service - Large and Small Animals, and/or including Use outside of building		PC	CD
4. Automotive and Equipment - subject to the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards			

[4] All Commercial Use Types shall comply with the provisions of Section 3.19.40.02 - Thresholds for Determining the Applicable Review Procedure.

Table 3.19-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted			
Use Types	***Permit Procedure***		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
a) Light Equipment Sales/Rentals - including use outside of building	P		
b) Car Wash	P		
5. Fuel Sales	P		
6. Building Maintenance Services	P		
7. Business Equipment Sales and Services	P		
8. Business Support Services	P		
9. Communication Services	P		
10. Construction Sales and Services	P		
11. Convenience Sales and Personal Services - except Drive-through Facilities -10,000 sq. ft. maximum Use size		P	P (10,000 sq. ft. max. Use size)
12. Day Care, Commercial Facility	P		
13. Drive-through Facilities	CD		
14. Eating and Drinking Establishments - except Drive-through Facilities -10,000 sq. ft. maximum Use size		P	P (10,000 sq. ft. max. Use size)
15. Financial, Insurance, and Real Estate Services	P		
16. Food/Beverage Retail Sales - except Drive-through Facilities -10,000 sq. ft. maximum Use size		P	P (10,000 sq. ft. max. Use size)

Table 3.19-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted			
Use Types	***Permit Procedure***		
	No Use Size Limitation	Up to 7,500 sq. ft.	> 7,500 sq. ft.
17. Funeral and Interment Services - Cremating and Undertaking	P		
18. Laundry	P		
19. Lodging Services - Hotels/Motels		P	CD
20. Medical Services		P	CD
21. Participant Sports and Recreation - Indoor		P	CD
22. Professional and Administrative Services - above ground floor only		P	PC
23. Repair Services - Consumer	P		
24. Research Sales and Services	P		
25. Retail Sales -15,000 sq. ft. maximum Use size		P	PC (15,000 sq. ft. max. Use size)
26. Spectator Sports and Entertainment - Limited		P	CD
27. Swap Meets		PC	CD
28. Technology and Support Services		P	CD
29. Temporary Outdoor Markets		PC	CD
30. Vocational or Professional Training		P	CD

[Section 3.19.30 amended by Ordinances 2012-16, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.19.40 - DEVELOPMENT STANDARDS

3.19.40.01 - Use and Building Size

a. The maximum size of a Use is established in Table 3.19-1 - Permitted Use Types.

b. The maximum building footprint shall be 25,000 sq. ft., except for Lodging Services Use Types and Residential Use Types, for which no limits are established.

c. Any building containing over 25,000 sq. ft. of gross floor area shall accommodate the additional floor area on additional floors. Full floors, partial floors and/or mezzanines comply with this standard.

d. Building footprints in excess of 25,000 sq. ft. existing prior to December 31, 2006, and in conformance with the Code on that date, or constructed pursuant to a valid Conceptual or Detailed Development Plan approved prior to December 31, 2006, shall not be classified as nonconforming structures. In such structures, change in Use from the Use existing prior to December 31, 2006, and in conformance with the Code on that date to a Use otherwise permitted, but for the maximum Use size limitation, shall be permitted.

Similarly, in buildings with interior portions in excess of 10,000 sq. ft. existing prior to December 31, 2006, and in conformance with the Code on that date, change in Use from an existing Permitted Use to a Use otherwise permitted, but for the maximum Use size limitation, shall be permitted. In each case, the change of Use shall be considered through the permit procedure identified in Table 3.19-1 - Permitted Use Types.

3.19.40.02 - Thresholds for Determining the Applicable Review Procedure - Commercial Uses

The permit procedures for Commercial Uses in the MUCS Zone shall be as identified in Table 3.19-1 - Permitted Use Types. The size of each Use is determined based on the total gross floor area of the Use. For the purposes of the MUCS Zone, floor area also includes unenclosed areas needed for automobile circulation for Car Washes, Fuel Sales, and Drive-through Facilities Uses. For these specific Uses, these unenclosed areas include those needed for operational use, queuing, and service areas, with the exception of areas needed for customer and employee parking, as defined in Chapter 3.0 - Use Classifications.

3.19.40.03 - Commercial Floor Area Ratio

Minimum commercial Floor Area Ratios (FARs) are required for all property with a Mixed Use Community Shopping designation. This requirement ensures that commercial land is preserved for primarily commercial purposes. For an explanation of how to apply/calculate FARs, see the definition of Floor Area Ratio in Chapter 1.6 - Definitions.

All commercial and mixed use developments shall comply with the following standards for commercial floor area:

a. For Commercial Use Types, the minimum FAR shall be 0.25 and the maximum FAR shall be 1.0. When a project is composed of two or more phases, development in each phase shall fall within the minimum and maximum FAR requirements or an alternative FAR requirement proposed and approved through a Planned Development Review process.

b. Residential Uses and structured parking shall not be included in the maximum FAR.

c. To increase the FAR above the established maximum, a proponent must apply for a Planned Development in accordance with Chapter 2.5 - Planned Development. However, in all cases, the Primary Use of the property(ies) shall be commercial. As mentioned in “a,” above, when a project is composed of two or more phases, development in each phase shall fall within the minimum and maximum FAR requirements or an alternative FAR requirement proposed and approved through a Planned Development Review process.

3.19.40.04 - Mixed Use Development

a. Residential Uses located on the ground floor shall not exceed 50 percent of the ground-floor space of the parcel; the Planned Development process may be used to transfer ground-floor Commercial and Residential Uses between parcels in the same development, resulting in stand-alone residential structures, provided that no more than 50 percent of the ground-floor space in the development is residential.

b. Mixed use developments shall comply with the Green Area standards in Chapter 3.9 - Mixed Use Residential (MUR) Zone, except that a minimum of 10 percent of the lot area shall be landscaping or preserved vegetation.

c. The minimum residential density for mixed use projects involving stand alone residential buildings shall be 20 units per acre. For mixed use buildings, no minimum densities are established. For purposes of this standard, residential density shall be calculated only for the portion of the site being used for Residential Use. Modifications to the 20 units/acre density requirements for developments with stand-alone residential buildings can be requested through a Planned Development Review process in accordance with Chapter 2.5 - Planned Development.

3.19.40.05 - Setbacks

a. **Front Setback** - Structures may be built to the property line, but no closer to the street than the width of the standard planting strip and sidewalk for that street classification. A maximum setback of 20 ft. from either the property line or the line marking the outer boundary of the standard planting strip and sidewalk for that street classification shall apply to all building sites, except as provided in “1,” through “3," below. However, in no case shall parking facilities or circulation facilities, such as driveways and queues, be allowed between the building front and the street.

1. Exceptions for Improved Pedestrian and Automobile Circulation - The maximum setback may be increased by 50 percent through a Conditional Development approval when the Planning Commission finds that an increased setback will provide for improved pedestrian circulation and safety and improved vehicular access management outside the public rights-of-way. For example, objectives for both pedestrians and vehicles can be met through the provision of shared driveways, connected parking lots, improved pedestrian connections between buildings and the street sidewalk, and internal connections between adjoining buildings.

2. Exceptions Granted through Conditional Development/Planned Development Review - In conformance with Section 3.19.20.01.c, the maximum setback may be increased to provide for the following features:

   a) Pedestrian amenities in conformance with Chapter 4.10 - Pedestrian Oriented Design Standards;

b) An internal Shopping Street consistent with the requirements of Section 4.0.60.m of Chapter 4.0 - Improvements Required with Development;

c) Protection of Significant Natural Features protected by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and/or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; or

d) Compliance with other Sections of this Code.

3. Exceptions for Interior Buildings - Buildings interior to a development site are exempt from this requirement, provided other buildings on the site meet the requirement.

b. **Side and Rear Setbacks and Building Separations** - The following setbacks shall apply:

1. No minimum setback adjacent to Mixed Use General Commercial (MUGC), Neighborhood Center (NC), and Industrial (GI, II) zones.

2. 20 ft. minimum setback adjacent to Low and Medium Density Residential zones; buffering shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

3. 10 ft. minimum setback adjacent to Medium-high and High Density Residential zones; buffering shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

3.19.40.06 - Alleys and Access Consolidation

a. Alleys shall be required for all newly created blocks in the MUCS Zone and provided in accordance with the standards in Chapter 4.0 - Improvements Required with Development. This standard is intended to apply to undeveloped sites that can accommodate new blocks developed in accordance with block standards in Chapter 4.0 - Improvements Required with Development. Although adherence to this standard is encouraged, it is

not necessarily intended to apply to redevelopment of or intensification of Uses on developed sites.

b. With development, access consolidation, particularly along Arterial Streets, shall be required to the maximum extent practicable. Access consolidation shall be accomplished as approved by the City Engineer, and/or as required by applicable access control plans approved by the City Council. Connectivity between adjacent parking and vehicle circulation areas, internal to development sites, shall be implemented where practicable.

3.19.40.07 - Compliance with Chapter 4.10 - Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the MUCS Zone:

a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

3.19.40.08 - Structure Height

No structure shall exceed 45 ft. in height.

3.19.40.09 - Monument Sign Exceptions

In cases where street visibility of a business in a conforming structure established prior to December 31, 2006, is significantly reduced due to new construction on adjacent property, and the 100-ft. minimum separation requirement for freestanding signs in Section 4.7.80.02.c of Chapter 4.7 - Sign Regulations otherwise precludes any street signage associated with the structure, a single monument sign a

maximum of eight ft. high and 32 sq. ft. in area, which otherwise meets the requirements of Chapter 4.7 - Sign Regulations, is permitted.

Section 3.19.50 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, all chapters in Article IV, unless the provisions in this Chapter are more restrictive.

[Section 3.19.50 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.19.60 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.19.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.19.60, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.20
MIXED USE GENERAL COMMERCIAL (MUGC) ZONE

Section 3.20.10 - PURPOSE

The Mixed Use General Commercial (MUGC) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside the mixed use Neighborhood Center Zone and Mixed Use Community Shopping Zone. It is intended to provide areas for those commercial and related services and businesses that generally require extensive outside storage, are not Retail or Office Uses, or have characteristics with less pedestrian orientation than other commercial zones. Site and building design in the MUGC Zone is intended to comply with pedestrian- and human-scale policies of the Comprehensive Plan, while recognizing and providing for Uses that may conflict with pedestrian access and the character of the other commercial zones.

Section 3.20.20 - GENERAL PROVISIONS - Establishment of the MUGC Zone

Zone Changes to establish new MUGC Zones may be applied only to properties designated Mixed Use Commercial (MUC) on the Comprehensive Plan Map as of December 31, 2006, or as established though a subsequent or concurrent Comprehensive Plan Map Amendment. The MUGC Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Hearings. The following locational and dimensional criteria shall apply to any new MUGC Zone.

a. **Locational Criteria** - The following locational criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes.

1. The MUGC Zone shall have at least 50 ft. of frontage along a Collector or Arterial Street, as designated in the Corvallis Transportation Plan;

2. New MUGC Zones are discouraged from abutting land designated Low Density Residential on the Comprehensive Plan Map.

b. **Zone Size and Dimensions** - The minimum contiguous area for a new MUGC Zone is five acres. Additionally, when multiple lots or parcels are included, portions of individual lots or parcels at least one acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zone designation. Public street rights-of-way shall not count toward the total area of a zone.

Section 3.20.30 - PERMITTED USES

Land use in the MUGC Zone shall conform to the list of Permitted Use Types in Table 3.20-1 - Permitted Use Types. Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.3 - Conditional Development Review and Chapter 2.5 - Planned Development Review are identified with a CD and a PD, respectively. Uses identified with an N are not permitted.

Table 3.20 - 1
Permitted Use Types
P = Use Types Permitted Outright
PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review
CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development
PD = Use Types Subject to Review of Chapter 2.5 - Planned Development
N = Not Permitted

Use Types			*Permit Procedure*
a.	**Prior Established Uses** [1]		
	1.	Uses existing prior to December 31, 2006, and in compliance with the Code on that date	P
	2.	Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P
b.	**Civic Use Types**		
	1.	Essential Services - subject to standards in Chapter 4.9 - Additional Provisions	P
	2.	Lodge, Fraternal, and Civic Assembly	PC
	3.	Minor Utilities - subject to standards in Chapter 4.9 - Additional Provisions	P

[1] Uses that were in existence and permitted in zoning prior to December 31, 2006, and are now in the MUGC Zone, shall not be classified as Nonconforming Uses unless they have been discontinued for a period of at least 18 months, in which case, the requirements of Section 1.4.40.03 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements. Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2006, are allowed pursuant to the requirements of Section 1.4.30.

Table 3.20 - 1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	***Permit Procedure***
4. Major Services and Utilities - transit and similar facilities	P
5. Parking Services	P
6. Parks - includes plazas and similar open spaces	P
7. Public Safety Services	P
8. Religious Assembly	PC
9. Wireless Telecommunication Facilities	
a) Colocated/attached Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions	P
b) Freestanding Wireless Telecommunication Facilities	PC
c. Commercial Use Types	
1. Automotive and Equipment	P
2. Animal Sales and Service	P
a) Grooming	
b) Kennels	
c) Veterinary	
3. Building Maintenance Services	P
4. Construction Sales and Services	P
5. Communication Services	P
6. Fuel Sales	P

Table 3.20 - 1
Permitted Use Types

P = Use Types Permitted Outright
PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review
CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development
PD = Use Types Subject to Review of Chapter 2.5 - Planned Development
N = Not Permitted

Use Types	*Permit Procedure*
7. Funeral and Interment Services - Cremating and Undertaking	P
8. Laundry - industrial laundry and cleaning services only	P
9. Parking Lot Kiosk	P
10. Participant Sports and Recreation -	P
a) Indoor	
b) Outdoor	
11. Repair Services - Industrial or business related only	P
12. Lodging Services	
a) Hotel/Motel	N
b) Campgrounds	CD
13. Vocational or Professional Training	P
14. Wholesale, Storage, and Distribution	P
d. Agricultural Use Types	
1. Horticulture - Cultivation, and Storage	P
e. Accessory Uses	
1. Day Care, Commercial Facility	P
2. Essential Services	P
3. Food and Beverage Retail Sales	P
4. Professional and Administrative Services	P

Table 3.20 - 1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	***Permit Procedure***
5. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P
6. One residence per development site developed simultaneously with or following development of Primary and Accessory Uses permitted outright.	P
7. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations	P
8. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations	PC
9. Day Care, Family, as defined in Chapter 1.6 - Definitions	P
10. Garden	P
11. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.	P

[Section 3.20.30 amended by Ordinances 2012-16 and 2012-19, effective December 13, 2012]

Section 3.20.40 - DEVELOPMENT STANDARDS

3.20.40.01 - Use and Building Size Limitations

The maximum building footprint within the MUGC Zone is 55,000 sq. ft., which does not include outside storage associated with a Use. There are no minimum or maximum sq. ft. limitations for Uses in the MUGC Zone.

3.20.40.02 - Lot Area

No minimum or maximum lot area standards are established in the MUGC Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this Zone.

3.20.40.03 - Setbacks

a. **Front and Exterior Side Yard** - 10 ft. minimum and 25 ft. maximum setback. Buildings interior to a development site are exempt from this requirement provided other building(s) on the site meet the requirement. In no case shall parking facilities or circulation facilities, such as driveways and queues, be allowed between the building front and the street.

b. **Interior Side Yard** - 10 ft. minimum setback.

c. **Rear Yard** - 10 ft. minimum setback.

3.20.40.04 - Building Orientation

a. All new buildings shall comply with Section 3.20.40.10 - Pedestrian Oriented Design Standards, below.

b. **Transit-oriented Development** - In addition to the requirements of “a,” above, when a building is located within 100 ft. of an existing or planned transit stop or route, the building and at least one of its entrances shall be oriented to the transit stop or route. This criterion is met by facing the entrance toward the bus stop or route and providing a direct pedestrian connection between the bus stop or route and the entrance, in conformance with Section 4.10.70.02 of Chapter 4.10 - Pedestrian Oriented Design Standards.

3.20.40.05 - Gateway Standards

Standards in Section 4.2.70 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall apply to development along a Gateway Street, as designated by the Comprehensive Plan.

3.20.40.06 - General Landscaping Standards

All developments shall conform to the landscaping requirements of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, the following standards shall apply to developments in the MUGC Zone:

a. **Landscaping between MUGC Zone and Other Zones** - Landscaping and screening is required between MUGC Zones and other zones, and shall consist of an effective combination of ground cover, shrubbery and trees, and fences and/or walls. Further, when a site abuts a residential or mixed use Zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following establishment of a Primary Use Type. Exceptions to this standard shall be provided for pedestrian accessways.

b. **Storage and Refuse Areas** - Storage and refuse areas shall be screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, so that materials stored in those areas are not visible from streets, accessways, and adjacent properties.

3.20.40.07 - Structure Height

No structure shall exceed 45 ft. in height.

3.20.40.08 - Performance Standards

Each Use, activity, or operation in this Zone shall comply with applicable local, state, and federal standards, and shall not create a nuisance because of odor, noise, vibration, dust, smoke, or gas.

3.20.40.09 - Off-street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

3.20.40.10 - Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply, as follows, to development in the MUGC Zone:

a. New development in the MUGC Zone on any site undeveloped prior to December 31, 2006, shall conform with Section 4.10.70 of Chapter 4.10 - Pedestrian Oriented Design Standards as follows:

1. Section 4.10.70.02 - “a,” through “c;”

2. Section 4.10.70.03 - “a,” and “b;”

3. Section 4.10.70.04 - “a,” through “c,” and “e;” and

4. Section 4.10.70.05 -

   a) “a.1,” except that weather protection is required only at street-oriented entrances;

   b) “b.1," through “b.3;"

   c) “b.5," and “b.6," except that a minimum of 20 percent of the length and 10 percent of the ground-floor wall area of any street-facing facade shall contain windows and/or glass doors; and

   d) “b.7.d,” and “b.7.e”.

b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

c. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.20.50 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, all chapters in Article IV, unless the provisions in this Chapter are more restrictive.

[Section 3.20.50 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.20.60 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.20.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.20.60, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.21
MIXED USE TRANSITIONAL (MUT) ZONE

Section 3.21.10 - PURPOSE

This Zone implements the Mixed Use Transitional (MUT) Comprehensive Plan designation. The MUT Comprehensive Plan designation should be applied to existing industrial areas that are identified, through an area Refinement Plan, as being desirable for transition over time to less intensive Uses. The MUT Zone provides a mechanism to permit the introduction of new, less intensive Uses while allowing General and Intensive Industrial Uses to remain during an indefinite period of transition. It also addresses limitations on re-intensification of Uses that have previously transitioned from General or Intensive Industrial Uses to less intensive activities.

Key objectives of the MUT Zone include reducing conflicts between Industrial and less intensive Uses located nearby; providing an opportunity to develop a mix of non-industrial Uses in the Zone that are compatible with surrounding land uses; transitioning to new, less conflicting Uses; and achieving the transition in a way that is fair and preserves value and flexibility for the industrial businesses located within the MUT Zone.

Section 3.21.20 - GENERAL PROVISIONS

3.21.20.01 - Establishment of the MUT Zone

The MUT Zone may be applied to properties with an MUT designation on the Comprehensive Plan Map.

3.21.20.02 - Zone Size and Dimensions

The size of the MUT Zone shall be established through an area Refinement Plan. Public street rights-of-way shall not count toward the total area of the Zone.

Section 3.21.30 - PERMITTED USES

Land use in the MUT Zone shall conform to the list of Permitted Use Types in Table 3.21-1 - Permitted Use Types. Ministerial Development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.3 - Conditional Development and Chapter 2.5 - Planned

Development are identified with a CD and a PD, respectively. Uses identified with an N are not permitted.

Table 3.21-1 **Permitted Use Types** **P = Use Types Permitted Outright** **PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review** **CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development** **PD = Use Types Subject to Review of Chapter 2.5 - Planned Development** **N = Not Permitted**	
Use Types	***Permit Procedure***
a. Civic Use Types	
1. Administrative Services	P
2. Social Service Facilities	P
3. Community Recreation	P
4. Cultural Exhibits and Library Services	P
5. Lodges, Fraternal and Civic Assembly	P
6. Major Services and Utilities - except Transit Facilities	CD
7. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions	PC
8. Parking Services	P
9. Public Safety Services	P
10. Religious Assembly	P
11. Transit Facilities	P
12. Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.	P
13. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing requirements of Sections 4.9.60.02.b and 4.9.60.02.c, subject to the standards in Chapter 4.9 - Additional Provisions.	CD
14. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.	PC

Table 3.21-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	***Permit Procedure***
15. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.	CD
b. Commercial Use Types	
1. Agricultural Sales	P
2. Animal Sales and Services -	
a) Grooming	P
b) Veterinary - small animals	P
c) Indoor Kennels - with sound attenuation	P
3. Automotive and Equipment -	
a) Car Wash	CD
b) Fleet Storage	CD
c) Parking Services	CD
d) Light Equipment Repairs	CD
e) Heavy Equipment Repairs	CD
4. Building Maintenance Services	P
5. Business Equipment Sales and Services	P
6. Business Support Services	P
7. Communication Services	P
8. Construction Sales and Service	P

Table 3.21-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	***Permit Procedure***
9. Convenience Sales and Personal Services	P
10. Day Care, Commercial Facility	P
11. Drive-through Facilities	CD
12. Eating and Drinking Establishments - Sit-down - more than 30 seats	CD
13. Eating and Drinking Establishments - Sit-down - 30 seats or less	P
14. Financial, Insurance, and Real Estate Services	P
15. Food and Beverage Sales	P
16. Funeral and Internment Services	P
17. Laundry Services	P
18. Lodging Services	P
19. Medical Services	P
20. Parking Lot Kiosks	P
21. Participant Sports and Recreation	P
22. Professional and Administrative Services	P
23. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 65 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations	PC

Table 3.21-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	***Permit Procedure***
24. Repair Services - Consumer	P
25. Research Services	P
26. Retail Sales	P
27. Spectator Sports and Entertainment -	
a) Limited	P
b) Other - Indoor facilities only	CD
28. Technology and Support Services	P
29. University Related Services	P
30. Vocational or Professional Training	P
31. Wholesaling, Storage and Distribution	P
c. Industrial Use Types	
1. Limited Manufacturing - fewer than 20 employees per acre and not requiring a state or federal air quality discharge permit, except for parking	P
2. General Industrial - subject to limitations in Section 3.27.40 of Chapter 3.27 - Mixed Use Employment (MUE) Zone	CD
3. Intensive Industrial - limited to properties zoned Intensive Industrial at the time of change to MUT, and subject to limitations in Section 3.27.40 of Chapter 3.27 - Mixed Use Employment (MUE) Zone	CD
4. Limited Manufacturing - 20 or more employees per shift and/or requiring a state or federal air quality discharge permit, except for parking.	CD

Table 3.21-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	***Permit Procedure***
5. Technological Production -	
a) < 20 employees per shift	P
b) 20 or more employees per shift	CD
d. Changes in operations of existing General and Intensive Industrial Uses under the following conditions:	
1. A change in operation or increase in production that creates the need to secure approval from an environmental permitting agency to increase air, water, or noise emissions, unless such emission levels were approved by the City through a previous land use process; or	CD
2. Specific limits or conditions related to operations, and/or physical expansion, established by a previous land use approval are exceeded.	CD
e. Re-establishment of a more Intensive Industrial Use:	
1. When a General or Intensive Industrial Use is replaced with a less intensive Use, Conditional Development approval shall be required to re-establish a General or Intensive Industrial Use at that location.	CD
2. Sites proposed for re-establishment of a General or Intensive Industrial Use shall be subject to current development standards for that Use, such as landscaping, setbacks, and screening. Deviations from such standards shall require approval of a Lot Development Option or Planned Development in addition to Conditional Development approval.	CD

Table 3.21-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	***Permit Procedure***
f. Residential Use and Building Types	
1. <u>Residential Use Types</u> -	CD
a) Family	
b) Group Residential	
c) Group Residential/Group Care	
d) Residential Care Facilities	
2. <u>Residential Building Types</u> -	CD
a) Single Detached - existing prior to adoption of this Code	
b) Single Attached - zero lot line-two units	
c) Duplexes - existing prior to the adoption of this Code	
d) Attached - Townhouse	
e) Multi-dwelling - includes freestanding buildings and dwelling units in commercial or industrial buildings	
f) Accessory Dwelling	

Table 3.21-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	***Permit Procedure***
g. Agricultural Use Types	
1. Horticulture - Cultivation, and Storage	P
h. Accessory Uses	
1. Essential Services	P
2. Day Care, Family	P
3. Home Business - when conducted in conjunction with a Permitted Residential Use.	P
4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P
5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations	P
6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.	P
7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.	P

Table 3.21-1 Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	***Permit Procedure***
8. Garden	P
9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.	P
10. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.	P

[Section 3.21.30 amended by Ordinances 2012-16, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.21.40 - DEVELOPMENT STANDARDS FOR GENERAL AND INTENSIVE INDUSTRIAL USES

a. All General Industrial Uses shall conform to the development standards of the General Industrial Zone.

b. All Intensive Industrial Uses shall conform to the development standards of the Intensive Industrial Zone unless specified otherwise.

Section 3.21.50 - DEVELOPMENT STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES

The following provisions identify development standards within the MUT Zone for all development of a Civic, Commercial, Limited Manufacturing, or Residential Use Type.

3.21.50.01 - Minimum Lot Area and Setback Requirements

a. A setback of not less than 25 ft. shall be provided along each MUT Zone boundary line abutting any Residential (RS) zone. Off-street parking and loading shall be permitted in this area except within 15 ft. of the Zone boundary line, which shall not be used for any Permitted Use, activity, or structure other than fences, walls, driveways, or walks. Driveways, parking, and loading areas adjacent to residential zones shall be landscaped and screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

b. Residential structures shall be developed in accordance with Chapter 3.8 - High Density (RS-20) Zone and the design guidelines in this Chapter.

c. For maximum permitted setbacks, see Section 3.21.60.02.

3.21.50.02 - Structure Height

Structure height shall not exceed 45 ft. unless a site is developed as a Planned or Conditional Development and in a manner compatible with any adjacent residential property(ies), in which case the structure height may be increased up to 75 ft. See Section 3.21.60.09 - Neighborhood Compatibility.

3.21.50.03 - Green Area Standards

A minimum of 20 percent of the total site area shall be retained as Green Area. Green Area may include landscape areas, natural areas, and/or pedestrian amenities consistent with Section 3.21.60.07, except that a minimum of 15 percent of the required Green Area shall be landscaping or preserved vegetation. The site design and building design standards of this Chapter shall also be met.

3.21.50.04 - Off-street Parking

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements. Required parking shall be provided on the same site as the Use or upon abutting property. Contiguity can be achieved across street rights-of-way except on Arterial and Collector Streets where there is not a controlled intersection within 100 ft. of the subject property. Chapter 4.1 - Parking, Loading, and Access Requirements, allows adjustments to minimum parking standards where transit service and bicycle parking are available. Additional

flexibility for required vehicle parking may be granted in the MUT Zone in conformance with the following standards:

a. Shared parking agreements may be used to provide additional reductions in required parking, provided the applicant demonstrates an adequate supply of parking for each Use. Identification of surplus parking during peak periods or surplus capacity provided due to off-peak use are methods of demonstrating this adequacy.

b. Additional flexibility to vehicle parking provisions may be granted consistent with Chapter 2.12 - Lot Development Option, when the site is less than three acres, or Chapter 2.5 - Planned Development. This flexibility is provided to encourage development patterns that reduce reliance on the automobile by taking advantage of alternate modes of travel.

Section 3.21.60 - DESIGN GUIDELINES AND STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES

3.21.60.01 - Coordinated Development

New development shall be designed in a manner that does not preclude development of adjacent property(ies) and that ensures the logical and efficient extension of public facilities and services, including but not limited to sanitary sewer, water, storm drainage, and street and pedestrian facility connections.

3.21.60.02 - Building Orientation and Maximum Setbacks

a. All new buildings in the MUT Zone shall be oriented to existing or proposed public streets or to private streets as approved by the City. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.

b. At least one major public entrance should be oriented to each street that the building abuts. Corner entrances may be used to provide entrance orientation to two streets, provided that the length of the building adjacent to the street does not exceed 50 ft.

c. Building setbacks from streets or plazas shall not exceed 20 ft. except when necessary to preserve healthy, mature tree(s), to provide pedestrian

amenities in conformance with Section 3.21.60.07, or to accommodate handicapped access requirements. A further exception to these setback requirements may be considered when the site is fronted by more than two streets.

3.21.60.03 - Corner Building Entrances

For all new buildings or when redevelopment opportunities allow, the design of corner lot buildings should reinforce public intersections as public spaces. Corner building entrances with weather protection or other architectural features may be required to ensure that this guideline is met. The maximum allowable building setback in Section 3.21.60.02 may be increased when the building design incorporates seating, plazas, and other public amenities, as defined by Section 3.21.60.07.

3.21.60.04 - Weather Protection

a. Where new industrial development is constructed adjacent to street sidewalks or pedestrian plazas, a six ft.-wide, weather-protected area such as awnings or canopies shall be provided over the primary entrance.

b. Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a six ft.-wide, weather-protected area, such as awnings or canopies, shall be provided along all portions of building(s) adjacent to the sidewalks and/or plazas.

c. For existing development, weather protection, as identified in “a,” and “b,” above, shall be provided when there are alterations, repairs, or additions to existing structures. However, an exception to this weather protection standard may be requested where the applicant can demonstrate, to the satisfaction of the Director, that the cost of improvements to the existing structure is less than four times the cost of providing an awning. In addition, where existing weather protection is at least four ft. in width, an exception to this standard may be authorized.

3.21.60.05 - Landscaping and Screening

Landscaping and screening shall be required, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. The following additional standards apply to the MUT Zone:

a. Street trees shall be required, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Species should be compatible with the design features identified in Section 3.21.60.07, and shall provide continuity with nearby landscaping. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.

b. Screening of parking areas, drives, mechanical equipment, and solid waste receptacles shall be installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

c. Irrigation systems shall be installed to support landscaping.

3.21.60.06 - Street Connectivity and Internal Circulation

a. For new structures and substantial improvements to existing development, an applicant may be required to provide street or driveway stubs and reciprocal access easements to promote connectivity, dispersal of traffic, and efficient circulation between Uses and properties.

b. Traffic lanes shall be internal to the site and shall not be located between buildings and sidewalks, except where drop-off facilities are provided, such as for handicapped access. Such facilities shall be designed to meet Americans with Disabilities Act (ADA) requirements and provide for direct pedestrian circulation.

3.21.60.07 - Pedestrian Amenities

a. **Number Required** - For all new structures and substantial improvements in the MUT Zone, with the exception of existing residential dwellings and General and Intensive Industrial Uses, the applicant shall provide pedestrian amenities. The number of pedestrian amenities provided shall comply with the sliding scale in Table 3.21-2 - Number of Required Pedestrian Amenities.

Table 3.21-2 - Number of Required Pedestrian Amenities

Size of Structure or Substantial Improvement	Number of Required Amenities
< 25,000 sq. ft.	1
25,000 - 50,000 sq. ft.	2
> 50,000 sq. ft.	3

b. Acceptable Pedestrian Amenities Include -

1. Sidewalks with ornamental treatments, such as brick pavers, or sidewalks 50 percent wider than required by this Code

2. Benches and public outdoor seating

3. Sidewalk planters

4. Public art, such as a sculpture, fountain, clock, mural, etc., with a value equal to or greater than one percent of the construction value of the new or expanded structure(s)

5. Pocket parks - minimum usable area of 300 sq. ft.

6. Plazas - minimum usable area of 300 sq. ft.

7. Street trees of a caliper 50 percent wider than otherwise required by this Code; may include preservation of healthy mature trees adjacent to the street sidewalk

8. Other improvements approved through Chapter 2.12 - Lot Development Option, or Chapter 2.5 - Planned Development

9. Additional weather protection in excess of requirements of Section 3.21.60.04

c. Pedestrian Amenities Shall Comply with the Following Standards and Guidelines -

1. Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.

2. The size or capacity of pedestrian amenities should be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The minimum area standards for pocket parks and plazas may be increased based on this guideline.

3. Amenities eligible for credit toward Green Area standards, and adjustment to the maximum 20 ft. setback standard, include plazas, pocket parks, seating areas, street furniture, and other areas that provide usable pedestrian space.

4. Amenities should be consistent with the character and scale of the MUT area. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle, such as 10 years before replacement.

5. When provided at or near a bus stop, amenities should conform to standards of the Corvallis Transit System.

3.21.60.08 - Minimum General Building Design Standards

Special attention to building design is required in the MUT Zone because of the intermixing of a wide variety of land uses. The following standards are intended to be specific and quantifiable, while allowing for flexibility in design. Additional flexibility is provided through the Planned Development and Lot Development Option review processes. This Section provides both required and optional design elements.

New structures and substantial improvements should be designed to provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation.

Blank walls shall be avoided when practicable by complying with the following minimum requirements:

a. Ground-floor windows shall be provided for Civic and Commercial Use Types. The main front elevation(s) of buildings shall provide at least 60 percent windows or transparency at the pedestrian level. On corner lots, this provision applies to both street-facing elevations. The transparency is measured in lineal fashion, such that the example of a 100 ft.-wide building facade shall have a total of at least 60 linear ft. of windows.

b. Ground-floor windows shall be provided for Limited Industrial Use Types. The main front elevation(s) of buildings shall provide at least 30 percent windows or transparency at the pedestrian level. On corner lots, this provision applies to both street-facing elevations. The transparency is measured in linear fashion, such that the example of a 100 ft.-wide building facade shall have a total of at least 30 linear ft. of windows.

c. Ground-floor entrances shall include an off-set of at least eight ft. in depth and of sufficient width to allow the entrance location to be easily discerned. Such off-sets shall be items such as recesses, extensions, or other breaks in elevation.

d. To break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features, including off-sets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco, such as EIFS, textured concrete block, or textured concrete.

e. Differentiation between ground-level spaces and upper stories shall be provided. For example, bays or balconies for upper levels, and awnings, canopies, or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as the use of public art may also be used. Recognizing that other design solutions may be appropriate, a developer may propose alternatives for review and approval by the Director.

f. Privacy in residential developments, through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas such as balconies, porches, patios, etc. shall be provided. Opposing windows at close distances should be off-set horizontally or employ appropriate materials, such as frost-glazed, tinted, etc., to protect privacy.

g. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional rights-of-way shall be dedicated to maintain adequate circulation.

3.21.60.09 - Neighborhood Compatibility - Minimum Standards Adjacent to a Residential Zone

a. **Height Step-down** - New building roof elevation(s) shall gradually step down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures by more than one story. This provision applies to that portion of the structure closest, at least the closest 20 ft., to the adjacent residential structures.

b. **Compatible Architectural Characteristics** - New development adjacent to residential zones shall incorporate architectural characteristics compatible with residential development. Each new structure shall contain at least two of the following elements:

1. Roofs with a minimum 4:12 pitch;

2. Flat roofs with a cornice, or other decorative treatment;

3. At the discretion of the Director, horizontal wood lap siding, brick, stone, or other material consistent with residential character;

4. Vertical breaks in roof elevation; and/or

5. Additional off-sets in building elevation

c. The site design shall preserve healthy, mature trees on the site to the maximum extent practicable. Trees likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. However, this provision shall not conflict with the provisions outlined in Section 3.21.70. If there is a conflict, the provisions of Section 3.21.70 shall prevail.

d. Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties, and shall be consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

[Section 3.21.60 amended by Ordinance 2012-18, effective December 13, 2012]

3.21.70 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.21.80 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.21.70, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards for General and Intensive Industrial Zones, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.22
LIMITED INDUSTRIAL - OFFICE (LI-O) ZONE

Section 3.22.10 - PURPOSE

The Limited Industrial-Office (LI-O) Zone implements the Limited Industrial-Office Comprehensive Plan designation. It is intended to create and preserve areas where Limited Manufacturing, development oriented to the large-scale Office industry (rather than small-scale, single-use, stand-alone Office buildings) and related Use Types may locate, as defined and guided by this Chapter.

Ancillary or customarily incidental non-industrial and non-office Uses that support the Primary Use activity are permitted, such as Administrative, Sales, and Service Uses. Together, all of these Uses are intended to reduce potentially adverse effects from, and provide a buffer between, General Industrial Uses and non-industrial Uses such as Neighborhood Centers, Residential and Mixed Use zones, etc.). The LI-O Zone development standards and design guidelines are intended to ensure quality appearance at community gateways, consistent with the Comprehensive Plan.

Section 3.22.20 - GENERAL PROVISIONS - ESTABLISHMENT OF THE LI-O ZONE

Zone Changes to establish new LI-O Zones may be applied only to properties designated Light Industrial-Office (LI-O) on the Comprehensive Plan Map as of December 31, 2006, or as established through a subsequent or concurrent Comprehensive Plan Map Amendment. The LI-O Zone also may be applied through a legislative or quasi-judicial process in accordance with Chapter 2.0 - Public Hearings. The following locational and dimensional criteria shall apply to any new LI-O Zone.

a. Locational Criteria -

1. All portions of the LI-O Zone shall be located within 1/4 mile of existing or planned transit service, shall have at least 50 ft. of frontage along a Collector or Arterial Street, and/or shall be contiguous to a property that is zoned Industrial and that fronts onto a Collector or Arterial Street, as designated by the City's Transportation Plan; and

2. The LI-O Zone shall be located adjacent to an existing or planned General Industrial (GI) Zone, and function as a buffer between the GI Zone and adjacent non-industrial Uses;

OR

3. The LI-O Zone shall be located in areas determined, through a legislative process, to be necessary to provide employment opportunities and services to the community.

b. Zone Size and Dimensions - A new LI-O Zone shall consist of at least one whole parcel if the parcel is one acre in size or smaller. When multiple parcels are included, portions at least one acre in size of individual parcels may be included, provided the size of the remainder of each parcel is developable under its zone designation. Public street rights-of-way shall not count toward the total area of a zone.

Section 3.22.30 - PERMITTED USES

Land use in the LI-O Zone shall conform to the list of Permitted Use Types in Table 3.22-1 - Permitted Use Types. Ministerial development involving Use Types permitted outright are identified with a P. General Development involving Use Types subject to Chapter 2.13 - Plan Compatibility Review are identified with a PC. Special Development involving Use Types subject to Chapter 2.3 - Conditional Development and Chapter 2.5 - Planned Development are identified with a CD and a PD, respectively. Uses identified with an N are not permitted.

Table 3.22 - 1 - Permitted Use Types
P = Use Types Permitted Outright
PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review
CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development
PD = Use Types Subject to Review of Chapter 2.5 - Planned Development
N = Not Permitted

Use Types	Permit Procedure
a. Prior Established Uses [1]	
1. Uses existing prior to December 31, 2006, and in compliance with the Code on that date.	P

[1] Uses that were in existence and permitted under zoning in place prior to December 31, 2006, and are now located in the LI-O Zone, shall not be classified as Nonconforming Uses unless they have been discontinued for a period of at least 18 months, in which case the requirements of Section 1.4.30.03 shall apply. Expansions, enlargements, redevelopment, and reconstruction shall comply with all other applicable Code requirements.

Table 3.22 - 1 - Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	**Permit Procedure**
2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P
b. Civic Use Types	
1. Essential Services, subject to standards in Chapter 4.9 - Additional Provisions	P
2. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions	PC
3. Public Safety Services	P
c. Commercial Use Types - contained within enclosed building	
1. Building Maintenance Services	P
2. Construction Sales and Services	P
3. Communication Services	P
4. Financial, Insurance, and Real Estate Services - when located in building containing over 10,000 sq. ft. of gross floor area	P
5. Food/Beverage Retail Sales - when ancillary to Primary Use	P
6. Laundry - industrial laundry and cleaning services only	P
7. Parking Lot Kiosk	P
8. Professional and Administrative Services - when located in building containing over 10,000 sq. ft. of gross floor area	P
9. Repair Services - Industrial or business-related only	P
10. Research Sales and Services - when ancillary to a Primary Use	P

Table 3.22 - 1 - Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	**Permit Procedure**
11. Technology and Support Services	P
12. Vocational or Professional Training	P
d. Industrial Use Types	
1. Limited Manufacturing - does not require a state or federal air quality discharge permit, but may include more than 20 employees per shift	P
2. Technological Production	P
e. Agricultural Use Types	
1. Row and Field Crops	P
2. Tree Crops	P
f. Accessory Use Types	
1. Essential Services	P
2. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements	P
3. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations	P
4. Postal Services -	
a) Customer	P
b) Retail	P

Table 3.22 - 1 - Permitted Use Types P = Use Types Permitted Outright PC = Use Types Subject to Chapter 2.13 - Plan Compatibility Review CD = Use Types Subject to Review of Chapter 2.3 - Conditional Development PD = Use Types Subject to Review of Chapter 2.5 - Planned Development N = Not Permitted	
Use Types	**Permit Procedure**
5. Garden	P
6. Community Garden - only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.	P
g. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations	PC

[Section 3.22.30 amended by Ordinances 2012-16, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.22.40 - LI-O DEVELOPMENT STANDARDS

3.22.40.01 - Lot Area

No minimum or maximum lot area standards are established for the LI-O Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this Zone.

3.22.40.02 - Setbacks

a. **Front Yard and Exterior Side Yard** - 25 ft. minimum and 40 ft. maximum setback. Through the procedures identified in Section 3.22.40.08.c, an exception of up to 100 percent of the maximum setback may be granted for Industrial Use Types with certain characteristics and that are located along a Gateway Street.

b. **Interior Side Yard** - 25 ft. minimum setback.

c. **Rear Yard** - 25 ft. minimum setback.

3.22.40.03 - Gateway Standards

Standards in Section 4.2.70 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall apply to development along a Gateway Street, as designated by the Comprehensive Plan.

3.22.40.04 - General Landscaping Standards

All developments shall conform to the requirements of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, the following standards shall apply to developments in the LI-O Zone:

a. **Landscaping Between LI-O Zone and Other Zones** - Landscaping and screening shall be required between property zoned LI-O and other zones, and shall consist of a combination of ground cover, shrubbery, and trees and fences and/or walls in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. In addition, when a site abuts a residential or mixed use zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the parcel boundary within 18 months following establishment of a Primary Use Type. Exceptions to this standard shall be provided for pedestrian accessways.

b. **Storage and Refuse Areas** - Storage and refuse areas shall be screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Stored materials shall not be visible from streets, accessways, and adjacent properties.

3.22.40.05 - Height of Structures

No structure shall exceed 45 ft. in height.

3.22.40.06 - Performance Standards

Each Use, activity or operation within the LI-O Zone shall comply with applicable local, state, and federal standards and not create a nuisance through odor, noise, vibration, dust, smoke, or gas.

3.22.40.07 - Off-street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

3.22.40.08 - Pedestrian Oriented Design Standards

a. **Commercial, Civic, and Industrial Uses** - New Commercial, Civic, and Industrial Uses in the LI-O Zone shall conform to Chapter 4.10 - Pedestrian Oriented Design Standards, as follows:

1. Section 4.10.70.02 - Building Orientation -

   a) Sections “a,” through “c,” apply. The standards in “b,” and “c,” below, also apply;

   b) Buildings located on parcels abutting South Third Street shall be oriented to that street; however, an exception to this requirement may be granted consistent with Chapter 2.13 - Plan Compatibility Review. In such cases, the setback may be increased by up to 100 percent of the requirement, and/or the orientation may be to another street, provided that one or more of the following additional factors are documented by the applicant:

      1) The required building orientation would inhibit reasonable operations of the business, such as the need for truck circulation around the building; and/or

      2) The building height exceeds 35 ft. and is deemed incompatible with the gateway purposes of the LI-O Zone; and

   c) When a building is located within 100 ft. of an existing or planned bus stop or route, the building and at least one of its entrances shall be oriented to the bus stop or route. This criterion is met by facing the entrance toward the bus stop and providing a direct pedestrian connection between the bus stop and the entrance, in conformance with the standards in Section 4.10.70.02.

2. Section 4.10.70.03 - Pedestrian Circulation Standards -

a) Civic and Commercial Uses - Sections “a.1,” and “a.2,” apply; and

b) Industrial Uses - Sections “a.1,” “a.5,” and “a.6,” apply;

3. Section 4.10.70.04 - Vehicle Circulation and Design Standards - Sections “b,” and “c,” apply;

4. Section 4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety -

a) Civic and Commercial Uses -

1) Section “a.1," applies, except that weather protection is required only at street-oriented entrances;

2) Sections “b.1," through “b.3," and “b.5,” apply;

3) Section “b.6,” applies, except that a minimum of 20 percent of the length and 10 percent of the ground-floor wall area of any street-facing facade shall contain windows and/or glass doors; and

4) Sections “b.7.d,” and “b.7.e,” apply;

b) Industrial Uses -

1) Sections “b.1,” through “b.3," apply; and

2) Sections “b.7.d,” and “b.7.e,” apply;

5. Building elevations used to meet the Building Orientation standards in 3.22.40.08.a.1, above, shall provide a minimum of one of the following features to break up large building masses and provide human-scale design:

a) Windows covering 20 percent of the facade; and/or

b) Building Off-sets or Projections -

1. A minimum of one two-ft. off-set or projection for every 100 ft. of horizontal distance; and/or

2. Detailing, such as scored masonry, brick inlay, wainscoting, or similar facade materials. Paint color variation alone shall not be sufficient to meet this standard; and

6. Pedestrian-scale Building Entrances - Recessed entries, canopies, clear-story windows, and/or other similar features shall be used at the entries to buildings to create pedestrian scale.

b. **Industrial Uses** - Exterior building materials shall consist of concrete tilt up, concrete masonry unit, brick, wood, or materials of similar quality. Metal building exteriors are permitted when used in conjunction with one or more of the other listed materials, but shall not exceed 50 percent of the exterior building surface.

c. Independent or cumulative expansion of a commercial, industrial, or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10. 70.01.

3.22.40.09 - Pedestrian Accessibility

a. At a minimum, a pedestrian walkway shall be provided every 400 ft. along any street, connecting it to the next parallel street. See Figure 3.22-1 - Pedestrian Accessibility; and

b. Through-lot pedestrian walkways are also required at any location where a public or private street pedestrian crossing stubs to a parcel with no other through-lot pedestrian walkway within 200 ft. Such stubbed pedestrian crossings consist of elements such as existing striped crossings or planned pedestrian crossings that are shown in adopted or approved plans. See Figure 3.22-1 - Pedestrian Accessibility.

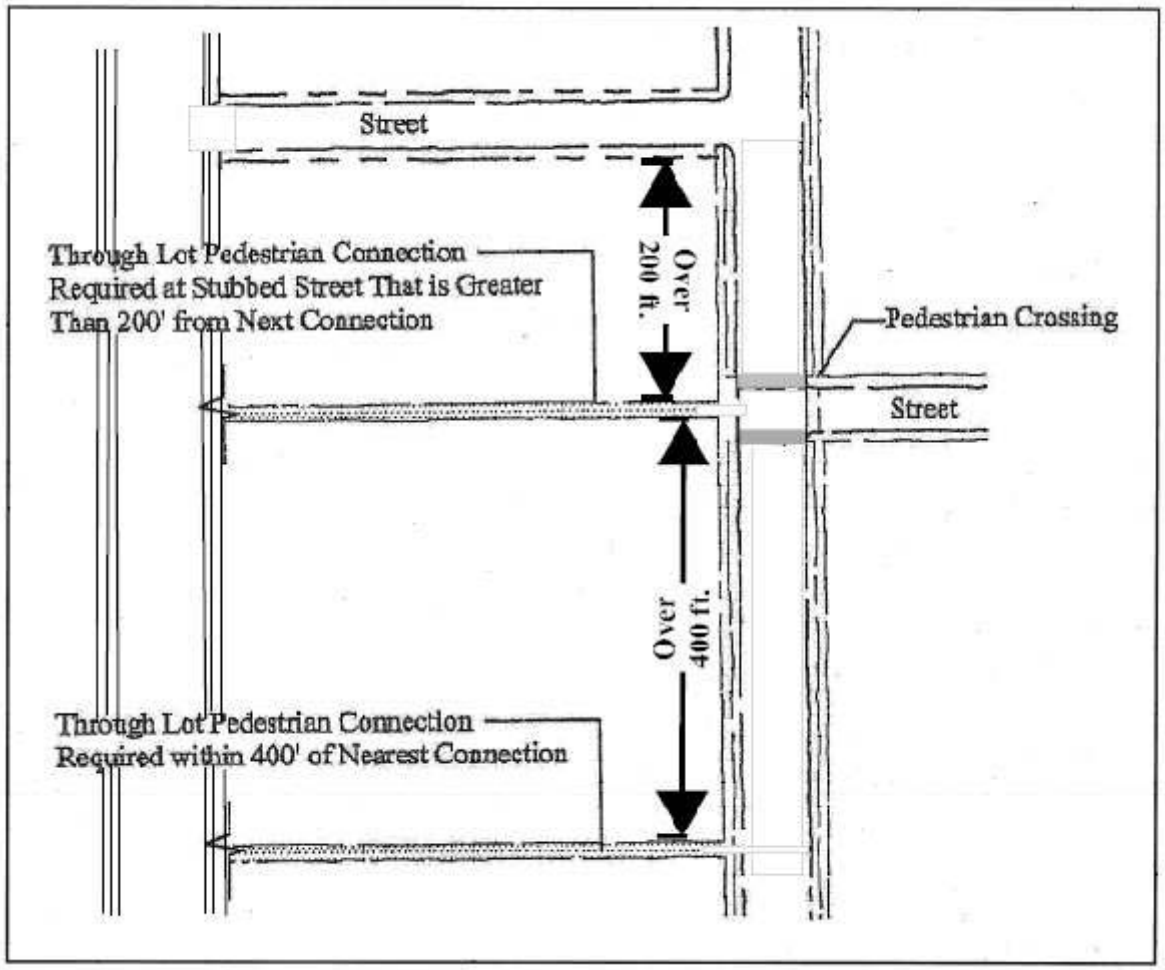

Figure 3.22-1 - Pedestrian Accessibility

Section 3.22.50 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of this Code including, but not limited to, all chapters in Article IV, unless provisions in this Chapter are more restrictive.

[Section 3.22.50 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.22.60 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and

Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.22.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.22.60, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.23
LIMITED INDUSTRIAL (LI) ZONE

Section 3.23.10 - PURPOSE

This zone implements the Limited Industrial Comprehensive Plan designation. It is intended to create and preserve areas where Limited Manufacturing and related Use Types, described in Chapter 3.0 - Use Classifications, may locate. Limited Manufacturing Uses have few, if any nuisance characteristics. Also permitted are Accessory non-industrial Uses that support the Primary Use activity and are compatible with it, specifically Administrative, Sales, and Service Uses.

Section 3.23.20 - PERMITTED USES

3.23.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Civic Use Types -

   Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

2. Commercial Use Types -

   a) Animal Sales and Services -

      1) Kennels

      2) Veterinary

   b) Communications Service Establishments

   c) Repair Services, Consumer

   d) Technology and Support Services - 20 or fewer employees per shift

   e) Temporary Outdoor Markets

f) Vocational or Professional Training - 20 or fewer employees per shift

g) Wholesaling, Storage, and Distribution - Light

3. Industrial Use Type -

Limited Manufacturing - 20 or fewer employees per shift and does not require a state or federal air quality discharge permit, except for parking

4. Agricultural Use Types -

a) Horticulture

1) Cultivation

2) Storage

b) Packing and Processing - Limited

c) Row and Field Crops

d) Tree Crops

b. Accessory Uses Permitted Outright

1. Essential Services

2. One residence per development site - developed simultaneously with or following development of Primary and Accessory Uses permitted outright.

3. Required off-street parking for Uses permitted in the Zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

4. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.

5. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not

increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

6. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

7. Garden

8. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.23.20.02 - Special Development

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

a. Limited Manufacturing - more than 20 employees per shift or requiring a state or federal air quality discharge permit, except for parking.

b. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

d. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

e. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

f. Technology and Support Services - more than 20 employees per shift.

g. Vocational or Professional Training - more than 20 employees per shift.

3.23.20.03 - General Development

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

a. Any lot with more than one accessway 24 ft. or wider.

b. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions.

c. Projections such as chimneys, spires, domes and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions, unless adjacent to an RS-1, RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.23.20 amended by Ordinances 2012-16, 2012-18, and 2012-19 effective December 13, 2012]

Section 3.23.30 - DEVELOPMENT STANDARDS

3.23.30.01 - Lot Area

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

3.23.30.02 - Setbacks

a. Boundary Area -

1. A setback of not less than 25 ft. shall be provided along each LI Zone boundary line abutting any Residential, Agriculture-Open Space, or Special Zone. Off-street parking and loading shall be permitted in this area except for 15 ft. nearest the zone boundary line, which shall not be used for any Permitted Use, activity, or structure other than fences

or walls, and shall be improved and maintained in accordance with Section 3.23.30.03 below.

2. Exemptions from These Requirements -

a) Those portions of property lines where driveways, accessways, and walkways are provided; and

b) Lands along the Southern Pacific Railroad line south from Avery Avenue to the City limits.

b. **Along Streets** - The following minimum setbacks shall apply:

1. Arterial Streets - 20 ft.

2. Collector Streets - 20 ft.

3. All other streets - 20 ft.

Where a yard abuts both a street and a zone boundary line, the 10 ft. nearest the zone boundary line shall not be used for any Permitted Use, activity, or structure other than fences or walls and shall be improved and maintained in accordance with Section 3.23.30.03 below. The boundary area in "a," above, may be counted in the calculation of required setbacks along streets.

c. Except for those required by this Section and the Building Code, no additional yards/setbacks are required.

3.23.30.03 - Landscaping and Screening

a. Street trees shall be required, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

b. Landscaping and screening required in Section 3.23.30.02 above shall consist of an effective combination of ground cover, shrubbery, and trees, and fences and walls to serve as screening (buffer area) between the site and abutting zones. In addition, when a site abuts a residential zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following establishment of a Primary Use Type.

c. An irrigation system shall be provided.

d. Storage and refuse areas shall be screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, so that materials stored within those areas shall not be visible from accessways and adjacent properties.

e. Landscaping and lighting shall be provided within a parking area in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

3.23.30.04 - Height of Structures

No structure shall exceed 45 ft. in height.

3.23.30.05 - Performance Standards

Each Use, activity, or operation within this Zone shall comply with applicable local, state, and federal standards, and shall not create a nuisance because of odor, noise, vibration, dust, smoke or gas.

3.23.30.06 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 3.23.40 - Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply, as follows, to development in the LI Zone:

a. New development on any site undeveloped prior to December 31, 2006, shall conform with Section 4.10.70.03.a.1.

b. Independent of cumulative expansion of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual and Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with Section 4.10.70.03.a.1, provided that:

1. The expansion adds less than 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

[Section 3.23.40 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.23.50 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.23.60 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.23.~~4~~50, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

[Sections 3.23.50 and 3.23.60 renumbered by Ordinance 2012-18, effective December 13, 2012]

CHAPTER 3.24
GENERAL INDUSTRIAL (GI) ZONE

Section 3.24.10 - PURPOSE

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

Section 3.24.20 - PERMITTED USES

3.24.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Civic Use Types -

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

    b) Parking Services

    c) Public Safety Services

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

2. Commercial Use Types -

    a) Agricultural Sales

    b) Agricultural Services

    c) Animal Sales and Services -

        1) Grooming - in conjunction with veterinary

        2) Kennels

3) Auctioning

d) Automotive and Equipment

1) Fleet Storage

2) Repairs - Heavy Equipment

3) Sales/Rentals of Farm and Heavy Equipment Note: Sales/Rentals of Light Equipment requires a Conditional Development Review

e) Building Maintenance Services

f) Construction Sales and Services

g) Laundry Services

h) Research Services

i) Scrap Operations

j) Technology and Support Services

k) Temporary Outdoor Markets

l) Vocational or Professional Training

m) Wholesaling, Storage, and Distribution

1) Light

2) Mini Warehouses

3. Industrial Use Types -

a) General Industrial

b) Limited Manufacturing

c) Technological Production

4. Agricultural Use Types -

a) Row and Field Crops

b) Tree Crops

c) Horticulture - Cultivation, and Storage

b. Accessory Uses Permitted Outright

1. Essential Services

2. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

3. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.

4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

5. Garden

6. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.24.20.02 - Special Development

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

a. Automotive and Equipment - Sales/Rentals, Light Equipment to be reviewed in accordance with Section 3.24.30.07 below.

b. Freestanding Wireless Telecommunication Facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

d. Colocated/attached Wireless Telecommunication Facilities that increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

3.24.20.03 -General Development

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

a. Explosive or Fuel Storage

b. Major Services and Utilities

c. Projections such as chimneys, spires, domes, and towers, not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles subject to requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations

[Section 3.24.20 amended by Ordinances 2012-16, 2012-17, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.24.30 - DEVELOPMENT STANDARDS

3.24.30.01 - Lot Area

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

3.24.30.02 - Setbacks

a. Boundary Area -

1. A setback of not less than 100 ft. shall be provided from any residential, Agriculture-Open Space, or Willamette River Greenway property line. Off-street parking and loading shall be permitted in this setback area, except for the 35 ft. nearest the residential, Agriculture-Open Space, or Willamette River Greenway property line, which shall

not be used for any Permitted Use, activity, or structure other than fences or walls, and shall be maintained and improved in accordance with 3.24.30.03 below.

2. Exemptions from These Requirements -

a) Those portions of property lines where driveways, accessways, and walkways are provided; and

b) Lands along the Southern Pacific Railroad line south from Avery Avenue to the City limits.

b. **Along Streets** - The following minimum setback for any structure shall apply:

1.	Arterial Streets	-	50 ft.
2.	Collector Streets	-	40 ft.
3.	All other streets	-	25 ft.

Where a yard abuts both a street and a zone boundary line, the 35 ft. nearest the zone boundary shall not be used for any Permitted Use, activity, or structure other than fences or walls, and shall be maintained and improved in accordance with Section 3.24.30.03 below. The boundary area as required in "a," above, may be counted in the calculation of required setbacks along streets.

c. Except for those required in this Section and the Building Code, no additional yards/setbacks are required.

3.24.30.03 - Landscaping, Lighting, Buffering, and Screening

a. Landscaping, lighting, buffering, and screening required in Section 3.24.30.02 above shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and shall consist of a combination of street trees, ground cover, shrubbery, trees, fences, and walls to serve as screening (buffer area) between the site and abutting nonresidential zones. Further, when a site abuts a residential zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the Primary Use Type.

b. Storage and refuse areas shall be screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, so that materials stored within those areas shall not be visible from accessways and adjacent residential zones.

3.24.30.04 - Height of Structure

No structure shall exceed 75 ft. in height.

3.24.30.05 - Performance Standards

Each Use, activity, or operation within this Zone shall comply with applicable local, state, and federal standards and shall not create a nuisance because of odor, vibration, noise, dust, smoke, or gas.

3.24.30.06 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

3.24.30.07 - Special Provisions for Automotive and Equipment - Sales/Rentals, Light Equipment

The purpose of reviewing the Automotive and Equipment-Sales/Rentals, Light Equipment Use Type as a Conditional Use is to determine appropriateness of the Use at a specific site based on the following criteria:

a. The proposed site is needed due to a shortage of alternative sites that can accommodate this Use.

b. Permitting the Use will not significantly reduce the overall supply and diversity of industrial land or negatively affect the developability of the balance of adjacent industrial land. Approval shall not be granted if the property was part of a larger parcel within the last 12 months.

c. The site is a minimum of two acres and has frontage on an Arterial Street.

Section 3.24.40 - Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply, as follows, to development in the GI Zone:

a. New development on any site undeveloped prior to December 31, 2006, shall conform with Section 4.10.70.03.a.1.

b. Independent of cumulative expansion of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual and Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with Section 4.10.70.03.a.1, provided that:

1. The expansion adds less than 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

[Section 3.24.40 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.24.50 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.24.60 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.24.~~4~~50, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

[Sections 3.24.50 and 3.24.60 renumbered by Ordinance 2012-18, effective December 13, 2012]

CHAPTER 3.25
INTENSIVE INDUSTRIAL (II) ZONE

Section 3.25.10 - PURPOSE

This is the primary zone that implements the Intensive Industrial Comprehensive Plan designation. It is intended to provide appropriate locations for intensive manufacturing activities that are characterized by their potential conflicts with residential and other land uses. Because this Zone does not specifically prohibit any types of Intensive Industrial Uses, all Intensive Industrial Uses are reviewed through a Conditional Development process.

Section 3.25.20 - PERMITTED USES

3.25.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Civic Use Types -

    a) Major Services and Utilities

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

    c) Parking Services

    d) Public Safety Services

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

2. Commercial Use Types -

    a) Agricultural Sales

    b) Agricultural Services

    c) Animal Sales and Services

1) Auctioning

2) Grooming - in conjunction with veterinary

3) Kennels

d) Automotive and equipment

1) Fleet storage

2) Repairs - Heavy Equipment

3) Sales/Rentals of Farm Equipment and Heavy Equipment

e) Building Maintenance Services

f) Construction Sales and Services

g) Laundry Services

h) Research Services

i) Scrap Operations

j) Temporary Outdoor Sales

k) Wholesaling, Storage, and Distribution

1) Heavy

2) Light

3) Mini Warehouses

3. Industrial Use Types -

a) Limited Manufacturing

b) General Industrial

c) Technological Production

4. Agricultural Use Types -

a) Animal Waste Processing

b) Row and Field Crops

c) Tree Crops

d) Horticulture - Cultivation, and Storage

b. Accessory Uses Permitted Outright

1. Essential Services

2. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

3. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.

4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

5. Garden

6. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.25.20.02 - Special Development

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

a. Intensive Industrial Uses

b. Established Intensive Industrial Uses, when either one of the following occurs:

1. A change in operation or increase in production creates the need to secure approval from an environmental permitting agency to increase air, water, or noise emissions unless such emission levels were approved by the City through a previous land use process; or

2. Specific limits or conditions related to operations, physical expansion, etc. established by a previous land use approval are exceeded.

c. Freestanding Wireless Telecommunication Facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

d. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

e. Colocated/attached Wireless Telecommunication Facilities that increase the height of the existing structures by more than 20 ft, subject to the standards in Chapter 4.9 - Additional Provisions.

3.25.20.03 - General Development

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

a. Explosive or Fuel Storage

b. Projections such as chimneys, spires, domes, and towers, not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-1, RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations

[Section 3.25.20 amended by Ordinance 2012-19, effective December 13, 2012]

Section 3.25.30 DEVELOPMENT STANDARDS

3.25.30.01 - Lot Area

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

3.25.30.02 - Setbacks

a. Boundary Area -

1. A setback of not less than 100 ft. shall be provided along each II Zone boundary line abutting any residential, Agriculture - Open Space, or Willamette River Greenway Zone. Off-street parking and loading shall be permitted in this area except for the 35 ft. nearest the zone boundary line, which shall not be used for any Permitted Use, activity, or structure other than fences or walls, and shall be maintained and improved in accordance with Section 3.25.30.03 below.

2. Exemptions from These Requirements -

   a) Those portions of property lines where driveways, accessways, or walkways are provided; and

   b) Lands along the Southern Pacific Railroad line south from Avery Avenue to the City limits.

b. Along Streets - The following minimum setback for any structure shall apply:

1. Arterial Streets - 75 ft.
2. Collector Streets - 40 ft.
3. All other streets - 25 ft.

Where a yard abuts both a street and a zone boundary line, the 35 ft. nearest the zone boundary shall not be used for any Permitted Use, activity, or structure other than fences or walls, and shall be maintained and improved in accordance with Section 3.25.30.03 below. The boundary area as required in "a," above may be counted in the calculation of required setbacks along streets.

c. Except for those required in this Section and the Building Code, no additional yards/setbacks are required.

3.25.30.03 - Landscaping, Lighting, Buffering, and Screening

a. Landscaping, lighting, buffering, and screening required in Section 3.25.30.02 above, shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and shall consist of a combination of street trees, ground cover, shrubbery, trees, fences, and walls to serve as screening (buffer area) between the site and abutting non-industrial zones. In addition, when a site abuts a residential zone, landscaping shall be at least six ft. in height and at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the Primary Use Type.

b. Storage and refuse areas shall be screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, so that materials stored within those areas shall not be visible from accessways and adjacent residential zones.

3.25.30.04 - Height of Structure

No structure shall exceed 75 ft. in height.

3.25.30.05 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 3.25.40 - Pedestrian Oriented Design Standards

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply, as follows, to development in the II Zone:

a. New development on any site undeveloped prior to December 31, 2006, shall conform with Section 4.10.70.03.a.1.

b. Independent or cumulative expansion of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual and Detailed

Development Plan approved on or before December 31, 2006, shall not be required to comply with Section 4.10.70.03.a.1, provided that:

1. The expansion adds less than 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

[Section 3.25.40 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.25.50 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.25.60 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.25.50, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

[Sections 3.25.50 and 3.25.60 renumbered by Ordinance 2012-18, effective December 13, 2012]

CHAPTER 3.26
RESEARCH TECHNOLOGY CENTER (RTC) ZONE

Section 3.26.10 - PURPOSE

This zone implements the Industrial Use designation of the Comprehensive Plan. It is intended to provide locations for Research and Technology Uses in a campus-like setting. The RTC Zone is designed to accommodate educational, scientific, industrial, and business research, development, planning , testing, and training activities and non-polluting manufacturing activities. Supporting Commercial Uses not to exceed 20 percent of the gross floor area may be located in RTC projects. The RTC Zone establishes standards that address compatibility of the center with surrounding Uses.

Section 3.26.20 - GENERAL PROVISIONS

3.26.20.01 - Establishment of the RTC Zone

This Zone may be requested by an owner of property identified on the Comprehensive Plan Map as Limited Industrial, Limited Industrial-Office, General Industrial, General Industrial-Office, and Mixed Use Transitional areas. Establishment of this Zone requires a public hearing by the Planning Commission in conjunction with a Planned Development Overlay and a Conceptual Development Plan consistent with Chapter 2.5 - Planned Development.

The applicant has three years from date of approval of the Conceptual Development Plan to complete a Plan Compatibility Review and be issued a Building Permit for a Primary Use. If no Building Permit has been issued prior to the expiration date, the Conceptual Development Plan shall expire and a new Conceptual Development Plan approval shall be required prior to the issuance of Building Permits.

3.26.20.02 - Time Extension of Conceptual Development Plan Approval

Applications for additional one-year extensions may be filed in accordance with the following procedures:

a. An owner of property with an RTC Conceptual Development Plan may apply to have the Conceptual Development Plan approval extended beyond the three-year limit, provided that an application, on forms provided by the Director, is properly filed before the expiration of the Conceptual Development Plan.

b. The Director shall process the request and mail notice to owners and occupants of all properties within 300 ft. of the subject property in accordance with Chapter 2.16 - Request for Interpretation. The Director shall grant a one-year extension of the expiration date upon finding that:

1. Unforeseen circumstances or conditions have caused the delay;

2. The applicant has demonstrated reasonable diligence in attempting to meet the time limits imposed; and

3. Facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing.

Section 3.26.30 - PERMITTED USES

3.26.30.01 - Ministerial Development

a. **Primary Uses Permitted Outright** - Consistent with a previously approved Conceptual Development Plan.

1. Civic Use Types -

   a) Administrative Services

   b) Postal Services

   c) Public Safety

   d) University Services and Facilities

   e) Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

   f) Schools

2. Commercial Use Types -

   a) Communications Services

   b) Eating and Drinking Establishments - Sit-down, one per development site

c) Professional and Administrative Services - minimum building size of 800 sq. ft.

d) Research Services

e) Technology and Support Services

f) Vocational or Professional Training

3. Commercial and Residential Use Types - with the exception of Temporary Outdoor Markets, the following Use Types are subject to the special limitations specified in Section 3.26.40

a) Business Equipment Sales and Service

b) Business Support Services

c) Convenience Sales and Personal Services

d) Eating and Drinking Establishments - Sit-down, where it exceeds the single allowed Eating and Drinking Establishment for the entire site

e) Financial, Insurance, and Real Estate Services

f) Day Care, Commercial Facilities

g) Participant Sports and Recreation

h) Convenience Sales and Personal Services

i) Temporary Outdoor Markets

4. Industrial Use Types -

a) Limited Manufacturing

b) Technological Production

c) Wholesaling, Storage, and Distribution - Light

b. **Accessory Uses Permitted** - In accordance with Chapter 2.13 - Plan Compatibility Review.

1. Essential Services

2. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.

3. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

5. Garden

6. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.26.30.02 - Special Development

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

a. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

b. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

c. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including

mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

d. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

3.26.30.03 - General Development

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

a. Major Services and Utilities

b. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

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

d. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

[Section 3.26.30 amended by Ordinances 2012-16, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.26.40 - DEVELOPMENT STANDARDS

The Conceptual Development Plan for the entire RTC site shall comply with the standards listed below. When the Planning Commission reviews a proposed Conceptual Development Plan for the entire RTC site, it shall also ensure that the plan limits the Uses specified in Section 3.26.30.01.a.3 to 20 percent or less of the gross floor area of the development site.

The purpose of special limitations regarding the Uses in Section 3.26.30.01.a.3 is to ensure that the proposed Use or Uses will serve the shopping and service needs primarily of employees and businesses of the Uses in the RTC site. Building Permits for these Commercial Uses shall be approved only when subordinate to other existing RTC development. Permits for these subordinate Uses shall be issued concurrent with or

following issuance of permits for the Primary Uses and shall not exceed the maximum gross floor area limitation of 20 percent of Uses established on the site at any time.

3.26.40.01 - Lot Area

Minimum lot area for a development site shall be 50 acres. Individual lot sizes shall be adequate to fulfill applicable Code requirements and minimum standards of this Zone.

3.26.40.02 - Setbacks

a. **Boundary Area** - The setback for the perimeter of a development site shall average 50 ft. along the building face for structures 30 ft. or less in building height. The minimum setback shall not be less than 30 ft. For a structure over 30 ft. in height, an additional setback of 2.5 ft. for every foot of height over 30 ft. shall be added to the average 50-ft. setback.

b. **Streets** - Setbacks from streets along the perimeter of the development site shall average 60 ft. with a minimum setback of 40 ft.

c. **Interior Lot Lines** - There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Building Code.

3.26.40.03 - Height of Structure

No structure shall exceed 75 ft. in height.

3.26.40.04 - Site Coverage

Building coverage shall not exceed 40 percent; total impervious surface excluding Green Area elements shall not exceed 60 percent of the entire development site. A minimum of 15 percent of the required Green Area shall be landscaping or preserved vegetation.

3.26.40.05 - Performance Standards

a. Each Use, activity, or operation within this Zone shall comply with applicable state and federal standards and shall not create a nuisance because of odor, vibration, noise, dust, smoke, or gas.

b. Mechanical equipment, outdoor storage areas, trash receptacles, and parking lots shall be screened from view from public places and neighboring properties, to the extent practicable, through use of features such as berms, fences, facades, and dense landscaping in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

c. There shall be a 30 ft.-wide landscaped area in the boundary area containing trees and shrubs with a fence or a berm. Within the street setback area, a 40 ft.-wide landscaped area shall be provided.

d. Landscaping shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaped areas shall be irrigated with permanent facilities sufficient to maintain the plant materials and shall be covered by living plant material capable of attaining 90 percent ground coverage within three years.

e. Street trees and landscaping provisions not addressed differently in this Chapter are required in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

f. Long expanses of fences or walls along public streets shall be designed to prevent visual monotony through the use of off-sets, landscaping, and change in materials.

g. Earth sculpting and other techniques shall be used to reduce building scale along the development site perimeter.

h. Where structures are set back less than 60 ft. along a perimeter street, the building arrangement shall provide for open space linkages such that the required open space extends from the street into the interior of the site.

i. Parking, loading, and access requirements shall be in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

j. Access shall be designed to minimize interference with traffic movement on abutting streets. Where the Director determines it is necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.

k. Metal siding and roof surfaces shall be covered and maintained with nonreflective paint.

l. Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties and shall be consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

m. Signage shall be designed and oriented to primarily serve those within the RTC development. Structures or portions of structures used for commercial purposes shall be designed to serve primarily those within the RTC development.

n. The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RTC Zone, except as modified by "o" below, in which case "o," below, shall apply:

1. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

2. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

3. Independent or cumulative expansion of a commercial or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

o. Section 3.27.50 - Design Guidelines and Standards of Chapter 3.27 - Mixed Use Employment (MUE) Zone shall apply to industrial development within an RTC site.

Section 3.26.50 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.26.60 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.26.50, variations from development and design standards, such as standards in this Chapter and in other chapters addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.27
MIXED USE EMPLOYMENT (MUE) ZONE

Section 3.27.10 - PURPOSE

This Zone introduces some Commercial and Residential Uses into areas with industrial designations on the Comprehensive Plan Map, while maintaining the City's supply of industrially designated lands. It is intended to provide a variety of employment uses, including Limited Industrial Uses and Commercial, Civic, and Residential Uses, at a scale appropriate to surrounding employment areas. Key objectives of the Mixed Use Employment Zone include:

a. Expand employment opportunities by allowing businesses to locate in a variety of locations;

b. Provide services for employees in close proximity to their work place;

c. Provide options for living, working, and shopping environments;

d. Facilitate more intensive use of land while minimizing potentially adverse impacts; and

e. Provide options for pedestrian oriented lifestyles.

Section 3.27.20 - GENERAL PROVISIONS - Establishment of the MUE Zone

The MUE Zone shall be applied to properties with industrial designations on the Comprehensive Plan Map or to lands designated through a quasi-judicial or legislative process. When the Zone is applied to parcels via the quasi-judicial Zone Change process, the proposal shall meet the Zone Change criteria of Section 2.2.40 in Chapter 2.2 - Zone Changes, and the following criteria for MUE Zone location, dimensions, and size.

a. Locational Criteria -

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

1. The MUE Zone shall be located in areas with lot sizes of generally less than 20 acres;

AND EITHER

2. All portions of the MUE Zone shall be located within .25 mile of existing or planned transit service;

OR

3. The MUE Zone shall be located in areas determined through the Planned Development process in Chapter 2.5 - Planned Development to be necessary to provide mixed use opportunities and services to adjacent areas.

b. Zone Size and Dimensions -

1. The Zone shall have a minimum size of .50 block or one acre. It may be composed of smaller parcels when the total area of the Zone is equal to or greater than one acre. Public street rights-of-way shall not count toward the total area of a Zone.

2. A Planned Development zoning Overlay shall be applied to MUE Zones that exceed five acres or involve multiple parcels. If all parcels within the Zone are not concurrently developed, the Planned Development review in Chapter 2.5 - Planned Development shall focus on the developing parcel and ensure that the proposed development does not preclude development of the adjacent parcels within the mixed use area.

3. The Zone shall have a minimum of 50 ft. of frontage onto an existing or planned public street.

Section 3.27.30 - PERMITTED USES

3.27.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types - All Residential Use Types are subject to compliance with Section 3.27.40.01 - Preservation of Industrial Land Supply.

   a) Family

   b) Group Residential

   c) Group Residential/Group Care

d) Residential Care Facilities

2. Residential Building Types -

a) Single Detached - existing prior to adoption of this Code

b) Single Attached - zero lot line - two units

c) Duplexes - existing prior to the adoption of this Code

d) Attached - Townhouse

e) Multi-dwelling - includes freestanding buildings and dwelling units in commercial or industrial buildings

f) Accessory Dwelling

3. Civic Use Types - A Civic Use Type that exceeds 5,000 sq. ft. must demonstrate that it primarily serves the immediate area.

a) Administrative Services

b) Social Service Facilities

c) Cultural Exhibits and Library Services

d) Lodges, Fraternal and Civic Assembly

e) Parking Services

f) Postal Services[1]

g) Public Safety Services

h) Religious Assembly

i) Transit Facilities

[1] A Civic Use Type that may be considered as a Commercial Use for the purposes of calculating the minimum Floor Area Ratio (FAR) as required by Section 3.27.40.01, provided it occupies the ground floor area.

j) Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

4. Commercial Use Types - Commercial Use Types with an asterisk (*) may be considered as Industrial Uses for the purposes of calculating minimum Floor Area Ratios (FARs) as required by Section 3.27.40.01 and as addressed in Section 3.27.30.03.d, because they are Uses that are also classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones.

a) Agricultural Sales*

b) Agricultural Services*

c) Animal Sales and Services

1) Grooming

2) Veterinary*

3) Indoor Kennels - with sound attenuation*

d) Building Maintenance Services*

e) Business Equipment Sales and Services

f) Business Support Services

g) Communications Service Establishments*

h) Construction Sales and Service*

i) Convenience Sales and Personal Services

j) Day Care, Commercial Facility

k) Eating and Drinking Establishments - Sit-down - 30 seats or less

l) Financial, Insurance, and Real Estate Services

m) Food and Beverage Sales

n) Laundry Services*

o) Participant Sports and Recreation - Indoor facilities limited to less than 299 capacity

p) Professional and Administrative Services

q) Repair Services - Consumer*

r) Research Services*

s) Retail Sales -General - limited to 10,000 sq. ft. of floor area per building

t) Technology and Support Services - 20 or fewer employees per shift*

u) Temporary Outdoor Markets*

v) Vocational or Professional Training*

w) Wholesaling, Storage and Distribution* (Only Light, and Mini-Warehouses can count towards Industrial FAR)

5. Industrial Use Types -

a) Limited Manufacturing - 20 or fewer employees per shift and does not require a state or federal air quality discharge permit, except for parking

b) General Industrial Uses in association with sales

c) General Industrial Uses that do not result in the following nuisance conditions detectable from the boundaries of the subject property. Nuisance conditions can result from any of the conditions in “1,” through “4,” below, except as allowed in “5,” below.

1) Continuous, frequent, or repetitive noises or vibrations;

2) Noxious or toxic fumes, odors, or emissions;

3) Electrical disturbances; or

4) Night illumination into residential areas.

5) Exceptions - Exceptions to conditions in "1," through "4," above, include:

a. Noise and vibrations from temporary construction;

b. Noise from vehicles or trains entering or leaving the site;

c. Noise and vibrations occurring less than 15 minutes per day;

d. An odor detected for less than 15 minutes per day; and

e. Noise detectable only as part of a composite of sounds from various off-site sources.

6. Agricultural Use Types -

a) Horticulture - Cultivation, and Storage

b. Accessory Uses Permitted Outright

1. Essential Services

2. Day Care, Family

3. Home Business - when conducted in conjunction with a Permitted Residential Use

4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements

5. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

6. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

7. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

8. Garden

9. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.

10. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.27.30.02 - Special Development

Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code. Additionally, Commercial Use Types with an asterisk (*) may be considered as Industrial Uses for the purposes of calculating minimum Floor Area Ratios (FARs) as required by Section 3.27.40.01 and as addressed in Section 3.27.30.03.d, because they are Uses that are also classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones.

a. Automotive and Equipment

1. Cleaning

2. Fleet Storage*

3. Parking Services

4. Repairing, Light Equipment and Heavy Equipment*

b. Drive-through Facilities - Financial Institutions, Eating and Drinking Establishments, etc.

c. Eating and Drinking Establishments - Sit-down - more than 30 seats

d. Community Recreation

e. Major Services and Utilities - except Transit Facilities

f. Spectator Sports and Entertainment - Limited

g. Limited Manufacturing - more than 20 employees per shift and Uses that do not result in nuisance conditions detectable from the boundaries of the subject property. Nuisance conditions and exceptions shall be as outlined in Section 3.27.30.01.a.5.c.

h. Technology and Support Services - more than 20 employees per shift*

i. Freestanding Wireless Telecommunication Facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

j. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.

k. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

l. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

3.27.30.03 - General Development

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

a. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

b. Transit Facilities

c. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 55 ft. in height - unless the height limit for the subject property is 75 ft. per Section 3.27.40.03, in which case the threshold is 75 ft., in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements of Section 4.7.70.b.

d. Non-industrial Uses that exceed the square footage of Industrial Uses. Note: Commercial Use Types listed in Section 3.27.30.01.a.4 and classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones may be considered as Industrial Uses for the purposes of calculating these square footages.

e. Freestanding Wireless Telecommunication Facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

[Section 3.27.30 amended by Ordinances 2012-16, 2012-18, and 2012-19, effective December 13, 2012]

Section 3.27.40 - DEVELOPMENT STANDARDS

The following provisions identify development standards within the MUE Zone.

3.27.40.01 - Preservation of Industrial Land Supply

a. A minimum floor area ratio (FAR) of 0.25 of Industrial structure/Use is required for all properties with a Comprehensive Plan Map designation of industrial. This requirement is to ensure that industrial land is preserved for primarily industrial purposes. This provision does not apply when a Commercial Use in an industrially designated property is applied to an existing residential building that existed prior to the adoption of this MUE Zone. This provision also does not apply when a Residential Use is applied

to an existing commercial building within an industrial zone that existed prior to the adoption of this MUE Zone. The Industrial Uses on an MUE site are required to be developed prior to or concurrently with Residential and Commercial Uses, with the exception of Residential and/or Commercial Uses in existence as of the adoption of this MUE Zone.

b. When a project is composed of two or more phases, the mixed use site shall be reviewed as a Planned Development in accordance with Chapter 2.5 - Planned Development, and each phase shall meet the minimum 0.25 FAR as described in "a," above.

c. Where the square footage of the non-industrial Use(s) exceeds the square footage of the Industrial Use(s), the development site shall be subject to a Plan Compatibility Review process in accordance with Chapter 2.13 - Plan Compatibility Review.

d. When an MUE Zone is approved for a site, a deed restriction recognizing the industrial character and underlying industrial land use designation of the property shall be recorded on the parcel(s) involved at the time the MUE Zone is approved.

e. As provided in the introductory statement of Section 3.27.30.01.a.4, Commercial Use Types listed in that Section and also classified as Primary Uses permitted outright in the Limited Industrial and/or General Industrial Zones may be considered as Industrial Uses for the purposes of calculating minimum Floor Area Ratios (FARs) and square footages as required in this "a," above. The provisions in this Section are intended to protect the City's inventory of Industrial land, in conformance with Statewide Goal 9 - Economic Development, and the Comprehensive Plan. By preserving a minimum amount of land in the MUE Zone that must be used for industrial (i.e., employment) purposes, the City can ensure compliance with Goal 9.

3.27.40.02 - Minimum Lot Area and Setback Requirements

a. A setback of not less than 25 ft. shall be provided along each MUE Zone boundary line abutting any residential (RS) zone. Off-street parking and loading shall be permitted in this area except within 15 ft. of the Zone boundary line, which shall not be used for any Permitted Use, activity, or structure other than fences, walls, driveways, or walkways. Driveways, parking, and loading areas adjacent to residential zones shall be landscaped

and screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

b. The requirements for residential structures containing a Residential Use shall be in accordance with Chapter 3.8 - High Density (RS-20) Zone and the Mixed Use Design Guidelines in this Chapter.

c. For maximum permitted setbacks, refer to Section 3.27.50.02.

3.27.40.03 - Structure Height

Structure height shall not exceed 45 ft. on sites that are zoned solely MUE or that have a Comprehensive Plan Map Designation of Limited Industrial or Mixed Use Employment. If a site is developed as a Planned Development in accordance with Chapter 2.5 - Planned Development, in a manner compatible with any adjacent residential property(ies), the structure height may be increased to 75 ft. consistent with Section 3.27.50.09. If a site's Comprehensive Plan Map designation is General Industrial, General Industrial-Office, or Intensive Industrial, structure heights may be 75 ft.

3.27.40.04 - Green Area Standards

a. A minimum of 20 percent of the total site area shall be retained as Green Area. Green Area may include landscape areas, natural areas, and/or pedestrian amenities consistent with Section 3.27.50.07, except that a minimum of 10 percent of the site shall be landscaping or preserved vegetation. The site and building design standards of this Chapter shall also shall be met.

b. Landscaping and lighting shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

3.27.40.05 - Off-Street Parking

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements. Required parking shall be provided on the same site as the Use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on Arterial and Collector Streets where there is not a controlled intersection within 100 ft. of the subject property. Chapter 4.1 - Parking, Loading, and Access Requirements, allows adjustments to minimum parking standards when transit service and bicycle parking are available.

Additional flexibility for required vehicle parking may be granted in the MUE Zone in conformance with the following standards:

a. Shared parking agreements may be used to provide additional reductions in required parking, provided that the applicant demonstrates an adequate supply of parking for each Use. Identification of surplus parking during peak periods or surplus capacity provided due to off-peak use are methods of demonstrating this adequacy.

b. Additional flexibility to vehicle parking provisions may be granted consistent with Chapter 2.12 - Lot Development Option, when the site is less than three acres, or Chapter 2.5 - Planned Development. This flexibility is provided to encourage development patterns that reduce the reliance on the automobile by taking advantage of alternate modes of travel.

Section 3.27.50 - DESIGN GUIDELINES AND STANDARDS

3.27.50.01 - Coordinated Development

New development shall be designed in a manner not to preclude development of adjacent property(ies) and to ensure the logical and efficient extension of public facilities and services, including but not limited to sanitary sewer, water, storm drainage, street, and pedestrian facility connections.

3.27.50.02 - Building Orientation and Maximum Setbacks

a. All new buildings in the MUE Zone shall be oriented to existing or proposed public streets or to private streets as approved by the City. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.

b. At least one major public entrance should be oriented to each street that the building abuts. Corner entrances may be used to provide entrance orientation to two streets, provided that the length of the building adjacent to the street does not exceed 50 ft.

c. Building setbacks from streets or plazas shall not exceed 20 ft., except where necessary to preserve healthy, mature tree(s); to provide pedestrian amenities in conformance with Section 3.27.50.07; or to accommodate handicapped access requirements. A further exception to these setback

requirements may be considered when the site is fronted by more than two streets.

3.27.50.03 - Corner Building Entrances

For all new buildings or when redevelopment opportunities allow, the design of corner lot buildings should reinforce public intersections as public spaces. As an example, corner building entrances with weather protection or other architectural features may be required to ensure that this guideline is met. The maximum allowable building setback may be increased when the building design incorporates seating, plazas, and other public amenities, as defined by Section 3.27.50.07.

3.27.50.04 - Weather Protection

a. Where new industrial development is constructed adjacent to street sidewalks or pedestrian plazas, a six-ft.-wide, weather-protected area, such as awnings or canopies, shall be provided over the primary entrance.

b. Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a six ft.-wide, weather-protected area, such as awnings or canopies, shall be provided along the portion of building(s) adjacent to the sidewalks and/or plazas.

c. For existing development, weather protection as identified in “a,” and “b,” above, shall be provided when alterations, repairs, or additions to existing structures are made. However, an exception to meeting this weather-protection standard may be requested where the applicant can demonstrate, to the satisfaction of the Director, that the cost of improvements to the existing structure is less than four times the cost of providing an awning. In addition, where existing weather protection is at least four ft. in width, an exception to this standard may be authorized.

3.27.50.05 - Landscaping and Screening

Landscaping and screening shall be required in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. The following additional standards apply to the MUE Zone:

a. Street trees shall be required, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Species should be compatible with the design features identified in Section 3.27.50.07, and shall provide continuity

with nearby landscaping. A reduction in the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.

b. Screening of parking areas, driveways, mechanical equipment, and solid waste receptacles shall be provided and installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

c. Irrigation systems shall be installed to support landscaping.

3.27.50.06 - Street Connectivity and Internal Circulation

a. For new structures and substantial improvements to existing development, an applicant may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between Uses and properties, and to promote connectivity and dispersal of traffic.

b. Traffic lanes shall be internal to the site and not located between the building(s) and the sidewalk(s), except where drop-off facilities are provided, such as for handicapped access. Such facilities shall be designed to meet Americans with Disabilities Act (ADA) requirements and provide for direct pedestrian circulation.

3.27.50.07 - Pedestrian Amenities

a. **Required Number of Pedestrian Amenities** - All new structures and substantial improvements in the MUE Zone, with the exception of existing residential dwellings, shall provide pedestrian amenities. The number of pedestrian amenities provided shall comply with the sliding scale in Table 3.27-1 - Number of Required Pedestrian Amenities.

Table 3.27-1 - Number of Required Pedestrian Amenities

Size of Structure or Substantial Improvement	Number of Amenities
< 25,000 sq. ft.	1
25,000 - 50,000 sq. ft.	2
> 50,000 sq. ft.	3

b. **Acceptable Pedestrian Amenities** - Acceptable Pedestrian Amenities include:

1. Sidewalks with ornamental treatments, such as brick pavers, or sidewalks that are 50 percent wider than required by this Code.

2. Benches and public outdoor seating.

3. Sidewalk planters.

4. Public art, such as a sculpture, fountain, clock, mural, etc., with a value equal to or greater than one percent of the construction value of the structure(s).

5. Pocket parks - minimum usable area of 300 sq. ft.

6. Plazas - minimum usable area of 300 sq. ft.

7. Street trees of a caliper 50 percent wider than required by this Code - may include preservation of healthy, mature trees adjacent to the street sidewalk.

8. Other improvements approved through the Lot Development Option process in Chapter 2.12 - Lot Development Option - Lot Development Option or Planned Development process in Chapter 2.5 - Planned Development.

9. Additional weather protection in excess of the requirements of Section 3.27.50.04.

c. **Pedestrian Amenities Standards and Guidelines** - Pedestrian amenities shall comply with the following standards and guidelines:

1. Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.

2. The size or capacity of pedestrian amenities should be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The minimum area

standards for pocket parks and plazas may be increased based on this guideline.

3. Amenities that are eligible for credit toward open space standards and adjustment to the maximum 20-ft. setback standard, include plazas, pocket parks, seating areas, and other areas that provide usable pedestrian space and street furniture.

4. Amenities should be consistent with the character and scale of the MUE area. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle, such as 10 years before replacement.

5. When provided at or near a bus stop, amenities should generally conform to standards of the Corvallis Transit System.

3.27.50.08 - Minimum General Building Design Standards

Mixed Use zones require special attention to building design because of the intermixing of land uses in such areas. The following standards are intended to be specific and quantifiable, while allowing for flexibility in design. Additional flexibility is provided through the Lot Development Option process in Chapter 2.12 - Lot Development Option - Lot Development Option and the Planned Development process in Chapter 2.5 - Planned Development. This Section provides both required and optional design elements.

New structures and substantial improvements should provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable by complying with the following minimum requirements:

a. Ground-floor windows shall be provided for Civic and Commercial Use Types. The main front elevation(s) of buildings shall provide at least 60 percent windows or transparency at the pedestrian level. On corner lots, this provision applies to both street-facing elevations. The transparency is measured in linear fashion, such that a 100-ft.-wide building facade shall have a total of at least 60 linear ft. of windows.

b. Ground-floor windows shall be provided for Industrial Use Types. The main front elevation(s) of buildings shall provide at least 30 percent windows or transparency at the pedestrian level. On corner lots, this provision applies to both street-facing elevations. The transparency is measured in linear fashion, such that a 100-ft.-wide building facade shall have a total of at least 30 linear ft. of windows.

c. Ground-floor entrances shall include an off-set of at least eight ft. in depth and of sufficient width to easily discern the entrance location. Examples of off-sets include recesses, extensions, or other breaks in elevation.

d. To break up vast expanses of single-element building elevations, building design shall include a combination of architectural elements and features such as off-sets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco, such as EIFS, textured concrete block, textured concrete, etc.

e. Provide differentiation between ground-level spaces and upper stories. For example, bays or balconies for upper levels and awnings, canopies, or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art may also be used. Recognizing that other design solutions may be appropriate, a developer may propose alternatives for review and approval by the Director.

f. Ensure privacy in residential developments through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas such as balconies, porches, patios, etc. Opposing windows at close distances should be off-set horizontally or should employ appropriate materials, such as frost-glazed, tinted, etc., to protect privacy.

g. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional rights-of-way shall be dedicated to maintain adequate circulation.

3.27.50.09 - Neighborhood Compatibility - Minimum Standards Adjacent to a Residential Zone

a. **Height Step-down** - New building roof elevation(s) shall gradually step down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures by more than one story. This provision applies

to that portion of the structure closest, at least the closest 20 ft., to the adjacent residential structures.

b. **Compatible Architectural Characteristics** - New development adjacent to residential zones shall incorporate architectural characteristics compatible with residential development. Each new structure shall contain at least two of the following elements:

1. Roofs with a minimum 4:12 pitch;

2. Flat roofs with a cornice, or other decorative treatment;

3. At the discretion of the Director, horizontal wood lap siding, brick, stone, or other material consistent with residential character;

4. Vertical breaks in roof elevation; and/or

5. Additional off-sets in building elevation

c. The site design shall preserve healthy, mature trees on the site to the maximum extent practicable. Trees likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. However, this provision shall not conflict with the provisions outlined in Section 3.27.60. If there is a conflict, the provisions of Section 3.27.60 shall prevail.

d. Artificial lighting shall be consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

[Section 3.27.50 amended by Ordinance 2012-18, effective December 13, 2012]

Section 3.27.60 - NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.27.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.27.60, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards for General and Intensive Industrial Zones, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.30
WILLAMETTE RIVER GREENWAY (WRG) OVERLAY

Section 3.30.10 - PURPOSE

The Willamette River Greenway is an Overlay that coincides with the adopted Greenway boundary and applies to all development permitted by the underlying zones. The objectives of this Overly and this Chapter are as follows:

a. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River;

b. Maintain or improve air and water quality within the Greenway;

c. Implement goals and policies of the State's Willamette River Greenway Program as required by the Oregon Revised Statutes, as amended;

d. Implement policies of the City's Comprehensive Plan;

e. Establish standards and requirements for the use of lands within the Willamette River Greenway in the City of Corvallis;

f. Provide for review of any intensification of Use, change of Use, or development within the Greenway;

g. Increase and maintain public access to and along the Willamette River to create urban recreational opportunities, provide linkages to other transportation corridors, and provide for multiple use of urban land; and

h. Ensure development is consistent with floodwater flow mitigation and management of a Natural Resource or Natural Hazard.

Section 3.30.20 - CONDITIONAL DEVELOPMENT

Development within this Overly, regardless of the classification in the underlying zone, requires Conditional Development approval in accordance with the provisions of Chapter 2.3 - Conditional Development. In addition to notification requirements of Chapter 2.0 - Public Hearings, written public notice and a Notice of Disposition shall be mailed to the Oregon Department of Parks and Recreation. Development as used in this Section includes change of Use, intensification of land, or intensification of Water-dependent or Water-related Uses, except for those activities listed as exemptions in

Section 3.30.30 below. Development also includes proposed increases in air discharges that require permit approval by the Oregon Department of Environmental Quality (DEQ).

Section 3.30.30 - EXEMPTIONS

The following development activities do not require Conditional Development approval, provided they are consistent with requirements of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions:

a. Customary dredging and channel maintenance conducted under permit from the state;

b. Seasonal increases in gravel operations under permit from the state;

c. Erosion control operations not requiring a permit from the Oregon Department of State Lands and that constitute a reasonable emergency necessary for safety or the protection of property.

d. Scenic easements acquired under ORS 390.332, as amended, and their maintenance as authorized by that statute and ORS 390.368, as amended.

e. Addition or modification by public utilities for existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors.

f. Flood emergency procedures and the maintenance and repair of existing flood control facilities, provided the maintenance and repair of existing flood control facilities is consistent with Section 2.11.40.

g. Signs, markers, aids, and similar items, placed by a public agency to serve the public.

h. Residential Accessory Development (excluding structures), such as lawns, gardens, and play areas outside of the areas required to be protected by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening,

and Lighting, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

i. Storage of equipment or material associated with Permitted Uses, providing it complies with applicable provisions of this Code.

j. Minor repairs or alterations to an existing structure for which no Building Permit is required.

k. A change of Use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated.

l. Landscaping consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

m. Construction of driveways.

n. Maintenance and repair, usual and necessary for the continuance of an existing Use.

o. Reasonable emergency procedures necessary for the safety or protection of property.

p. Other activities similar to those listed in "a," through "o," above. The Director shall make such determinations and provide notice in accordance with Chapter 2.16 - Request for Interpretation.

Section 3.30.40 - REVIEW CRITERIA

Conditional Development within the Willamette Greenway Overlay may be approved only when the Planning Commission, after considering cumulative effects within the City's Greenway, finds that the development standards in Section 3.30.50 and the following criteria are met:

a. Public access to and along the river shall be provided to the maximum extent practicable and to the extent that public access does not interfere with established Uses on the property.

b. Significant Natural Hazards and Natural Resources shall be protected consistent with the requirements of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

c. Significant natural and scenic areas, viewpoints, and vistas shall be preserved.

d. The quality of air, water, and land resources in the Greenway shall be protected to the maximum extent practicable.

e. The Minimum Assured Development Area (MADA) shall be consistent with Chapter 4.11 - Minimum Assured Development Area (MADA).

f. The natural vegetative fringe along the river shall be protected and enhanced to the maximum extent practicable to ensure scenic quality, protection of wildlife, protection from erosion, and screening of Uses from the river.

g. Any public Recreational Use or facility shall not substantially interfere with established Uses on adjoining property.

h. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

i. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.

j. Development, change, or intensification of Use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

k. Development shall be sited to maximize distance from the river to the greatest extent practicable.

l. In applying "a," through "k," above, to development proposals within the Willamette River Greenway, consideration should be given to the provisions of this Code, Corvallis 2020 Vision Statement, Comprehensive Plan, Downtown Streetscape Plan, Riverfront Commemorative Park Plan, and other applicable City documents.

However, where conflicts arise, direction must be taken from the Corvallis Comprehensive Plan and this Code.

Section 3.30.50 - DEVELOPMENT STANDARDS

Proposed development within the Willamette Greenway Overlay shall comply with the following standards:

a. Site Modifications

1. Except as provided in Section 3.30.30, above, existing predominant topographical features of the bank line and escarpment shall be protected and maintained.

2. Disturbance necessary for construction or establishment of a Water-related or Water-dependent Use, as defined in Chapter 1.6 - Definitions, and measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions may be permitted upon approval by the Director or Floodplain Administrator or designee. However, such activities shall be consistent with Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

3. Stability shall be assured considering the stress imposed on the bank and land area between the low water mark of the river and Top-of-bank.

4. The hydraulic and flood carrying capacity of the river and the hydraulic effect of the river on the bank shall be considered, and steps shall be taken to ensure minimal adverse effects by and upon the proposal, consistent with Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

5. The applicant shall demonstrate adherence to the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

6. If applicable, the applicant shall submit certification by a registered professional engineer that the standards specified in “2," and “3,” above, have been met. Where necessary to properly evaluate a proposal, an

applicant may be required to furnish further studies such as a soils survey and analysis, foundation study, or hydrologic study performed by competent professionals.

b. Landscaping, Natural Hazards, and Natural Resources - The following provisions shall apply:

1. All areas of the site within the WRG Overlay shall be landscaped and addressed consistent with the provisions of the underlying zone; and the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

2. Required landscaped areas shall be continuously maintained, irrigated with permanent facilities sufficient to maintain the plant material, and covered by living plant material capable of attaining 90 percent ground coverage within three years. Required vegetation areas shall be subject to the provisions of Section 4.13.50.d. Landscaping and lighting shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. If there is a conflict between the provisions of Section 4.13.50.d and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Section 4.13.50.d shall prevail.

3. Living plant materials shall be compatible with and enhance the riparian environment.

c. Structures - All buildings and structures, including supporting members, and all exterior mechanical equipment shall be screened, colored, or surfaced to blend with the riparian environment. Surfaces shall be nonreflective.

d. Signs and Graphics - In addition to compliance with applicable provisions relating to signs and graphics in Chapter 4.7 - Sign Regulations, no sign or graphic display inconsistent with the purposes of the Greenway shall have a display surface oriented toward or visible from the Willamette River.

e. Parking and Unenclosed Storage Areas

1. Parking, loading, and unenclosed storage areas located within the WRG Overlay shall be screened from the river to the extent practicable in

accordance with Chapter 4.1 - Parking, Loading, and Access Requirements and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

2. Parking, loading, and unenclosed storage areas located outside of but adjacent to the WRG Overlay shall be screened from such Overlay to the extent practicable.

f. **Greenway Setback** - Minimum building setback distances from the ordinary high water line of the Willamette River shall be as outlined in Table 3.30-1 - Minimum Setbacks.

Table 3.30-1 - Minimum Setbacks	
Area	**Minimum Setback**
1. Lands in the WRG Overlay from the northern City limits to the southern edge of 777 NE Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000)	20 ft. westerly from Top-of-bank
2. Lands in the WRG Overly from the southern edge of 777 NE Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) to Harrison Street	50 ft. westerly from Top-of-bank
3. Lands in the WRG Overly between Harrison Street and B Street, at the Top-of-bank and including the existing bike path	A landscaping strip sufficient to separate the bike path, and consistency with the Riverfront Commemorative Park Plan
4. Lands in the WRG Overlay south of B Street to the southerly City limits	100 ft. westerly from Top-of-bank
Setback distances do not apply to Water-dependent Uses that require a river bank location, or Water-related Uses that require direct access to the river.	
None of the minimum setbacks in this table shall conflict with the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, the Natural Resource provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Should a conflict arise, the stricter provision shall prevail.	

CHAPTER 3.31
HISTORIC PRESERVATION (HPO) OVERLAY

The City of Corvallis recognizes that historic resources located within its boundaries contribute to the unique character of the community and merit preservation. The City's Historic Preservation Overlay provisions assist in implementing the policies in Comprehensive Plan Article 5.4 - Historic and Cultural Resources. The Historic Preservation Overlay (HPO) designation applies to all historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register). The procedural provisions implementing this Chapter are located in Article II - Administrative Procedures. These provisions also conform with Statewide Planning Goals and other state land use requirements.

A Historic Preservation Overlay Designation does not apply to Designated Historic Resources listed in the National Register of Historic Places unless those Designated Historic Resources are also listed in the Local Register. However, National Register of Historic Places resources are subject to the City's Historic Preservation Provisions in Chapter 2.9 - Historic Preservation Provisions, and all other provisions of this Code that apply to Designated Historic Resources.

Historic resources are listed in the National Register of Historic Places consistent with state and federal processes and criteria. Official action at the local level is not required as part of the National Register of Historic Places designation process. However, if a property owner wishes to list a Nationally-designated Historic Resource in the Local Register, a Zone Change to add a Historic Preservation Overlay is required in accordance with Chapter 2.2 - Zone Changes. A Nationally-designated Historic Resource also is defined as a Designated Historic Resource and is subject to the City's Historic Preservation Provisions in Chapter 2.9 - Historic Preservation Provisions, unless as otherwise specified under state and federal law. However, a Designated Historic Resource listed in the National Register of Historic Places may or may not have a Historic Preservation Overlay. If it does, it is listed in the Local Register. If is does not, it is not listed in the Local Register.

Section 3.31.10 - PURPOSES

This Overlay is intended to:

a. Implement, through Chapter 2.9 - Historic Preservation Provisions, historic and cultural resource policies of Comprehensive Plan Article 5.4 - Historic and Cultural Resources;

b. Encourage, effect, and accomplish the protection, enhancement, and perpetuation of such historic resource improvements and of Historic Districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;

c. Complement any National Register of Historic Places Historic Districts in the City;

d. Foster civic pride in the beauty and noble accomplishments of the past; and

e. Promote the use of Historic Districts and landmarks for education, pleasure, energy conservation, housing, and public welfare of the City.

Section 3.31.20 - PERMITTED USES

Uses permitted for properties with a Historic Preservation Overlay designation shall be the same as Uses permitted in the underlying zone.

Section 3.31.30 - IMPLEMENTATION

Chapter 2.2 - Zone Changes and Chapter 2.9 - Historic Preservation Provisions contain procedural requirements for the following:

a. Section 2.2.40 - Quasi-judicial Change Procedures for Zone Changes Subject to a Public Hearing

b. Section 2.2.50 - Quasi-judicial Change Procedures for Administrative Zone Changes

c. Section 2.2.60 - Procedures for Reclassifying a Designated Historic Resource in a National Register of Historic Places Historic District

d. Section 2.9.100 - Alteration or New Construction Activities Involving a Designated Historic Resource

e. Section 2.9.110 - Demolition Involving a Designated Historic Resource

f. Section 2.9.120 - Moving a Designated Historic Resource

CHAPTER 3.32
NONRESIDENTIAL PLANNED DEVELOPMENT (PD) OVERLAY

The Nonresidential Planned Development (PD) Overlay can be applied to a site in conjunction with any other nonresidential zone. Once a property is designated with a Nonresidential PD Overlay designation, it shall be developed in accordance with the provisions of Chapter 2.5 - Planned Development, unless the Nonresidential PD Overlay Zone designation has been removed in accordance with the provisions of Section 3.32.50.

Section 3.32.10 - PURPOSES

This Overlay is intended to:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious fashion;

d. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms and building relationship within the site with the Nonresidential PD Overlay designation;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;

g. Promote and encourage energy conservation; and

h. Provide greater compatibility with surrounding land uses than what may occur with a conventional project.

Section 3.32.20 - PERMITTED USES

Permitted Uses consist of any Uses listed in the underlying zone.

Section 3.32.30 - IMPLEMENTATION

Property may be designated with a Nonresidential PD Overlay in any of the following ways:

a. Upon Annexation in accordance with Chapter 2.6 - Annexation;

b. In conjunction with a Comprehensive Plan Map Amendment in accordance with Chapter 2.1 - Comprehensive Plan Amendment; or

c. In conjunction with a Zone Change in accordance with Chapter 2.2 - Zone Changes.

A Nonresidential PD Overlay can also be applied through the use of the provisions in Chapter 2.5 - Planned Development, which allow such an Overlay in conjunction with approval of a Conceptual and/or Detailed Development Plan. However, Nonresidential PD Overlay established in accordance with Chapter 2.5 only remain as long as there is an active Conceptual Development Plan on the site (active defined in Section 2.5.40.09) or an active Detailed Development Plan on the site (active defined in Section 2.5.50.09).

Section 3.32.40 - INITIATION

A Nonresidential PD Overlay may be initiated in any of the following ways:

a. An application filed by a property owner on property(ies) with a nonresidential land use designation, in conjunction with an Annexation, Comprehensive Plan Map Amendment, or Zone Map Change; and under circumstances when the property owner states and the hearing authority finds the applicable underlying zone standards are not adequate to do address the following concerns:

1. Circulation or other common facilities issues;

2. Resolution of issues related to an unusual site configuration, steep topography, or Significant Natural Feature;

3. Assuance of comprehensive planning and coordinated development where the property is large and/or has mixed uses; or

4. Compatibility issues where it is desirable to locate more intensive land uses next to less intensive residential land uses.

b. By the hearing authority, on property(ies) with a nonresidential land use designations(s), in conjunction with an Annexation, Comprehensive Plan Map Amendment, or Zone Map Change when the hearing authority finds the applicable underlying zone standards are not adequate to address any of the concerns in Section 3.32.40.a.1-4, above.

Section 3.32.50 - REMOVAL

All Nonresidential PD Overlay designations that exist on sites without an active Conceptual Development Plan or active Detailed Development Plan on any portion of the site, may be requested to be removed by use of the provisions for a Quasi-judicial Zone Map Change involving a public hearing and outlined in Section 2.2.40 of Chapter 2.2 - Zone Changes.

CHAPTER 3.33
RESIDENTIAL PLANNED DEVELOPMENT (PD) OVERLAY

The Residential Planned Development (PD) Overlay can be applied to a site in conjunction with any other residential zone. However, application of this Residential Planned Development (PD) Overlay shall be solely at the discretion of the property owner. Once a property is designated with a Residential PD Overlay designation, it shall be developed in accordance with the provisions of Chapter 2.5 - Planned Development, unless the Overlay is removed in accordance with the provisions of Section 3.33.50, below.

Section 3.33.10 - PURPOSES

This Overlay is intended to:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious fashion;

d. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms and building relationship within the site with the Residential PD Overlay designation;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;

g. Promote and encourage energy conservation; and

h. Provide greater compatibility with surrounding land uses than what may occur with a conventional project.

Section 3.33.20 - PERMITTED USES

Permitted uses consist of any uses listed in the underlying residential zone.

Section 3.33.30 - IMPLEMENTATION

Upon request by a property owner, property may be designated with a Residential PD Overlay in any of the following ways:

a. Upon Annexation in accordance with Chapter 2.6 - Annexation;

b. In conjunction with a Comprehensive Plan Map Amendment in accordance with Chapter 2.1 - Comprehensive Plan Amendment; or

c. In conjunction with a Zone Map Change in accordance with Chapter 2.2 - Zone Changes.

A Residential PD Overlay can also be applied through the use of the provisions in Chapter 2.5 - Planned Development, which allow such an Overlay in conjunction with approval of a Conceptual and/or Detailed Development Plan. However, Residential PD Overlay established in accordance with Chapter 2.5 only remain as long as there is an active Conceptual Development Plan on the site (active defined in Section 2.5.40.09) or an active Detailed Development Plan on the site (active defined in Section 2.5.50.09).

Section 3.33.40 - INITIATION

A Residential PD Overlay may only be initiated by an application filed by a property owner, on property(ies) with a residential land use designation(s). Such application must be in conjunction with an Annexation, Comprehensive Plan Map Amendment, or Zone Map Change; and under circumstances where the property owner states and the hearing authority finds that the applicable underlying zone standards are not adequate to address any of the following concerns:

a. Circulation or other common facilities issues;

b. Resolution of issues related to an unusual site configuration, steep topography, or Significant Natural Feature;

c. Assurance of comprehensive planning and coordinated development where the property is large and/or has mixed uses; or

d. Compatibility issues where it is desirable to locate more intensive land uses next to less intensive residential land uses.

Section 3.33.50 - REMOVAL

a. All Residential PD Overlay designations that exist on sites without an active Detailed Development Plan on any part of the site, and that were established at the request of a hearing authority, shall be removed upon concurrence by the property owner, in accordance with the Administrative Zone Change procedures of Section 2.2.50 of Chapter 2.2 - Zone Changes.

b. All Residential PD Overlay designations that exist on sites without an active Detailed Development Plan on any part of the site, and that were established at the request of a property owner, shall be allowed to be removed by the property owner, at his/her discretion, in accordance with the Administrative Zone Change procedures of Section 2.2.50 of Chapter 2.2 - Zone Changes.

CHAPTER 3.36

OREGON STATE UNIVERSITY (OSU) ZONE

This Zone implements Comprehensive Plan policies that encourage coordination between the University and City in planning and review of campus development. Coordination with campus development is essential due to the physical size of the University and its related effects on City facilities and services. This Zone also coincides with the Public Institutional Comprehensive Plan designation for property generally within the OSU campus area. However, not all property within this Zone is owned by OSU; some parcels are privately owned.

In conjunction with this Zone, a Physical Development Plan for campus development was originally adopted in 1986 and has been revised periodically by the University. The most recent revision, which this Zone implements, is the Oregon State University Campus Master Plan (CMP), approved in 2004.

Section 3.36.10 – PURPOSE

The OSU Zone implements the provisions in OSU's 2004-2015 Campus Master Plan, which is the blueprint for campus development over the next decade.

The purpose of the OSU Zone is to:

a. Encourage coordination between the University and the City of Corvallis, especially in the areas of land use planning and reviewing campus development;
b. Facilitate University development;
c. Ensure compatibility of University development with surrounding areas;
d. Ensure adequacy of public utilities, parking, and transportation facilities;
e. Expedite the development review process; and
f. Create a mechanism to regulate development on campus consistent with the CMP.

Section 3.36.20 – DEFINITIONS SPECIFIC TO THIS CHAPTER

The following definitions contained in Section 3.36.20 pertain only to instances where the term is used within the contents of Chapter 3.36 – OSU Zone.

Development Area –The portion of land involved in a building/construction permit application or land use application. The Development Area shall include all of the following that are associated with the development: buildings, yards, open spaces, setbacks, Development Frontage, abutting parking areas, and access. The Development Area shall be indicated on a project site plan. Within Chapter 3.36, the Development Area definition supersedes the Development Site definition found in Chapter 1.6 and used elsewhere within this Code.

Development Frontage – The portion of the Development Area that abuts and/or includes a public street or an OSU Street.

OSU Facility – A land improvement intended for a specific use(s) including, but not limited to, buildings, parking areas, recreational fields, parks, and Historic Resources.

OSU Street – An improved public travel route for vehicular, bicycle, and pedestrian use that is identified as a private, OSU-owned street in Figure 3.36-3: OSU Street Standards by Category. If existing improvements for an OSU Street identified in Figure 3.36-3 are inconsistent with the standards outlined in Section 3.36.60.18, the OSU Street is delineated by the minimum dimensional width required to improve the OSU Street to the functional classification and emergency access standards outlined in Section 3.36.60.18. An OSU Street shall include shared or mode-specific facilities for vehicles, bicycles, and pedestrians and typically will include the required designated tree planting area. For the purposes of LDC Chapter 1.6 - Definitions and Chapter 2.9 – Historic Preservation Provisions, an OSU Street shall be construed as a private street right-of-way.

OSU Tree Well – A tree well that conforms to the standards for tree wells specified in the OSU Tree Management Plan.

Sidewalk – A pedestrian facility constructed of a permanent hard surface parallel to a public street or OSU Street, and considered a component of that street.

Walkway – A pedestrian facility constructed of a permanent hard surface that provides for pedestrian access within and through a Development Area. For purposes of the OSU Zone, a Walkway is not a Sidewalk.

Section 3.36.30 – PERMITTED USES

3.36.30.01 – General Development for University-owned Properties

a. Primary Uses Permitted Outright

1. Residential Use Types -

    a) Family

    b) Group Residential

    c) Group Residential/Group Care

    d) Residential Care Facilities

2. Residential Building Types -

    a) Single Detached

    b) Single Detached - Zero Lot Line

    c) Duplex

    d) Single Attached - Zero Lot Line, two units

    e) Attached - Townhouse

f) Multi-dwelling

3. Civic Use Types -

a) Administrative Services

b) Community Recreation

c) Cultural Exhibits and Library Services

d) Lodge, Fraternal, and Civic Assembly

e) Parking Services

f) Public Safety Services

g) Religious Assembly

h) University Services and Facilities - Commercial Uses that are considered to be University Services and Facilities under this Code include, but are not limited to:

1) Communication Service Establishments;

2) Professional and Administrative Services;

3) Research Services;

4) Eating and Drinking Establishments;

5) Lodging Services;

6) Retail Sales - University;

7) Spectator Sports and Entertainment; and

8) Participant Sports and Recreation.

9) Industrial Use Types - Industrial Use Types considered to be University Services and Facilities include, but are not limited to:

a. Technological Production;

b. Limited Manufacturing; and

c. Other Industrial Uses customarily associated with Research Services.

i) Freestanding Wireless Telecommunications Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

4. Agricultural Use Types - all Agricultural Use Types

b. Accessory Uses Permitted Outright for University-owned Properties

1. Essential Services

2. Family Day Care, as defined in Chapter 1.6 - Definitions

3. Home Business, as defined in Chapter 1.6 - Definitions

4. Major Services and Utilities

5. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions
6. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
7. Collocated/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 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
8. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
9. Garden
10. Market Garden - subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
11. Community Garden – subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

c. Privately Owned Parcels within the OSU Zone -

1. Two privately owned parcels developed as single- and multi-family residential uses are within the OSU Zone. These parcels are listed in Table 3.36-1 – Privately Owned Parcels, below.

Table 3.36-1: Privately Owned Parcels

Parcel	*Street Address*	*Sector*	*Current Use*
12503AC00100	1820 Stadium Ave	G	Single-Family Residential
115340000200	200-510 SW 35th Street	A	N/A

2. The parcels in Table 3.36-1 - Privately Owned Parcels, may be developed as:
   a) Uses consistent with the University Services and Facilities Use Type in accordance with Section 3.0.30.02.n; or
   b) Residential Uses in accordance Section 3.36.80, below.

3.36.30.02 – Conditional Development

The following Uses are subject to review in accordance with Chapter 2.3 - Conditional Development, the provisions of this Chapter, and all other applicable provisions of this Code.

a. Uses that require a state or federal air quality discharge permit (except for parking);
b. Freestanding Wireless Telecommunications Facilities greater than 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions;

c. Freestanding Wireless Telecommunications Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c, subject to the standards in Chapter 4.9 - Additional Provisions;

d. Collocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories, and that increase the height of the existing structures by more than 25 ft. for whip antennas, including mounting, or by more than 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions; or

e. Co-located/attached Wireless Telecommunications Facilities on nonresidential structures that increase the height of existing structures by more than 25 ft., including mounting, or by more than 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

Section 3.36.40 – PROCEDURES AND DETERMINATION OF COMPLIANCE

Section 3.36.40.01 – Overview

Development within the OSU Zone area shall be reviewed for compliance with the standards in this Code and the Campus Master Plan Transportation Improvement Plan (TIP), except as expressly modified by provisions of this Chapter. Where conflicts exist between this Chapter and Chapter 4.0 - Improvements Required with Development, Chapter 4.1 - Parking, Loading, and Access Requirements, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, the provisions in Chapter 3.36 shall prevail. Development proposals found to be compliant with these provisions, and which do not require a public hearing through the Conditional Development process, may be approved through the standard Building Permit process. Proposals found not to be compliant may be reviewed in accordance with the appropriate adjustment procedures described in Section 3.36.40.02. Development proposals identified in Section 3.36.30.02 may also be approved through the Conditional Development process identified in Chapter 2.3 - Conditional Development.

Section 3.36.40.02 – Adjustments

Development not consistent with the standards contained in this Chapter shall be reviewed as one of the following:

a. A Minor Adjustment, as described in Section 3.36.40.03 - Minor Adjustments, shall be reviewed under the processes and criteria in Chapter 2.13 Plan Compatibility Review; or

b. A Major Adjustment, as described in Section 3.36.40.04 - Major adjustments, shall be reviewed as follows:

    1. All proposals that meet or exceed the thresholds identified in Section 3.36.40.04 “a”, through “n”, shall be reviewed under Section 2.5.60.03 - Major Modifications in Chapter 2.5 - Planned Development.

    2. In addition to the process required in “1," above, proposals that meet or exceed the thresholds identified in Section 3.36.40.04 “d” through “k” shall be reviewed for consistency with Chapter 1.2 - Legal Framework.

    3. In addition to the processes required in “1", and “2", above, proposals that meet or exceed the threshold identified in Section 3.36.40.04 "h” shall be reviewed as a Zone

Change, consistent with process and criteria in Chapter 2.2 - Zone Changes, and if needed, as a Comprehensive Plan Amendment, consistent with the process and criteria in Chapter 2.1 - Comprehensive Plan Amendment Procedures.

Section 3.36.40.03 – Minor Adjustment

A Minor Adjustment shall be triggered if a proposal deviates from one of the dimensional standards, but not more than three of the dimensional standards in Section 3.36.60, by 10 percent or less.

Section 3.36.40.04 – Major Adjustments

A Major Adjustment shall be triggered if a proposal meets one or more of the following criteria:

a. Modifies more than three of the dimensional standards in Section 3.36.60;

b. Modifies any of the dimensional standards in Section 3.36.60 by more than 10 percent;

c. Proposes a stand-alone parking lot or structure in a location not identified in Figure 7.3 - Future Parking Facilities, of the CMP;

d. Exceeds 90 percent parking usage campus wide and does not provide additional parking facilities as part of the project;

e. Proposes development with a gross square footage that is within the campus total development allocation but exceeds the maximum Sector allocation;

f. Proposes development such that the amount of retained open space is consistent with the campus minimum open space requirement but falls short of the minimum requirement for the Sector. Requires a commensurate increase in open space allocation in another Sector;

g. Is not consistent with the Transportation Improvement Plan in Chapter 6 of the CMP;

h. Adds new land area to or subtracts land area from the CMP;

i. Creates new CMP policies;

j. Results in a change in Sector boundary or redistribution of development allocation between Sectors;

k. Results in the cessation of intra-campus transit services - shuttle, bus, etc.;

l. Proposes a change in use for any of the parcels associated with the College Inn and its parking;

m. Proposes development in Sector J for building floor area in excess of 254,100 sq. ft.; or

n. Proposes a new building within the 100-ft. transition area on the northern boundary of Sector A, B, and/or C from the western boundary of Sector A to 26th Street. In order to create a graceful edge between the campus and northwest neighborhoods, any proposed building subject to this Section shall be subject to the following criteria:

    1. Maximum building height shall be 35 ft. provided the following is satisfied: shadows from the new buildings shall not shade more than the lower four ft. of a south wall of an existing structure on adjacent property between 10 a.m. and 2 p.m. on March 21;

    2. Structures shall not have a continuous horizontal distance exceeding 60 ft. along the boundary;

3. Along the vertical face of a structure, off-sets shall occur at a minimum of every 20 ft. by providing any two of the following:
    a) Recesses of a minimum depth of eight ft.;
    b) Extensions a minimum depth of eight ft., a maximum length of an overhang shall be 25 ft.;
    c) Off-sets or breaks in roof elevations of three or more ft. in height.
4. Building materials shall be consistent with the OSU standards for such materials, and shall also be compatible with adjacent residential houses and structures;
5. New development shall be designed to minimize negative visual impacts affecting the character of the adjacent neighborhood by considering the scale, bulk and character of the nearby structures in relation to the proposed building or structure;
6. Roofs shall be gabled or hip type roofs, minimum pitch 3:1, with at least a 30-in. overhang and using shingles or similar roof materials;
7. A vegetative buffer shall be installed in a manner consistent with Section 3.36.60.06.c;
8. Outdoor building components such as transformers and other types of mechanical equipment that produce noise shall not be permitted within the required setback;
9. Buildings proposed for the Transition Area described within this Section that are in an area adjacent to the College Hill West Historic District shall have an advisory review completed by the Historic Resources Commission (HRC), or its successor. The HRC shall provide comment and recommendations to the Planning Commission for consideration; and
10. Trash dumpsters, gas meters, and other utilities and or mechanical equipment serving a building or structure shall be screened in accordance with Section 3.36.60.14.

Section 3.36.40.05 – Campus Master Plan Update

The CMP covers a 10- to 12-year planning period. However, if conditions change significantly or other unanticipated events occur, it may be necessary to update the CMP before the end of the planning period. An update of the CMP shall be reviewed as described in Section 3.36.40.02.b “1", through “3". The review shall comprehensively evaluate the need to update or otherwise modify the Campus Master Plan, its policies and related traffic and parking studies, and this Chapter.

A CMP update will be required under the following conditions:

a. A development proposal, when considered in combination with constructed improvements or improvements with approved Building Permits, will exceed the total development allocation for the campus for all Sectors;
b. New CMP policies are created that alter existing policy direction or require existing policies to be modified;
c. The parking plan has been implemented, and campus-wide parking occupancy is greater than 90 percent; and/or
d. The CMP planning period has expired.

Section 3.36.50 – DEVELOPMENT SECTORS

The CMP divides the campus into nine development areas identified as Sectors “A” through “J”. See Figure 3.36-1 - CMP Sector Map. There is no Sector “I”. Each Sector has a Development Allocation, which is the gross square footage allowed for new construction. Each Sector also has a minimum open space requirement that identifies the amount of area that must remain in green space or as a pedestrian amenity. These standards will guide the form of future development.

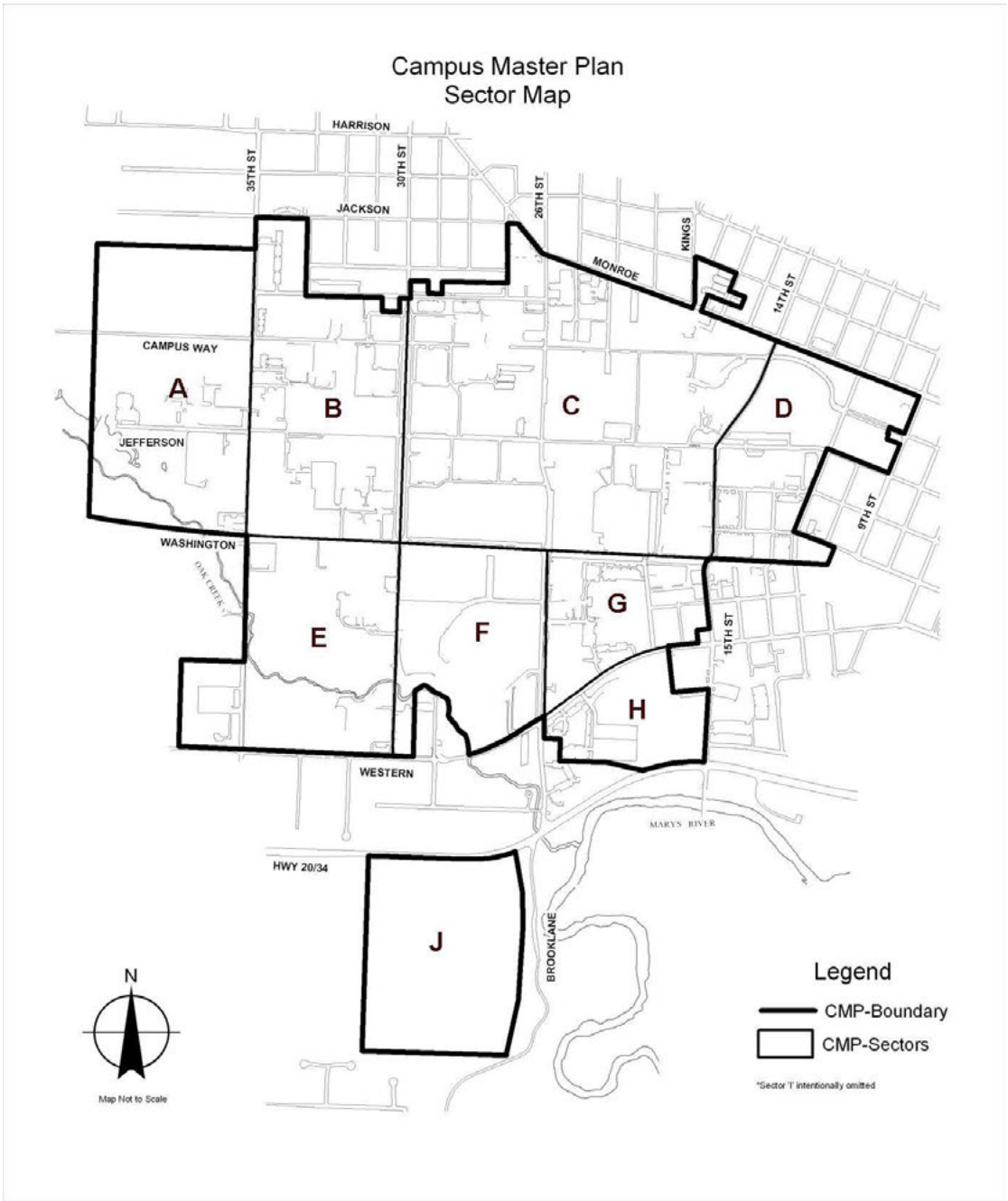

Figure 3.36-1: CMP Sector Map

Section 3.36.50.01 – Sector Development Allocation

a. Sector Development Allocation represents the gross square footage of new development allowed in each Sector, regardless of the Use Type. See Table 3.36-2 - Building Square Footage by Sector.

b. Each new development project in a Sector shall reduce that Sector's available allocation.

c. Existing and approved development as of December 31, 2003, has been included in the existing/approved development calculations and shall not reduce the Sector Development Allocation.

d. Demolition of existing square footage and/or restoration of non-open-space areas to open space shall count as an equivalent square footage credit to the Sector development or open space allocation.

e. Square footage associated with a parking structure shall be included in the Development Allocation for the Sector in which the structure is located. Square footage associated with at-grade parking lots shall be calculated as impervious surface but not count as part of Development Allocation.

f. Table 3.36-2: Building Square Footage by Sector includes 71,000 square feet of Future Allocation that was removed, effective May 20, 2013, from Sector C's allocation and added to the allocation for Section D. This reallocation is contingent upon the 71,000 square feet being used for a student residence hall. The residence hall shall be constructed south of SW Adams Avenue, north of SW Washington Way, and between SW 13th and 14th Streets. If a residence hall is not constructed in this location before the expiration of the Campus Master Plan Major Adjustment approval that allowed such construction (PLD13-00001), the 71,000 square feet allocated for the residence hall shall not be used in Sector D, but shall revert to Sector C.

Table 3.36-2: Building Square Footage by Sector

Sector	*Existing/Approved*	*Maximum Future Allocation*	*Total*
A	*281,551*	*250,000*	*531,551*
B	*831,426*	*500,000*	*1,331,426*
C	*4,685,510*	*679,000*	*5,364,510*
D	*325,506*	*106,000*	*431,506*
E	*253,046*	*120,000*	*373,046*
F	*847,166*	*750,000*	*1,597,166*
G	*742,092*	*350,000*	*1,092,092*
H	*133,535*	*50,000*	*183,535*
J	*41,851*	*350,000*	*391,851*
Total	8,141,683	3,155,000	11,296,683

Section 3.36.50.02 – Sector Minimum Open Space

a. Open space is defined as landscape areas, pedestrian amenities such as plazas, quads, sidewalks, walkways, courtyards, parks, recreation fields, agricultural fields, and other non-developed areas.

b. Impervious surface areas that are not classified as open space per “a”, shall count against the Sector’s open space allocation.

c. The existing Memorial Union quad, library quad, a relocated Peoples’ Park, and the lower campus area shall be retained for open space. The lower campus area is located between 11th Street and 14th Street, south of Monroe and north of Jefferson Street. Incidental development, such as clock towers, park benches, information kiosks, artistic works, sculptures, etc., is permitted.

Table 3.36-3: Minimum Future Open Space by Sector

Sector	*Minimum Future Open Space*
A	78%
B	33%
C	36%
D	61%
E	77%
F	20%
G	40%
H	64%
J	79%
Campus-Wide Minimum	50%

Section 3.36.50.03 – Sector Development Allocation and Open Space Tabulation

With each development application, the University shall provide the City with the following, consistent with Minimum Future Open Space percentages by Sector as listed in Table 3.36-3:

a. Updated tabulations of remaining available Development Allocations and open space areas and percentages for each sector.

b. When a project’s land use allocation in a sector is inconsistent with that previously forecast in the Base Traffic Model (BTM), a project report that includes the following components:

    1. Comparison of a project's development generated trips to the trips forecast in the previously revised BTM;

    2. Traffic impacts resulting from a shift to a more intensive land use; and

    3. Proposal of recommended mitigation strategies if a project results in a failing intersection level of service grade of "E" or "F".

Section 3.36.60 – DEVELOPMENT STANDARDS

Section 3.36.60.01 – Maximum Building Height

a. The maximum building height for new buildings shall vary by Sector and by proximity to a zone boundary in accordance with the provisions in Table 3.36-4 - Building Height by Sector.

b. A Primary Neighborhood Transition Area is the area within either 50 ft. or 100 ft. of the OSU Zone boundary. In Sectors B and C, a Secondary Neighborhood Transition Area shall extend for another 300 ft. in some locations. Transition Area locations are identified on Figure 3.36-2 - Neighborhood Transition Areas by Sector. Development within a Primary or Secondary Neighborhood Transition Area shall be consistent with the maximum building height for the Transition Area, as noted in Table 3.36-4 - Building Height by Sector.

c. In situations where a building footprint straddles the Neighborhood Transition Area boundary, each portion of the building shall not exceed the maximum building height for the corresponding area.

d. Building projections such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy shall not exceed one and one-half (1.5) times the maximum building height of the Sector.

Table 3.36-4: Building Height by Sector

Sector	*Maximum Building Heights*			
	Sector Interior	*50-ft. Wide Primary Transition*	*100-ft. Wide Primary Transition*	*Secondary Transition Area*
A	50 ft.	NA	35 ft.	NA
B	75 ft.	NA	35 ft.	60 ft.
C	112 ft.	NA	35 ft., 50 ft.[1], 55 ft.[2]	60 ft.
D	75 ft.	NA	35 ft.	NA
E	50 ft.	NA	35 ft.	NA
F	150 ft.	NA	35 ft. 75 ft.[3]	NA
G	75 ft.	75 ft.	NA	NA
H	75 ft.	50 ft.	NA	NA
J	75 ft.	NA	35 ft.	NA

1 The 50-ft. height allowance only applies to the section of the Transition Area for Sector C that is from the east of 26th Street to15th Street.

2 The height of structures on the entire College Inn site, including associated parking areas, is limited to 55 feet.

3 The 75-ft. height allowance applies only to the section of transition area for Sector "F" that is east of Grove Street and abuts Western Boulevard.

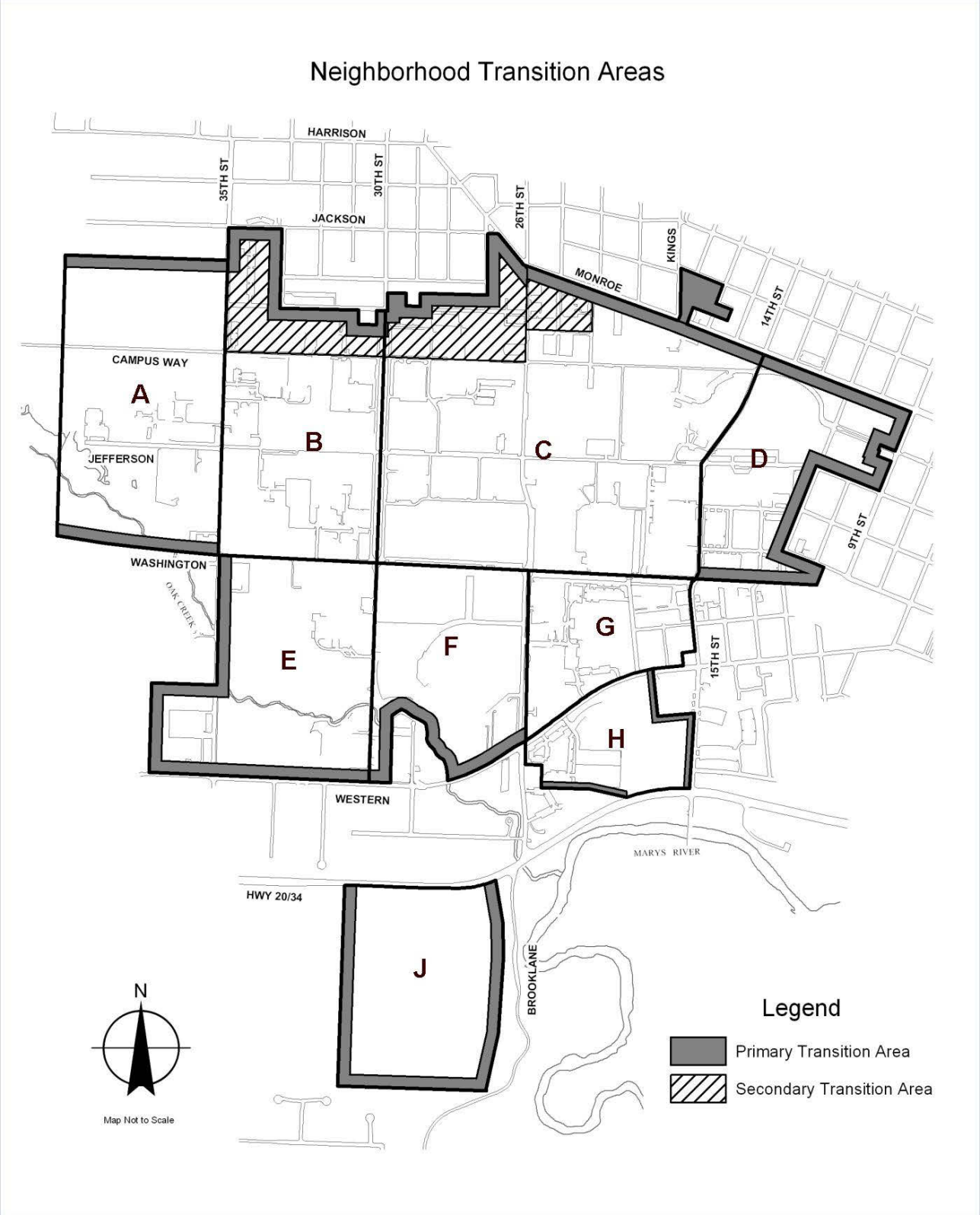

Figure 3.36-2: Neighborhood Transition Areas by Sector

Section 3.36.60.02 – Roof-Mounted Equipment

a. No roof-mounted mechanical equipment shall be visible from the entrance of buildings that abut the development site.

b. Satellite dishes, antennas, Colocated/attached Wireless Telecommunications Facilities, and other telecommunications equipment shall not be visible from nearby streets or buildings and must be screened behind a parapet wall or architectural feature.

Section 3.36.60.03 – Minimum Building Setbacks

a. Structures within 100 ft. of the OSU Zone boundary shall have a minimum setback of 20 ft. from the boundary line, except when abutting a street. See “b”, and “c”, below.

b. For structures abutting a public street, the minimum setback shall be 10 ft. from the edge of the right-of-way, assuming the public street is constructed to City standards, including landscape strip and sidewalk. If standard street improvements do not exist, standard street improvements shall be constructed in accordance with Section 3.36.60.09.

c. For structures abutting an OSU Street, the minimum setback shall be 20 ft. from the edge of the curb or 10 ft. from the sidewalk.

Section 3.36.60.04 – Building Entrances

a. Buildings designed for human occupancy with facades facing a public street or an OSU Street shall have a main building entrance facing the street and not just an emergency exit.

b. Buildings designed for human occupancy shall include a pedestrian amenity, such as a porch, plaza, quad, courtyard, covered entryway, or seating area 100 sq. ft., minimum, as a component of a main building entrance.

c. Buildings such as sheds, barns, or garages, used exclusively for agricultural purposes, research, or for storage shall be exempt from these standards for building entrances as described in “a” and “b,” above.

Section 3.36.60.05 – Ground Floor Windows

a. Buildings designed for human occupancy with facade(s) that face a public street or an OSU Street, multi-use path, and/or pedestrian plaza shall have windows, pedestrian entrances, or display windows that cover at least 25 percent of the length and 15 percent of the surface area of the ground floor facade.

b. Ground Floor is defined as the finished floor elevation of the first floor that qualifies as a story in a building, as defined in the State of Oregon Structural Specialty Code.

c. Mirrored glass may not be used in ground floor windows.

d. Parking structures either above or below ground, shall be exempt from these standards for ground floor windows.

e. Buildings or portions of buildings used exclusively for research or storage purposes shall be exempt from the standards for ground floor windows described in “a”, through “c”, above. Buildings that do not meet the standards for ground floor windows shall not be located within a Primary Neighborhood Transition Area or within 50 ft. of Monroe Avenue.

Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards

a. General Landscaping Provisions

1. Landscaping shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and shall be provided for parking areas adjacent to public streets and OSU Streets in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements, except as modified by the provisions of this chapter.

2. In lieu of a landscape installation and/or landscape maintenance bond or other financial assurance for landscape and irrigation installation required by Section 4.2.20.a, a letter of commitment from OSU shall be provided. The letter of commitment shall include the following:

    a) A copy of the approved landscaping and irrigation plan;

    b) A commitment that the landscaping and irrigation will be installed prior to issuance of a final occupancy permit; and

    c) A commitment that the landscaping and irrigation will achieve 90 percent coverage within three years and be maintained by OSU

b. Required Tree Plantings, Maintenance, and Preservation

1. Tree Plantings - Tree plantings are required for all landscape areas, including but not limited to OSU Street frontages, public street frontages, multi-use paths, and parking lots for four or more cars.

    a) Street Trees

        I. Along streets, trees shall be planted in designated tree planting areas or OSU standard tree wells. Where there is no designated tree planting area or a tree well as specified in LDC Section 3.36.60.18, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by “III,” below;

        II. Along all OSU Streets with tree planting areas in excess of six (6) feet wide and where utility lines are located underground, a minimum of 80 percent of the street trees shall be large or medium-canopy trees.

        III. If tree planting areas cannot be provided on University Collector, Pedestrian Core, or Sports Complex streets as identified in Figure 3.36-3 or street trees are prohibited by Section 3.36.60.06.b.2, an equivalent number of the required trees shall be provided within the setback of the development areas adjacent to the street, or in other locations within open space within the OSU Zone. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;

    b) The distance between required trees shall be determined by the type of tree used as indicated in Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees.

    c) When the distance between the back of sidewalk and building is less than (20) feet, trees shall be planted in OSU standard tree wells.

d) Conditions of Approval for individual development projects may require additional tree plantings to mitigate removal of other trees, or as part of landscape buffering or screening efforts.

e) Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

f) Any street tree removed through demolition or construction within the public street right-of-way or abutting an OSU Street shall be replaced within the designated tree planting area, OSU standard tree well, or in yard areas adjacent to the street, except as allowed elsewhere by LDC Section 3.36.60.06.b.1.a.III.

2. Areas Where Trees May Not be Planted

a) Trees may not be planted within five (5) feet of permanent hard surface paving, walkways, or sidewalks, unless:

I. Trees are planted in OSU standard tree wells; or

II. Trees are planted in designated street tree planting areas as required in LDC Section 3.36.60.06.b.1; or

III. Trees are planted as outlined in Section 4.2.40.c.

b) Trees may not be planted:

I. Within ten (10) feet of fire hydrants and utility poles;

II. Within twenty (20) feet of street light standards;

III. Within ten (10) feet of OSU historic style street lights;

IV. Within five (5) feet from an existing curb face, except where required for street trees in designated trees planting areas or OSU standard tree wells; or

V. Within ten (10) feet of city owned utilities, including sanitary sewer, storm drainage, or water line.

3. Tree Maintenance Near Sidewalks and Paved Surfaces - Trees shall be pruned to provide a minimum clearance of eight (8) feet above sidewalks and walkways, and twelve (12) feet above street and roadway surfaces; and shall be pruned in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

4. Tree Removal and Protection

Removal and protection of trees within the OSU Zone shall be governed by Chapter 2.9 – Historic Preservation Provisions, Chapter 2.11 - Floodplain Development Permit, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, Chapter 4.2 – Landscaping, Buffering, and Screening, and Lighting, and Chapter 4.5 - Floodplain Provisions. In emergency situations or where trees meet the

hazardous tree definition as defined in Chapter 1.6, removal of trees is permitted through 4.2.20.i – Hazardous Tree Removal.

c. Buffer Plantings

1. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Except where modified by provisions in this chapter, boundary plantings that conform to the standards in Section 4.2.40 – Buffer Plantings shall be used to buffer these uses from adjacent properties, public rights-of-way, and OSU Streets.

2. A vegetative buffer with a minimum width of 20 ft. that consists of a mix of evergreen and deciduous trees and shrubs shall be established between the OSU property line and any proposed building, access, drive and/ or parking lot within the Transition Area along the northern boundary of Sector A, B and C from the western boundary of Sector A to 26th Street and for the College Inn site. This vegetative buffer will be required upon any redevelopment of existing parking lots and/or the razing and redevelopment of existing buildings.

d. Screening (Hedges, Fences, Walls, and Berms)

1. Screening is required where unsightly views or visual conflicts must be obscured or blocked and/or where privacy and security are desired. Where screening is required by provisions of this code, it shall conform to the standards in Section 4.2.50 – Screening (Hedges, Fences, Walls, and Berms) except where modified by provisions in this chapter.

2. Where visible from public rights-of-way or OSU Streets, chain link fences are prohibited unless coated with black vinyl.

e. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources – Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. An exception to these requirements is that a Drainageway Management Agreement is allowed in lieu of a drainageway easement, as outlined in Section 3.36.60.07, below.

Section 3.36.60.07 – Drainageway Management Agreement

a. In lieu of drainageway dedications and/or easements for new development, expansion or redevelopment on parcels adjoining an open natural drainageway as per Chapter 4.13 - Riparian Corridor and Wetland Provisions, OSU shall provide a Drainageway Management Agreement (DMA) that meets the purposes cited in Section 4.13.10 and the policies of the City of Corvallis Stormwater Master Plan.

b. Drainageway widths and areas subject to the DMA shall be defined per Chapter 4.13 - Riparian Corridor and Wetland Provisions.

c. The DMA shall include but not be limited to the following objectives:

1. Establish that the DMA is between Oregon State University (OSU) and the City of Corvallis (CITY) to establish CITY maintenance access rights and to limit OSU development activities within the particular drainageway.
2. Protect the hydrological and biological functions of open drainageways including managing storm water drainage, improving water quality, and protecting riparian plant and animal habitats, in accordance with the provisions of Chapter 4.13 - Riparian Corridor and Wetland Provisions.
3. Include a map(s) that defines the maintenance area (AREA) boundary line(s);
4. Grant to the CITY the right, on, under, and across said AREA, to construct, maintain, replace, reconstruct, and/or remove a drainageway with all appurtenances incident thereto or necessary therewith, to facilitate (work toward) Properly Functioning Condition. Grant to the CITY the right, on, under, and across said AREA to cut and remove any trees and other obstructions which may endanger the safety or interfere with the construction, use, or maintenance of said drainageway. Grant to the CITY the right of ingress and egress to, over, and from the above described AREA at any and all times for the purpose of doing anything necessary, useful, or convenient for the operation of a stormwater utility. CITY shall provide notification to OSU and receive OSU's written authorization prior to accessing the utility. CITY shall provide notification to OSU and receive OSU's written authorization prior to implementing related work. Prior written approval will not be required during times of emergency;
5. Require the CITY upon each and every occasion that such drainageway is constructed, maintained, replaced, reconstructed or removed, to restore the premises of OSU, and any buildings or improvements disturbed by the CITY, to a condition as near as practicable to the condition they were in prior to any such installation or work. If such restoration is not practicable, then the CITY shall pay to OSU an agreed upon compensation for such conditions that cannot be reasonably or practicably restored;
6. Require OSU and the CITY to limit use of the AREA to purposes consistent with the construction, use and maintenance of said drainageway. Such uses typically include natural landscaping and stormwater management facilities as approved by the CITY. OSU reserves the right to utilize the AREA for education purposes, provided the activities do not affect the terms of this agreement. No new building or other permanent structure, dumping, regrading, paving, decrease in vegetative cover, or other action which would enjoin the CITY from the intended purpose of this Agreement shall be placed or occur within the AREA without the written permission of the CITY. Actions specified within the plan are exempt from this obligation; and
7. With each request to enter into a DMA, OSU shall produce a Properly Functioning Condition (PFC) report. The PFC report shall be developed/compiled by a qualified professional and shall include;

    a) A stream health assessment of Oak Creek for the AREA impacted by development. As part of this assessment, an evaluation shall be done for any

areas needing improvement due to site-specific impairments that have affected the PFC of Oak Creek.

b) A list of recommended actions and improvements, which consider the findings and recommendations from the OSU Oak Creek Task Force report, to re-establish the PFC of Oak Creek.

c) An implementation plan for the recommended actions determined in the PFC report.

Section 3.36.60.08 – Parking Improvements

a. Parking areas shall be designed to promote safe and convenient pedestrian access.

b. Parking improvements may be constructed as stand-alone projects and/or concurrent with new development.

c. Parking improvements constructed as stand-alone projects shall be located in accordance with the sites identified in Figure 7.3 - Future Parking Facilities, of the CMP.

d. When usage of campus-wide parking facilities exceeds 90 percent based on the most recent parking usage inventory, any development that increases building square footage shall be subject to the provisions of Section 3.36.40.02.

e. New development in Sectors A through H may construct additional parking facilities in any of the Sectors A through H, provided the OSU campus shuttle is operational.

f. If the OSU campus shuttle ceases to operate, new development shall be subject to the provisions of Section 3.36.40.02.

g. Development in Sector J (South Farm) shall include construction of parking improvements in Sector J.

h. Existing parking improvements for the College Inn site shall be reserved for the use of the occupants of and visitors to that structure. As uses change and/or additional development occurs on the site, bicycle parking necessary to achieve the 10 percent reduction allowed in Section 4.1.20.q of this Code shall be provided.

i. Vehicle parking shall be located to the rear of buildings, and where it does not disrupt the pedestrian streetscape, may be located to the side of buildings.

j. On-street parking facilities are permitted subject to the provisions of Section 3.36.60.18.

Section 3.36.60.09 – Transportation Improvements

a. Safe and convenient transportation improvements shall be provided in conjunction with new development. For the purposes of this section, “safe and convenient” means providing improvements consistent with functions identified with the street’s functional classification. This includes street and pedestrian improvements, designated tree planting areas, and in some cases, bicycle improvements and on-street parking. All transportation improvements shall be constructed in accordance with the CMP Transportation Improvement Plan (TIP) and the City’s Standard Construction Specifications. If there is any conflict between the CMP and City Standard Construction Specifications, the latter shall prevail.

b. An application that includes the installation of public street improvements shall be reviewed and processed in accordance with Section 4.0.60 - Public and Private Street Requirements. An application that includes the installation of private street improvements shall be reviewed and processed in accordance with Section 3.36.60.18 – OSU Street Standards. Additionally, construction of a portion of a Sector's available square footage of Development Allocation shall trigger the implementation of transportation improvements identified in the CMP TIP.

c. Where transportation improvements are required either by this Code or the CMP's TIP, but cannot feasibly be implemented, as defined below, a Memorandum of Agreement (MOA), when justified, as defined below, may be executed to specify the manner by which improvements shall be provided.

    1. A MOA is justified when implementation of the CMP TIP is demonstrated to be infeasible. Examples of justification include situations where insufficient ROW exists to construct standard improvements, such as on Washington Way, where there are conflicts with Significant Natural Features, or where there are physical or other constraints, such as topography, existing buildings.

    2. When an MOA is justified, it shall include but not be limited to the following objectives:

        a) Definition of the Terms of the Agreement;

            1) A listing of the parties included in the Agreement;

            2) A listing of improvements to be included in the Agreement and what project the improvements are associated with; and

            3) A time frame that the Agreement terms operate under.

        b) Justification for deviation from the standard shall include but not be limited to the following:

            1) Identification of any deviation(s) from the standard;

            2) Citation of the reasons the standard improvement cannot feasibly be implemented; and

            3) Identification of the revised design standards that will be incorporated into the design.

    3. The final MOA shall be approved by the City Engineer at his/her discretion and signed by OSU and the City Manager.

d. Pedestrian amenities such as lighting, sidewalks, bench placement, planters, courtyards, quads, transit stops/shelters, bicycle racks, recycling receptacles, etc. shall be considered part of typical street improvements and incorporated into the final design.

e. Transportation improvements shall be constructed to ensure ADA compliance.

f. Speed tables, street lighting, crosswalk marking, and similar safety and speed control improvements are components of typical street design and shall be considered in the final design or required when mandated by engineering design standards such as the Manual on Uniform Traffic Control Devices (MUTCD).

g. Copies of complete As Builts shall be certified by the design engineer and shall be submitted to the City for approval for all newly constructed public improvements.

Section 3.36.60.10 – Pedestrian and Bicycle System Connections

a. Clearly defined and direct pedestrian connections (i.e., sidewalks and walkways) shall be provided between street and building entrances and between parking areas and building entrances.

b. All sidewalks and walkways shall provide a minimum of five ft. in width of unobstructed passage and must be constructed of a permanent hard surface including, but not limited to, pavers, brick, or concrete. Variations in the width and location of a continuous length of sidewalk may be granted by the Director to preserve Significant Tree(s), to preserve Historically Significant Tree(s), and to accommodate Historic Resources, so long as there is a minimum of five ft. of unobstructed passage.

c. Sidewalks and walkways shall be required as an improvement when development and/or redevelopment occurs, except as otherwise provided in “e” below or in Section 3.36.60.18. Pedestrian facilities installed concurrently with development shall be extended through the development area to the edge of abutting pedestrian facilities.

d. An application that includes the installation of pedestrian improvements abutting public streets shall be reviewed and processed in accordance with Section 4.0.30 - Pedestrian Requirements. Pedestrian improvements abutting an OSU street shall be reviewed and processed in accordance with Section 3.36.60.18 – OSU Street Standards. Additionally, construction of any of a Sector’s available Development Allocation for new development shall trigger the implementation of bicycle and pedestrian improvements identified in the CMP TIP.

e. Where pedestrian improvements are needed in excess of a development’s frontage, as identified in the CMP’s TIP and cannot feasibly be implemented, a Memorandum of Agreement (MOA) with the City in accordance with Section 3.36.60.09, when justified, may be executed to specify the manner in which improvements shall be provided.

f. Bicycle and pedestrian improvements shall be constructed to ensure ADA compliance.

g. Multi-Use Paths - Multi-use paths, such as paths for bicycles and pedestrians, shall be constructed of a permanent hard surface including, but not limited to, asphalt or concrete, and all materials shall meet City Engineering standards. The standard width for a two-way multi-use path shall be twelve (12) feet wide. The standard width can be reduced to a minimum of eight (8) feet wide to preserve Significant Tree(s), to preserve Historically Significant Tree(s), to accommodate Historic Resources, or in locations abutting railroad right-of-way.

h. Internal Pedestrian Circulation

1. Walkways shall be provided to connect the development area's pedestrian circulation system with existing pedestrian facilities that abut the development area but are not adjacent to the streets abutting the site.
2. With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, bollards, or landscaping. They shall be constructed in accordance with City Standard Construction Specifications. This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on-site unless an unusual parking lot hazard exists.
3. Prior to development, applicants shall perform a site inspection in conformance with LDC Section 4.0.30.f.
4. Natural Hazards and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, and LDC Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards.

Section 3.36.60.11 – Site Furnishings

Site furnishings shall not block or impede pedestrian circulation or reduce the required sidewalk or walkway width.

Section 3.36.60.12 – Transit/Shuttle Stops

a. A transit stop and/or transit shelter shall be provided as required by the Corvallis Transit System.

b. A shuttle stop shall be provided as required by OSU Parking Services.

c. An application that includes the installation of transit improvements shall be reviewed and processed in accordance with Section 4.0.50 - Transit Requirements in Chapter 4.0 - Improvements Required with Development.

d. Corvallis Transit System (CTS) transit stops and OSU shuttle stops are considered part of an effective transit/shuttle system and shall be incorporated into the transportation system. Transit/shuttle stops and shelters shall be constructed to ensure ADA compliance.

Section 3.36.60.13 – Bicycle Parking

a. Bicycle parking shall be constructed with each development based on the assignable square footage (i.e., office, classroom, research facility, etc.) of a proposed development according to the parking standards in Section 4.1.30 of Chapter 4.1 - Parking, Loading, and Access Requirements.

b. Bicycle parking shall be near, but shall not block or impede building entrances.

c. At least 50 percent of the required bicycle parking shall be covered.

d. All bicycle parking shall comply with the standards in Section 4.1.70 of Chapter 4.1 - Improvements Required with Development.

Section 3.36.60.14 – Mechanical Equipment and Trash Enclosures, and Outdoor Storage Areas

a. All mechanical equipment enclosures for non-agricultural buildings shall be screened as part of the building construction or with landscaping, masonry walls, solid wood fencing, or a combination of these materials for those areas that are visible from a street, building, or pedestrian access way, or are adjacent to a neighborhood.

b. Trash collection enclosures for all buildings shall be screened as part of the building construction or with landscaping, masonry walls, solid wood fencing, or a combination of these materials for those areas that are visible from a street, building, pedestrian access way, or are adjacent to a neighborhood.

c. All outdoor storage areas shall be screened with construction similar to the adjacent building or with landscaping, masonry walls, solid wood fencing, or a combination of these materials for those areas that are visible from a street, adjacent building, pedestrian access way, or are adjacent to a neighborhood.

Section 3.36.60.15 – Public, Private, and Franchise Utilities

a. All new utility distribution lines shall be underground.

b. Development requiring the installation of public utility improvements shall be reviewed and processed in accordance with Section 4.0.70 - Public Utility Requirements (or Installations), and Section 4.0.80 - Public Improvement Procedures.

c. Development within the City's combination sewer systems shall comply with the separation of storm drain from sanitary sewer system policy criteria in accordance with the City's Community Development Policy 1003.

d. Development occurring on a parcel fronting or adjacent to a drainageway identified in the City of Corvallis Stormwater Master Plan, shall be constructed in accordance with Section 3.36.60.07, Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, and shall comply with the watershed management guidelines and policies identified in Chapter 5 of the City's Stormwater Master Plan.

e. Transformers and vaults not underground shall be screened consistent with LDC Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards and LDC Section 3.36.60.14 – Mechanical Equipment and Trash Enclosures, and Outdoor Storage Areas.

f. An application that includes the installation of franchise utilities shall be reviewed and processed in accordance with Section 4.0.90 - Franchise Utility Installations of Chapter 4.0 - Improvements Required with Development.

g. Copies of complete As Builts shall be certified by the design engineer and shall be submitted to the City for approval for all new constructed public improvements.

Section 3.36.60.16 – Exterior Lighting

a. Site and Street Lighting shall comply with LDC Section 4.2.80 – Site and Street Lighting, except where modified by this section.

b. OSU historic style light fixtures with shielded luminaires that minimize uplighting and glare shall be used along sidewalks and walkways.

c. The historic style light fixtures shall have poles and bases, and associated pole-mounted equipment such as banner hangers, etc., finished with a neutral gray or black or other dark color.

d. Contemporary light fixtures with shielded luminaires that minimize uplighting and glare shall be used in parking areas or other areas outside of the historic campus core and shall meet the requirements of a full cut-off light fixture.

e. Outdoor field lighting may be installed on intramural and recreational playing fields, provided that the light is directed on the fields and not directed toward adjacent privately owned properties. Adjacent to residential areas, a lighting curfew of 10 p.m. shall be imposed on these playing fields so that all events are completed prior to that time.

f. With the exception of lighting for intercollegiate athletic facilities and intramural and recreational playing fields, light trespass onto surrounding residential properties shall not exceed 0.1 footcandles, except in areas where additional lighting for safety and security, as determined by the University, is necessary. In such cases, light trespass onto surrounding residential properties shall not exceed 0.25 footcandles. Testing of the lighting by the University to ensure compliance shall be done after the lights have experienced 10 hours of illuminance, or burn time.

g. Stadium lighting for future expansions to Reser Stadium shall be provided in a manner that does not increase light spillage outside of the stadium proper.

h. Installation of field lighting for intercollegiate athletic facilities other than Reser Stadium shall ensure that light trespass onto surrounding residential properties does not exceed 0.5 footcandles. Testing of the lighting by the University to ensure compliance shall be done after the lights have experienced 10 hours of illuminance, or burn time.

Section 3.36.60.17 – Accessibility

a. All buildings and other structures used for human occupancy shall meet or exceed accessibility standards as established by the Americans with Disabilities Act.

b. Parking facilities for the disabled shall be provided near building entrances.

Section 3.36.60.18 – OSU Street Standards

All improvements required by the standards in this section shall comply with LDC Section 4.0.20 – Timing of Improvements unless otherwise indicated within this section. Improvements required with development shall meet construction specification standards established by the City Engineer and amended over time. Improvements required for publicly owned streets shall comply with Chapter 4.0 – Improvements Required with Development and be consistent with Table 4.0-1 Street Functional Classification System. Improvements required for OSU Streets shall comply with LDC Section 3.36.60.18 and be consistent with Table 3.36-5 – OSU Street Standards Functional Classification.

Natural Hazards and Natural Resources shall be addressed in accordance with Chapter 2.11 – Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, Chapter 4.14 – Landslide Hazard and Hillside Development Provisions, and Section 3.36.60.06 – Landscaping, Natural Resources, and Natural Hazards.

a. **University Collector** *(i.e., 30th Street, 14th Street between Jefferson Way and Monroe Avenue, and Washington Way west of 15th Street)*

1. **Vehicle Lanes** – OSU Streets will have auto lane widths consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.
2. **Bike Lanes** – OSU Streets will have on-street bike lanes consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.
3. **Sidewalks**

a) Sidewalks along streets classified in Figure 3.36-3 as University Collector shall be a minimum of six (6) feet wide and be provided along a project's development frontage to the edge of adjacent facilities when development and/or redevelopment occurs except in locations where Natural Hazards, Natural Resources, or railroad right-of-way prevent the installation of pedestrian facilities consistent with Table 3.36-5 – OSU Street Standards Functional Classification. Sidewalks shall be constructed in accordance with City Standard Construction Specifications and in compliance with ADA standards.

b) Variations in the width and location of a continuous length of sidewalk may be granted by the Director to preserve Significant Tree(s), to preserve Historically Significant Tree(s), and to accommodate Historic Resources, so long as there is a minimum of five ft. of unobstructed passage.

c) Sidewalks shall be separated from curbs by a designated tree planting area that provides at least six (6) feet of separation between the sidewalk and curb, except when at least one of the following conditions exists and provided the provisions in LDC Section 3.36.60.18.a.3.e are met:

1) In locations where the existing sidewalk is located over a utility tunnel;

2) In locations where the construction of a designated tree planting area of six (6) feet in width and a conforming sidewalk would require the removal of a Historically Significant Tree;

3) In locations where the sidewalk is located within a Natural Resource area governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions and within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

d) Where sidewalks are abutting vehicle travel lanes, parking or maneuvering areas, sidewalks shall be separated by grade, different paving materials, bollards, or landscaping.

e) Where an existing sidewalk is located over a utility tunnel or where the construction of a designated tree planting area of six feet in width would require the removal of a Significant Tree(s), the existing sidewalk location may be retained provided all of the following are met:

1) The existing sidewalk width complies with the standards in this zone, or it is replaced to meet the standard width in Table 3.36-5: OSU Street Standards - Functional Classification;

2) The existing or proposed sidewalks complies with ADA requirements; and

3) Street trees are provided consistent with LDC Section 3.36.60.06.b.1.a

f) The designated tree planting area shall be landscaped with trees and plant materials in accordance with LDC Section 3.36.60.06 - OSU Landscaping, Natural Resources, and Natural Hazards.

4. **On-Street Parking** – On-street parking is not permitted along University Collectors.

b. **<u>Pedestrian Core</u>** *(i.e., 13th Street, 14th Street, 26th Street between Washington Way and Monroe Ave, Adams Avenue, Benton Place, Campus Way, Jefferson Way west of 15th Street, Intramural Lane, May Way, Memorial Place, Orchard Avenue east of 27th Street, Park Terrace, Sackett Place, Washington Avenue between 11th and 15th streets, Waldo Place, and Weatherford Place)*

1. **Vehicle Lanes** - OSU Streets will have auto lane widths consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.

2. **Bike Lanes** – OSU Streets may have on-street bike lanes or sharrows consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.

3. **Sidewalks**

a) Sidewalks along streets classified in Figure 3.36-6 as Pedestrian Core shall be a minimum of six (6) feet wide and be provided along a project's development frontage to the edge of adjacent facilities, when development and/or redevelopment occurs except in locations where Natural Hazards, Natural Resources, or railroad right-of-way prevent the installation of pedestrian facilities consistent with Table 3.36-5 – OSU Street Standards Functional Classification. Sidewalks shall be constructed in accordance with City Standard Construction Specifications. Sidewalks may be either abutting the curb or separated by a designated tree planting area.

b) Variations in the width and location of a continuous length of sidewalk may be granted by the Director to preserve Significant Tree(s), to preserve Historically

Significant Tree(s), and to accommodate Historic Resources, so long as there is a minimum of five ft. of unobstructed passage.

c) A designated tree planting area of at least six (6) feet shall be provided immediately adjacent to the sidewalk, either between the curb and sidewalk or within the setback area between the sidewalk and the facility except when at least one of the following conditions exists and provided the provisions in LDC Section 3.36.60.18.b.3.e are met:

    1) There is insufficient width between the curb and an existing facility to provide a five-foot-wide sidewalk and a six-foot-wide designated tree planting area.

    2) There is an existing sidewalk located over a utility tunnel and insufficient width on either side of the sidewalk to provide a six-foot-wide designated tree planting area.

    3) There is an existing sidewalk of at least five (5) feet in width and an existing designated tree planting area that is less than six (6) feet in width.

    4) The sidewalk is located within a Natural Resource area governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions and within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

d) Where sidewalks are abutting vehicle travel lanes, parking or maneuvering areas, sidewalks shall be separated by grade, different paving materials, bollards, or landscaping.

e) Where an existing sidewalk is located over a utility tunnel or where the construction of a designated tree planting area of six feet in width would require the removal of Significant Tree(s), the existing sidewalk location may be retained provided all of the following are met:

    1) The existing sidewalk width complies with the standards in this zone, or it is replaced to meet the standard width in Table 3.36-5: OSU Street Standards - Functional Classification;

    2) The existing or proposed sidewalks complies with ADA requirements; and

    3) Street trees are provided consistent with LDC Section 3.36.60.06.b.1.a

f) The designated tree planting area shall be landscaped with trees and plant materials in accordance with LDC Section 3.36.60.06 - OSU Landscaping, Natural Resources, and Natural Hazards.

g) Except as noted in Section 3.36.60.10.c, construction of sidewalks and designated planting areas in compliance with LDC Section 3.36.60.18 along

Pedestrian Core streets may be deferred until development of the development area and reviewed as a component of the Building Permit.

4. **On-Street Parking** – On-street parking along OSU Streets may be maintained, replaced, or modified within a street block where on-street parking already exists. Where streets must cross protected Natural Resources or Natural Hazards, street widths shall be minimized by providing no on-street parking on either side of the street per LDC Section 4.0.60.k.9. On-street parking must be consistent with applicable provisions in Chapter 2.9 and other applicable provisions of this Code.
5. **Emergency Access** – When the curb-to-curb width of a street does not provide sufficient width to accommodate emergency vehicles, curb-side, vehicle-rated sidewalks with a mountable curb may be used in combination with vehicle and bike lanes to provide the required access width for emergency vehicles.

c. **<u>Sports Complex</u>** *(i.e., 26th Street between Western Blvd and Washington Way, and Ralph Miller Lane)*

1. **Vehicle Lanes** - OSU Streets will have auto lane widths consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.
2. **Bike Lanes** – OSU Streets may have on-street bike lanes or sharrows consistent with Table 3.36-5 – OSU Street Standards Functional Classification and comply with City Standard Construction Specifications.
3. **Sidewalks**

a) Sidewalks along streets classified in Figure 3.36-3 as Sports Complex shall be a minimum of ten (10) feet wide, including tree wells, and be provided along a project's development frontage to the edge of adjacent facilities when development and/or redevelopment occurs except in locations where Natural Hazards, Natural Resources, or railroad right-of-way prevent the installation of pedestrian facilities consistent with Table 3.36-5 – OSU Street Standards Functional Classification. Sidewalks shall be constructed in accordance with City Standard Construction Specifications.

b) Sidewalks shall be located adjacent to the curb, and tree planting areas shall be eliminated and replaced with paved areas with trees in tree wells. Where tree wells are used, tree grates may be permitted. Tree wells and tree grates shall comply with specifications in the OSU Tree Management Plan. Tree wells shall abut the curb, and trees shall be provided consistent with the spacing standards in LDC Table 4.2-1. Street trees shall be furnished and maintained in conformance with requirements in Section 3.36.60.06 - OSU Landscaping, Natural Resources, and Natural Hazards.

c) Except as noted in Section 3.36.60.10.c, construction of sidewalks and designated planting areas in compliance with LDC Section 3.36.60.18 along Sports Complex streets may be deferred until development of the development area and reviewed as a component of the Building Permit.

4. **On-Street Parking** – On-street parking along OSU Streets may be maintained, replaced, or modified within a street block where on-street parking already exists. Where streets must cross protected Natural Resources or Natural Hazards, street widths shall be minimized by providing no on-street parking on either side of the street per LDC Section 4.0.60.k.9. On-street parking must be consistent with applicable provisions in Chapter 2.9 and other applicable provisions of this Code.
5. **Emergency Access** – When the curb-to-curb width of a street does not provide sufficient width to accommodate emergency vehicles, curb-side, vehicle-rated sidewalks with a mountable curb may be used in combination with vehicle and bike lanes to provide the required access width for emergency vehicles.

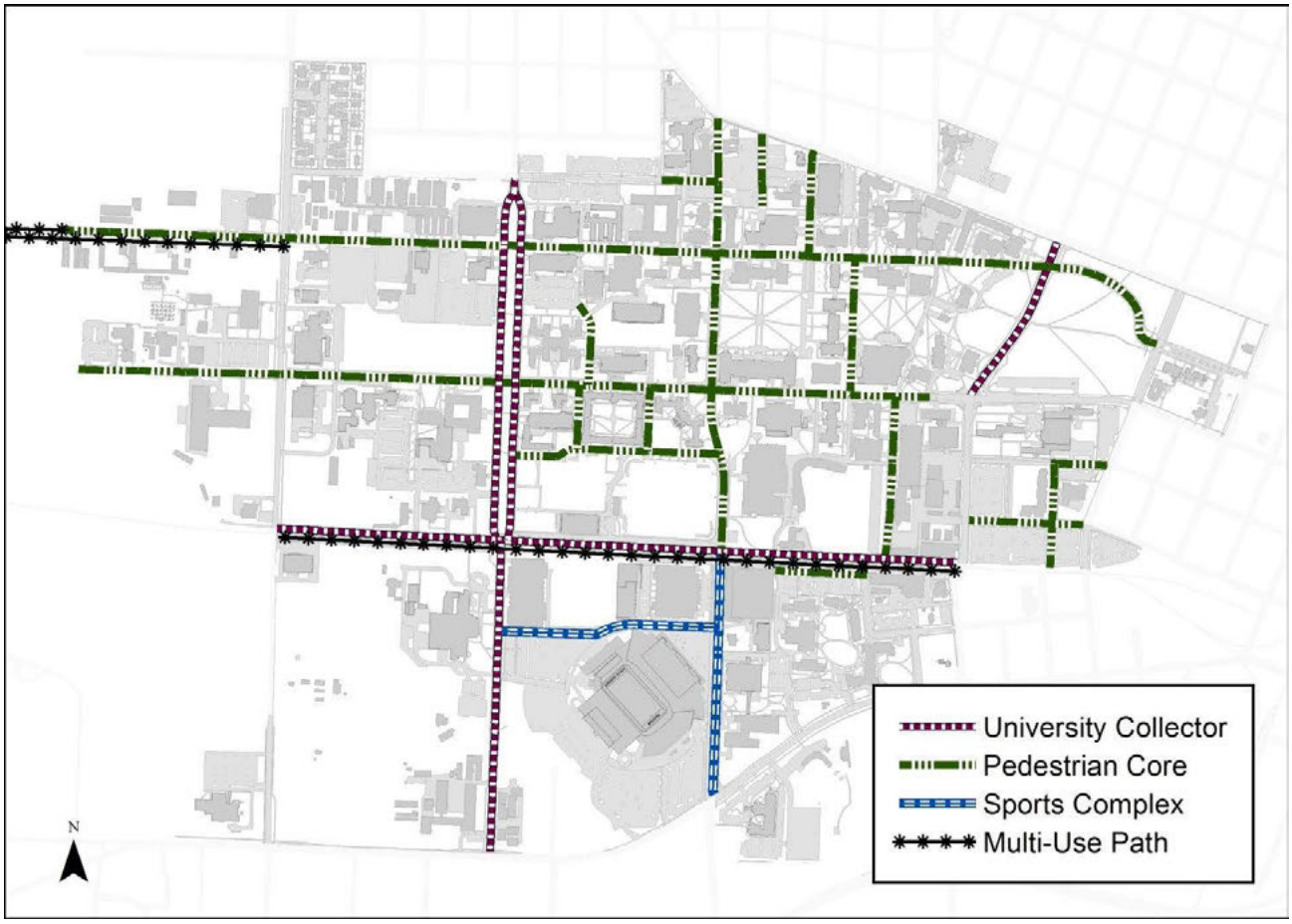

Figure 3.36-3: OSU Street Standards by Category

Table 3.36-5: OSU Street Standards - Functional Classification [1, 2, 3]

	University Collector	Pedestrian Core (local)	Sports Complex (local)
Auto Amenities (lane widths)[4]	2 Lanes (11 ft. per lane)	1-2 Lanes (10 ft. per lane)	1-2 Lanes (10 ft. per lane)
Bike Amenities[5, 6, 7]	2 Lanes (6 ft. per lane)	Shared Bike and Vehicle Facility, Sharrow, or 1-2 Lanes (6 ft. per lane)	Shared Bike and Vehicle Facility, Sharrow, or 1-2 Lanes (6 ft. per lane)
Pedestrian Amenities[8]	2 Sidewalks (6 ft. per sidewalk)[9]	2 Sidewalks (6 ft. per sidewalk)	2 Sidewalks (10 ft. per sidewalk)
Transit (non-OSU)	As approved by OSU	As approved by OSU	As approved by OSU
Managed Speed[10]	20 - 35 MPH	5 - 20 MPH	5 - 20 MPH
Traffic calming[11]	Permissible	Permissible	Permissible
Access Control	Some	Not typical	Not typical
Turn Lanes	Typical at intersections with arterials or collectors	Not typical	Not typical
Tree Planting Areas[12]	Two - 6 ft. Except across areas of Natural Features[9]	Two - 6 ft. Except across areas of Natural Features	Street trees shall be planted in OSU standard tree wells and may include OSU standard tree grates[13]
Through-traffic connectivity	Typical function	Permissible function	Permissible function
On-street Auto Parking[12]	No	Permissible; 1 - 2 parking aisles (parallel 8 ft., angled 19 ft.)	Permissible; 1 parking aisle (8 ft.)

[1] These standards do not preclude the flexibility currently allowed through the Planned Development process in Chapter 2.5 - Planned Development.

[2] Streets, bike lanes, and vehicle-rated sidewalks shall be designed to provide emergency and fire vehicle access as approved by the City and Fire Department.

[3] Street improvements shall comply with Sections 4.5.90.02.C. and Section 4.12.70.

[4] Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. On University Collector roadways, an absolute minimum for safety concerns is 10 ft. Such minimums are expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width. Note: the number of lanes does not include turn lanes.

[5] On streets where there are shared bike and vehicle facilities, bike lanes are not required.

[6] One way streets shall only be required to provide one (1) bike lane. Contra-flow bike lanes are permitted.

[7] Parallel multi-use paths in lieu of bike lanes are not appropriate along the Arterial-Collector system due to the multiple conflicts created for bicycles at driveway and sidewalk intersections. In rare instances, separated (but not adjacent) facilities may provide a proper function.

[8] An absolute minimum width for safety concerns is five ft., which is expected to occur only in locations where existing development along an established substandard route or other severe physical constraints preclude construction of the preferred facility width.

[9] A sidewalk and designated tree planting area will not be required on the south side of Washington Way between 15th Street and 35th Street. The width of the designated tree planting area may be reduced to five (5) feet on the west side of 30th Street between Western Blvd and Washington Way to create a uniform street profile.

[10] Speed shall be set in conformance with a vehicle speed study, State and Local code, and approved by licensed Civil Engineer.

[11] Traffic calming includes such measures as bulbed intersections, raised intersections, raised pedestrian crossings, speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials.

[12] Where streets must cross protected Natural Features, street widths shall be minimized by providing no on-street parking and no designated tree planting areas between the curb and the sidewalk on either side of the street.

[13] Tree wells and tree grates shall be constructed consistent with specifications in the OSU Tree Management Plan.

d. **General Provisions –** Development shall comply with the standards in Section 4.0.60 – Public and Private Street Requirements, except as modified in this chapter and below.

1. For OSU-owned property within the OSU zone, the provisions in Section 4.0.60 that refer to Development Sites shall apply to Development Areas, as defined in this chapter, and shall not apply to Development Sites.
2. Any Improvements required by the provisions of section 4.0.60 to OSU Streets within the OSU zone shall be improved to the standards in Section 3.36.50.18 rather than City standards where those standards differ.
3. Provisions in Section 4.0.60 that apply to Collector and Neighborhood Collector Streets shall apply to University Collector Streets except as modified in Section 3.36.60.18.
4. Provisions in Section 4.0.60 that apply to Local Streets shall apply to Pedestrian Core and Sports Complex Streets except as modified in Section 3.36.60.18.
5. Improvement widths shall be as specified in the Transportation Plan and Table 4.0-1 - Street Functional Classification System for public streets and Table 3.36-5 – OSU Street Standards Functional Classification for OSU Streets.
6. Where streets must cross protected Natural Resources or Natural Hazards, street widths shall be minimized by providing no on-street parking and no tree planting areas between the curb and the sidewalk on either side of the street as allowed by the provisions of Chapter 2.11 - Floodplain Development Permit, LDC Section 3.36.60.06 - OSU Landscaping, Natural Resources, and Natural Hazards, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
7. The City of Corvallis will determine the functional classification of any new streets that are constructed outside of the alignments shown in Figure 3.36-3.

Section 3.36.70 – Rough Proportionality

If an applicant intends to assert that it cannot legally be required, as a condition of Building Permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the Building Permit or site plan review application shall include a rough proportionality report in accordance with the provisions of Section 1.2.120 of Chapter 1.2 - Legal Framework.

Section 3.36.80 – Development Standards for Non-University-Owned Properties

Development or redevelopment of properties in this Zone that are not owned by Oregon State University and are identified in Section 3.36.30.01.c, shall be reviewed based on the standards in Table 3.36-6 - Residential Use Zoning Standards, below.

Table 3.36-6: Residential Use Zoning Standards

Current Use	*Development Zoning Standards*
Single-family Residential	RS-5
Multi-family Residential	RS-12(U)

Section 3.36.90 - Campus Master Plan Monitoring

a. As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis.

    1. Updated tabulations of development and open space for the planning area, including -

        a) Gross square footage of development by type that occurred in each Sector over the previous 12 month period;

        b) Remaining available Development Allocation for each Sector; and

        c) Remaining open space areas and percentages for each Sector.

    2. Updated parking utilization reports, including -

        a) Identification of new parking space creation and the total number of spaces provided within the CMP boundary and a breakdown by Sector and parking lot type - student, staff, visitor, free, etc.;

        b) Percentage of parking space utilization campus-wide; and

        c) Identification of available parking spaces using City standard parking configurations, and usage within each residential parking district bordering OSU and of the number of residential permits funded by the University. In addition, provide details of other efforts undertaken by the University to address neighborhood parking issues;

    3. TDM Report - The TDM Report that identifies efforts and the effectiveness of those efforts undertaken by the University over the previous 12 months to reduce reliance on the single-occupant vehicle. Such efforts shall include, but not be limited to:

        a) Shuttle routes and usage;

        b) Other efforts in support of transit, car-pool, or van-pool usage;

        c) Tabulation of the number of single-occupancy vehicles reduced;

        d) Location and number of bicycle parking spaces, including the number of covered spaces and any additions to the inventory; and

        e) Identification of campus pedestrian routes and system improvements.

4. Base Transportation Model (BTM) update that includes the following components over the previous 12 month period -
    a) Traffic counts to be updated on a five-year cycle;
    b) New development, and if known, future development square footage and Use Type, based on the existing model's categories, to be included in the model assumptions on a per Sector basis;
    c) New parking areas or roadways that may have an effect on traffic volumes or patterns; and
    d) Within one year of adoption of the CMP, and on a recurrent two-year schedule, OSU shall complete in coordination with City Staff a baseline traffic count for Jackson Avenue between Arnold Way and 35th Street. City staff shall provide OSU and the neighborhood association with the most recent baseline traffic volume measurements made within the last five years.

b. Additional monitoring efforts include:
    1. Within one year of adoption of the CMP, OSU should work with the City to perform a baseline traffic count of local streets identified by neighborhood associations as problems in the areas bordering Sectors A, B, and C, and south of Harrison Boulevard; and
    2. OSU shall participate as a full partner in a task force initiated by the City with City, University, neighborhood association and neighborhood business representation, to review and evaluate existing baseline traffic measurements, parking studies, and other relevant information and develop strategies to mitigate problem areas.

[Chapter 3.36 amended by Ordinance 2014-01, effective February 28, 2014]

CHAPTER 3.37
AGRICULTURE-OPEN SPACE (AG-OS) ZONE

Section 3.37.10 - PURPOSE

This Zone is intended to implement the Open Space - Agriculture Comprehensive Plan Map designation and recognize areas within the City suitable for Agricultural Research Use and for Uses compatible with Agricultural and Horticultural Research Use Types. The characteristics of such Use Types typically result in preservation of large open space areas. Residential Uses are Accessory to the Primary Uses.

Section 3.37.20 - PERMITTED USES

3.37.20.01 - Ministerial Development

a. Primary Uses Permitted Outright -

1. Civic Use Types - Freestanding Wireless Telecommunication Facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions

2. Agriculture Use Types -

   a) Animal Husbandry

   b) Aquaculture

   c) Horticulture, Cultivation, and Storage

   d) Research Facilities and Services - related to the Use Types in "a," through "c," above

   e) Row and Field Crops

   f) Tree Crops

   g) Garden

   h) Community Garden – subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

b. Accessory Uses Permitted Outright

1. Animal Sales and Services - Veterinary

2. Animal Waste Processing

3. Packing and Processing - Limited

4. Essential Services

5. Required off-street parking for Uses permitted in this Zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements

6. Other development customarily incidental to the Primary Use and in accordance with Chapter 4.3 - Accessory Development Regulations

7. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

8. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

9. Garden

3.37.20.02 - Special Development

Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development.

a. Commercial Use Types -

1. Animal Sales and Services

   a) Horse Stables

   b) Kennels

   c) Stockyards

   d) Veterinary

2. Lodging Services - Campground, Willamette Park only

3. Participant Sports and Recreation - Outdoor

b. Agriculture Use Types - Packing and Processing - General

c. Civic Use Types -

1. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

2. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions

3. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

4. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

3.37.20.03 - General Development

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

a. Accessory Dwelling Units subject to Chapter 4.3 - Accessory Development Regulations

b. Community Recreation - public parks only

c. Major Utilities and Services

d. Minor Utilities subject to Chapter 4.9 - Additional Provisions

e. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions, except adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone where the threshold is 20 ft. above the height of the structure or 75 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

f. Freestanding Wireless Telecommunication Facilities 61 to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions, unless prohibited by restrictions on public lands.

[Section 3.37.20 amended by Ordinances 2012-18 and 2012-19, effective December 13, 2012]

Section 3.37.30 - PERFORMANCE STANDARDS

Each Use, activity, or operation within this Zone shall comply with applicable local nuisance and animal control ordinances and state and federal standards.

Section 3.37.40 - SETBACKS

The following minimum setbacks shall apply to all structures other than fences or walls in the AG-OS Zone.

a. **Boundary Area** - A setback of not less than 25 ft. shall be provided along each AG-OS Zone boundary line abutting any residential zone.

b. **Along Streets** - The following minimum setbacks shall apply:

1. Arterial Streets - 100 ft.

2. Collector Streets - 70 ft.

3. All other streets - 25 ft.

Section 3.37.50 - SPECIAL BUFFERING AND SETBACKS

When residential development existed on December 31, 2006 on lands adjacent to the Actively Farmed OS-AG Land, special buffering and setback requirements apply as follows:

a. **Buffering** - A minimum 50 ft.-wide continuous plant or plant/berm buffer is required adjacent to the existing residential development property lines.

b. **Setbacks** - A minimum building setback of 100 ft. shall be maintained adjacent to the existing residential development's property lines. Streets may be located within this 100-ft. setback area, provided the minimum 50 ft.-wide required plant or plant/berm buffer required by Section 3.37.50. "a," above, is provided between the street and the adjacent Actively Farmed OS-AG Lands.

Section 3.37.60 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 3.37.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.37.60, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

CHAPTER 3.38
CONSERVATION-OPEN SPACE (C-OS) ZONE

Section 3.38.10 - PURPOSE

This Zone may be applied to lands with any of the adopted Comprehensive Plan Map designations. It is intended to recognize high value Natural Resource and Natural Hazard areas within the City that are owned by public agencies or have been set aside by private owners. The purpose of this Zone is to limit development of such areas and maintain them in a near-natural state while, in some cases, allowing access to and through them for public infrastructure and/or enjoyment. Typically the existence of this Zone results in preservation of large open space areas. If desired, density may be transferred off property at the time that this Zone is applied, provided the area receiving the transfer is part of the same development site.

Section 3.38.20 - PERMITTED USES

3.38.20.01 - Ministerial Development

a. Primary Uses Permitted Outright -

1. <u>Conservation Uses</u> -

    a) Preservation and restoration of Natural Resource and/or Natural Hazard areas

    b) Provision of open space areas to protect Natural Resources and avoid Natural Hazards

    c) Preservation and restoration of Significant Shrubs, Significant Trees, and Significant Vegetation as defined in Chapter 1.6 - Definitions

    d) Preservation and restoration of Designated Historic Resources listed in the Corvallis Register of Historic Landmarks and Districts or the National Register of Historic Places

2. <u>Civic Uses</u> -

    a) Community Recreation - limited to:

        1) Trails and associated viewing stations

2) Picnic areas that do not exceed a ratio of one picnic table per five acres

3) Parking areas that do not to exceed a ratio of five spaces per acre

4) Portable restrooms

b) Minor Utilities - limited to above-ground stormwater detention ponds and facilities installed underground. Examples include water, sewer, storm, gas, and electrical lines and associated elements, such as underground lift stations, pump stations, or vaults

c) Construction of streets, roads, and pedestrian and bicycle facilities that are included in the City of Corvallis Transportation Plan, or in other adopted City Plans

d) Construction of streets, roads, and vehicular and pedestrian and bicycle facilities necessary in order to maintain an acceptable functional classification of roadways adjacent to the property.

3. Prior Established Uses -

a) Uses existing prior to December 31, 2004, and in compliance with the Code on that date[1]; and

b) Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property

[1] Uses that were in existence and permitted by zoning prior to December 31, 2004, and were redesignated to the C-OS Zone, shall not be classified as Nonconforming Uses unless they have been discontinued for a period of at least 18 months, in which case the requirements of Section 1.4.40.03 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements.

b. Accessory Uses Permitted Outright - Essential Services

3.38.20.02 - Special Development

Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development.

Community Recreation - Full range of Uses limited to Willamette Park. Elsewhere, Uses limited to interpretive centers.

Section 3.38.30 - PERFORMANCE STANDARDS

a. Each Use, activity, or operation within this Zone shall comply with applicable local nuisance and animal control ordinances, state and federal standards, and other provisions of this Code; and

b. Uses and improvements shall be designed and constructed to minimize adverse impacts to significant Natural Resources and Natural Hazards, in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

CHAPTER 4.0
IMPROVEMENTS REQUIRED WITH DEVELOPMENT

Section 4.0.10 - PURPOSES

This Chapter provides general information regarding improvements required with development. It is intended to clarify timing, extent, and standards for improvements. In addition to the standards in this Chapter, standards for specific situations are contained in Chapter 2.11 - Floodplain Development Permit and Chapters 4.1 - Parking, Loading, and Access Requirements through Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Finally, improvements required with development shall meet construction specification standards established by the City Engineer and amended over time.

Section 4.0.20 - TIMING OF IMPROVEMENTS

a. All improvements required by the standards in this Chapter shall be installed concurrently with development, as follows:

1. Where a Land Division is proposed, each proposed lot shall have required public and franchise utility improvements installed or secured prior to approval of the Final Plat, in accordance with the provisions of Section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.

2. Where a Land Division is not proposed, the site shall have required public and franchise utility improvements installed or secured prior to occupancy of structures, in accordance with the provisions of Section 2.4.40.12 of Chapter 2.4 - Subdivisions and Major Replats.

b. Where specific approval for a phasing plan has been granted for a Planned Development and/or Subdivision, improvements shall be phased in accordance with that plan.

Section 4.0.30 - PEDESTRIAN REQUIREMENTS

a. Sidewalks shall be required along both sides of all streets, as follows:

1. <u>Sidewalks on Local, Local Connector, and Cul-de-sac Streets</u> - Sidewalks shall be a minimum of five ft. wide on Local, Local Connector, and Cul-de-sac Streets. The sidewalks shall be separated from curbs by a tree planting area that provides at least six ft. of separation between the sidewalk and curb, except that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

2. Sidewalks on Arterial, Collector, and Neighborhood Collector Streets - Sidewalks along Arterial, Collector, and Neighborhood Collector Streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of five ft. wide. An exception to these provisions is that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

3. Sidewalk Installation Timing - The timing of the installation of sidewalks shall be as follows:

   a) Sidewalks and planted areas along Arterial, Collector, and Neighborhood Collector Streets shall be installed with street improvements.

   b) Except as noted in "c," below, construction of sidewalks along Local, Local Connector, and Cul-de-sac Streets may be deferred until development of the site and reviewed as a component of the Building Permit. However, in no case shall construction of the sidewalks be completed later than three years from the recording of the Final Plat. The obligation to complete sidewalk construction within three years will be outlined in a deed restriction on affected parcels and recorded concurrently with the Final Plat.

   c) On Local, Local Connector, and Cul-de-sac streets, where there is an existing sidewalk with insufficient planter strip width, the existing sidewalk location may be retained provided all of the following are met:

      1. The proposed development on the site is residential, and does not exceed two dwelling units;

      2. There is an existing sidewalk with insufficient planter strip width on the street frontage of the block face;

      3. Where there is an existing sidewalk and the width is less than the city standard, it shall be replaced to meet the city standard width in Table 4.0-1;

      4. The developer signs an irrevocable petition, consistent with the provisions in LDC Section 4.1.40.b.2;

5. The existing or proposed sidewalks shall comply with ADA requirements; and,

6. Street trees shall be provided consistent with LDC Section 4.2.30.a.1.a

d) Where sidewalks on streets abut common areas, drainageways, or other publicly owned areas, or where off-site street extensions are required and sufficient right-of-way exists, the sidewalks and planted areas shall be installed with street improvements.

b. **Safe and Convenient Pedestrian Facilities** - Safe and convenient pedestrian facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this Section, safe and convenient means pedestrian facilities that are free from hazards and that provide a direct route of travel between destinations.

2. The following types of pedestrian walkways shall have a minimum 5-ft. paved width, and five ft. of landscaping provided on both sides of the facility, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Pedestrian walkways that are either more than 220 ft. long or serve more than 10 dwelling units shall have a wider paved width as specified in Section 4.0.40.c.

   a. Pedestrian walkways connecting Cul de sacs;

   b. Pedestrian walkway required to comply with the block perimeter requirements in Section 4.0.60.o.; and

   c. Other pedestrian walkways connecting two public rights-of-way, including multi-use paths and trails.

c. Where a development site is traversed by or adjacent to a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, improvement of the trail linkage shall occur concurrently with development. Dedication of the trail to the City shall be provided in accordance with Section 4.0.100.d.

d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrently with development.

f. Prior to development, applicants shall perform a site inspection and identify any Contractor Sidewalk/street Stamps, sidewalk prisms, horse rings, and iron curbs that will be impacted by the development. If such a feature exists, it shall either be left in its current state as part of the existing sidewalk or street, or incorporated into the new sidewalk or street for the development site, as close as possible to its original location and orientation. Iron curbs shall be retained unless required to be removed or modified to comply with mandatory ADA standards. In such instances, the iron curb shall only be removed or modified to the minimum extent necessary to comply with the ADA standards.

g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 4.0.30 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.0.40 - BICYCLE REQUIREMENTS

a. **On-street Bike Lanes** - On-street bike lanes shall be required on all Arterial, Collector, and Neighborhood Collector Streets and constructed at the time of street improvements.

b. **Safe and Convenient Bicycle Facilities** - Safe and convenient bicycle facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new Subdivisions, Planned Developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this Section, safe and convenient means bicycle facilities that are free from hazards and provide a direct route of travel between destinations.

2. Bicycle/pedestrian rights-of-way connecting Cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide. Maintenance of the paved improvement shall be the responsibility of adjacent property owners. Additionally, a minimum of five ft. of landscaping shall be provided on either side of these bicycle/pedestrian facilities, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Maintenance of the landscaping shall also be the responsibility of adjacent property owners.

c. **Widths for Pedestrian/Bicycle Facilities** - Adequate widths for pedestrian/bicycle facilities shall be provided in accordance with the following standards:

1. Where long term bicycle and pedestrian usage is expected to be relatively low, such as in a neighborhood rather than a community-wide facility, multi-use paths shall be eight ft. wide and aligned to ensure adequate sight distance.

2. The standard width for two-way multi-use paths shall be 10 ft.

3. In areas with projected high bicycle volumes or multiple use by bicyclists, pedestrians, and joggers, multi-use paths shall be 12 ft. wide.

d. To provide for orderly development of an effective bicycle network, bicycle facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 4.0.50 - TRANSIT REQUIREMENTS

a. Development sites located along existing or planned transit routes shall, where appropriate, incorporate transit stops and shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the Corvallis Transit System.

b. Development sites at or near existing or planned transit stops shall provide safe, convenient access to the transit system, as follows:

1. All Commercial and Civic Use developments shall provide a prominent entrance oriented toward Arterial, Collector, and Neighborhood Collector Streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.

2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of Section 4.0.30.b.

c. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured

Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

a. Traffic evaluations shall be required of all development proposals in accordance with the following:

1. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analyses for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA shall be submitted for review to the City Engineer. The proposed TIA shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. The applicant shall complete the evaluation and present the results with an overall site development proposal.

2. If the traffic evaluation identifies Level of Service (LOS) conditions less than the minimum standard established in the Corvallis Transportation Plan, improvements and funding strategies mitigating the problem shall be considered concurrently with a development proposal.

b. Location of new Arterial, Collector, and Neighborhood Collector Streets shall conform to the Corvallis Transportation Plan.

c. Although through-traffic movement on new Local Connector and Local Streets usually is discouraged, this may not be practical for particular neighborhoods. Local Connector or Local Street designations shall be applied in newly developing areas based on review of a street network plan and, in some cases, a traffic study provided with the development application. The decision regarding which of these designations will be applied is based on a number of factors, including density of development, anticipated traffic volumes, and the potential for through traffic.

Street network plans must provide for connectivity within the transportation system to the extent that, generally, both Local Connector and Local Streets will be created within a development. Identified traffic calming techniques, such as bulbed intersections, etc., can reduce traffic speeds and, where included, are to be constructed at the time of development. To further address traffic speeds and volumes on Local Connector and Local Streets, the following street designs, along

with other designs intended to reduce traffic speeds and volumes, shall be considered:

1. Straight segments of Local Connector and Local Streets should be less than .25 mile in length, and include design features such as curves and T intersections.

2. Cul-de-sacs should not exceed 600 ft. nor serve more than 18 dwelling units.

3. Street designs that include traffic calming, where appropriate, are encouraged.

d. Private streets, though discouraged in conjunction with Land Divisions, may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;

2. The development site remains in one ownership, or adequate mechanisms are established, such as a homeowners' association with the authority to enforce payment, to ensure that a private street installed with a Land Division will be adequately maintained;

3. Where a private street is installed in conjunction with a Land Division, development standards, including paving standards, consistent with City standards for public streets shall be used to protect the interests of future homeowners; and

4. The private street is located within a separate tract.

e. Development sites shall be provided with access from a public street or a private street that meets the criteria in "d," above, both improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrently with development. Where a development site abuts an existing private street not improved to City standards, and the private street is allowed per the criteria in "d", above, the abutting street shall meet all the criteria in "d", above and be improved to City standards along the full frontage of the property concurrently with development.

2. Half-width street improvements, as opposed to full-width improvements, are generally not acceptable. However, these may be approved by the Planning Commission or Director where essential to the reasonable development of the property. Approval for half-width street improvements may be allowed when other standards required for street improvements are met and when the Planning Commission or the Director finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-width street is developed.

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities, the Planning Commission or Director may require off-site street improvements concurrently with development.

f. To provide for orderly development of adjacent properties, public streets and private streets that meet all the criteria in "d", above, shall be installed concurrently with development of a site and shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement may be installed without turn-arounds, subject to the approval of the Fire Marshal.

2. Drainage facilities shall be provided to properly manage storm water run-off from temporary dead-ends.

g. The Planning Commission or Director may require the extension of public and private street improvements through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a Land Division incidental to the development, a land partition shall be completed concurrently with the development, in accordance with Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

h. Names for new streets shall not duplicate or create confusion with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and are subject to approval of the Director.

i. To provide off-street loading and/or access to parking areas, alleys shall be provided in Commercial and Industrial zones to serve abutting properties unless other permanent provisions are approved by the Planning Commission or Director.

j. Alley standards shall be as follows -

1. <u>Standards for Alleys Serving both Residential and Nonresidential Use Types</u>

   a) Alleys serving Residential Use Types shall be privately owned, with the exception of existing publicly owned alleys. Alleys serving nonresidential Use Types may be private, but are strongly encouraged to be public;

   b) Alleys shall be concrete and designed consistent with City Engineering Standards;

   c) Alleys shall be clearly marked to prohibit parking, unless designed to accommodate it;

d) An alley serving six or more dwelling units shall be contained within a separate, privately owned tract of land, and required setbacks shall be measured from the tract property lines of the alley;

e) Alleys shall be unobstructed at least to their minimum required width. Service areas provided adjacent to alleys shall not encroach into the alleys;

f) Site layouts of alleys may include, but are not limited to, straight alleys, T-shaped alleys, L-shaped alleys, etc.;

g) Although emergency access to structures is provided via streets the majority of the time, in cases where an alley provides required emergency access to a structure(s), the alley shall be a minimum of 20 ft. wide and have adequate turning radii on curves, Ts, and Ls, where needed, to accommodate emergency vehicles;

h) Developments that intend to have garbage pick-up services and/or loading facilities from alleys shall have adequate turning radii on curves, Ts, and Ls, where needed, to accommodate service vehicles and large trucks;

i) Public access easements shall be provided for all private alleys;

j) Private alleys shall be maintained by adjacent property owners, a property owners' association, or through a privately administered arrangement instituted by the developer. Maintenance responsibilities for private alleys shall be identified in deed restrictions filed with the Final Plat or prior to the issuance of final occupancy permits in cases where there is no plat to be filed; and

k) Utilities within alleys shall be placed underground.

2. <u>Additional Standards for Alleys Serving Residential Use Types</u> -

a) One-way alleys shall have a minimum width of 12 ft., and two-way alleys a minimum width of 16 ft. One-way alleys shall be clearly designed as one-way alleys and shall be signed accordingly;

b) Alley segments shall not exceed 350 ft.;

c) Street trees shall be provided on either side of the alley tract, outside the tract, at the rate of one tree per lot, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Such street trees are also required in cases where the Director approves an exception to the requirement for the alley to be in a separate tract, for infill developments less than two acres in size;

d) Structures other than garages may be located along the outside boundaries of alleys with no setback required, provided they do not interfere with either the circulation of vehicles into garages or visual clearance;

e) Garages accessed by one-way alleys shall be angled from the alley zero degrees to 45 degrees to assist with vehicle access and assist drivers in determining that the alley is one-way. Garages installed consistent with this requirement may be located along the outside boundaries of one-way alleys with no setback required. See Figure 4.0-1 - Garages Oriented to Alley at 45 Degrees, Thereby Allowing

Either a One-way Alley or a Two-way Alley with No Setback Required Between the Alley and the Garage and Figure 4.0-2 - Garages Oriented to Alley at Zero Degrees, Thereby Allowing a One-way Alley or a Two-way Alley with No Setback Required Between the Alley and the Garage; and

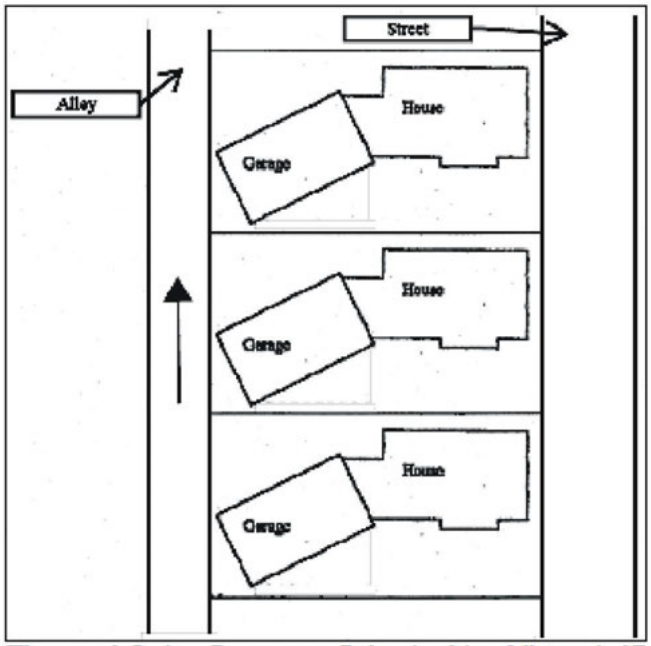

Figure 4.0-1 - Garages Oriented to Alley at 45 Degrees, Thereby Allowing Either a One-way Alley or a Two-way Alley with No Setback Required Between the Alley and the Garage

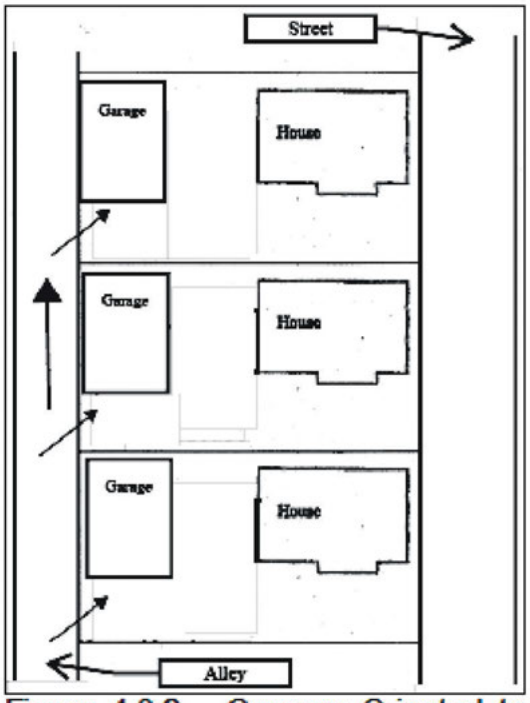

Figure 4.0-2 - Garages Oriented to Alley at Zero Degrees, Thereby Allowing a One-way Alley or a Two-way Alley with No Setback Required Between the Alley and the Garage

f) Garages adjacent to two-way alleys shall be located no closer than 14 ft. from the centerline of the alley unless they are angled from the alley zero degrees to 45 degrees, in which case they may be located along the outside boundaries of the alleys with no setback required. See Figure 4.0-1 - Garages Oriented to Alley at 45 Degrees, Thereby Allowing Either a One-way Alley or a Two-way Alley with No Setback

Required Between the Alley and the Garage and Figure 4.0-2 - Garages Oriented to Alley at Zero Degrees, Thereby Allowing a One-way Alley or a Two-way Alley with No Setback Required Between the Alley and the Garage

3. Additional Standards for Alleys Serving Nonresidential Use Types -Unless Specified Differently By the Underlying Zone -

a) One-way alleys shall have a minimum width of 12 ft., and two-way alleys a minimum width of 20 ft. One-way alleys shall be clearly designed as one-way alleys and shall be signed accordingly;

b) Parking may be provided on one side of an alley, but not on both sides. Where parking is provided on one side of a one-way alley, the alley shall be a minimum width of 14 ft., exclusive of parking;

c) Where parking is provided, it shall not interfere with service areas, utilities, or pedestrian facilities. Such parking may be 45-degree angled parking, parallel parking, or 90-degree parking, provided the parking stalls and related back-up areas are designed consistent with the City's Off-street Parking and Access Standards, established by and available through the City Engineer and amended over time. Rather than widen alleys to allow for adequate back-up areas for 90-degree parking stalls, applicants are encouraged to provide longer parking stalls; and

d) Where alleys provide access to parking lots or parking structures with 15 or more spaces, the alleys shall be a minimum of 20 ft. wide.

k. Location, grades, alignments, and widths for all public and private streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided that the safety and capacity of the street network is not adversely effected. The following standards shall apply:

1. Grading plans are required and shall demonstrate that the proposal does not contain any grade changes (cuts or fills) that are inconsistent with the provisions of Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Cut and fill is measured vertically from natural grade. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision. Streets shall be designed along natural contours.

2. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Corvallis Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.

3. Grades shall not exceed six percent on Arterial Streets, 10 percent on Collector and Neighborhood Collector Streets, and 15 percent on Local, Local Connector, and Cul-de-sac Streets.

4. As far as practicable, Arterial, Collector, and Neighborhood Collector Streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in T intersections are unavoidable, they shall leave a minimum of 200 ft. between the nearest edges of the two rights-of-way.

5. Local street intersections shall be located a minimum of 125 ft. from any other street intersection.

6. Centerline radii of curves shall not be less than 500 ft. on Arterial Streets; 300 ft. on Collector and Neighborhood Collector Streets; and 100 ft. on Local, Local Connector, and Cul-de-sac Streets.

7. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:

   a) The intersection of an Arterial, Collector, or Neighborhood Collector Street with another Arterial, Collector, or Neighborhood Collector Street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection;

   b) The intersection of a Local, Local Connector, or Cul-de-sac Street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection;

   c) Where right-angle intersections are not possible, exceptions may be granted by the City Engineer provided that intersections have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle; and

   d) All intersections shall have a minimum curb corner radius of 20 ft.

8. Right-of-way and improvement widths shall be as specified in the Transportation Plan and Table 4.0-1 - Street Functional Classification System.

9. Where streets must cross protected Natural Resources or Natural Hazards, street widths shall be minimized by providing no on-street parking and no planting strips between the curb and the sidewalk on either side of the street. Parking bays may be allowed, provided they do not exceed one space per dwelling unit and provided they do not cause the development to exceed the amount of development allowed by the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 -

Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

I. Where standards do not exist to address unusual situations, the Planning Commission or Director may require special design standards recommended by the City Engineer as Conditions of development Approval.

Table 4.0-1- Street Functional Classification System[1]

	Arterial Highway	Arterial	Collector	Neighborhood Collector	Local Connector	Local
Auto amenities (lane widths)[2]	2-5 Lanes (11 - 14 ft.)	2-5 Lanes (12 ft.)	2-3 Lanes (11 ft.)	2 Lanes (10 ft.)	2 Lanes (10 ft.)	Shared Surface
Bike amenities[3]	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (6 ft.)	Shared Surface	Shared Surface
Pedestrian amenities	2 Sidewalks (6 ft.) Ped. Islands	2 Sidewalks (5 ft.) Ped. Islands	2 Sidewalks (5 ft.)	2 Sidewalks (5 ft.)	2 Sidewalks (5 ft.)	2 Sidewalks (5 ft.)
Transit	Typical	Typical	Typical	Typical	Permissible/not typical	Permissible/not typical
Managed speed[4]	20 mph - 55 mph	25 mph - 45 mph	25 mph - 35 mph	25 mph	25 mph	15-20 mph
Curb-to-curb width[5] (two way)						
No on-street parking	34 ft - 84 ft.*	34 ft.-72 ft.	34 ft.-45 ft.	32 ft.	20 ft.*	20 ft.*
Parking one side	42 ft. - 84 ft.	NA	NA	40 ft.	28 ft.	25 ft.*
Parking both sides	50 ft. - 84 ft.	NA	NA	48 ft.	28-34 ft.	28 ft.
Traffic calming[6]		No	Permissible/ not typical	Typical	Permissible	Permissible
Preferred adjacent land use	High Intensity	High Intensity	Med. to High Intensity	Medium Intensity	Med. to Low Intensity	Low Intensity
Access control	Yes	Yes	Some	No	No	No
Turn lanes		Continuous and/or medians with ped. islands	Typical at intersections with Arterials or Collectors	Not typical	Not typical	Not typical
Planting strips[7&8]	Two - 12 ft. Except across areas of Natural Features	Two - 12 ft. Except across areas of Natural Features	Two - 12 ft. Except across areas of Natural Features	Two - 12 ft. Except across areas of Natural Features	Two - 6 ft. Except across areas of Natural Features	Two - 6 ft.[7] Except across areas of Natural Features[7&8]
Through-traffic connectivity		Primary function	Typical function	Typical function	Permissible function	Permissible function

1. These standards do not preclude the flexibility currently allowed through the Planned Development process in Chapter 2.5 - Planned Development.

2. Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. On Arterial and Collector roadways, an absolute minimum for safety concerns is 10 ft. Such minimums are expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width.

3. An absolute minimum width for safety concerns is five ft., which is expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width. Parallel multi-use paths in lieu of bike lanes are not appropriate along the Arterial-Collector system due to the multiple conflicts created for bicycles at driveway and sidewalk intersections. In rare instances, separated (but not adjacent) facilities may provide a proper function.

4. Arterial Highway speeds in the Central Business or other Commercial zones in urban areas may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.

5. Street design for each development shall provide for emergency and fire vehicle access. Street widths of less than 28 ft. shall be applied as a development condition through the Subdivision process in Chapter 2.4 - Subdivisions and Major Replats and/or the Planned Development process in Chapter 2.5 - Planned Development. The condition may require the developer to choose between improving the street to the 28-ft. standard or constructing the narrower streets with parking bays placed intermittently along the street length. The condition may require fire-suppressive sprinkler systems for any dwelling unit more than 150 ft. from a secondary access point. * To be applied in RS-9 and lesser zones.

6. Traffic calming includes such measures as bulbed intersections, speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials and is addressed in the Transportation Plan.

7. Through the Planned Development Review Process, the planting strip along Local Streets and around the bulbs of Cul-de-sacs may be reduced or eliminated.

8. Where streets must cross protected Natural Features, street widths shall be minimized by providing no on-street parking and no planting strips between the curb and the sidewalk on either side of the street.

m. Designated Shopping Streets associated with Minor and Major Neighborhood Centers shall adhere to the following standards -

1. Prior to designation of a Shopping Street, the applicant shall submit a traffic analysis of the proposal in accordance with the requirements of Section 4.0.60.a and the City Engineer.

2. Shopping Streets may include streets falling within the categories in "a," and "b," below. See also Table 4.0-2 - Shopping Street Standards for specific elements required with Shopping Streets.

   a) City Streets - Functional classifications as follows:

1)	Local	existing or proposed
2)	Local Connector	existing or proposed
3)	Neighborhood Collector	existing or proposed
4)	Collector	existing or proposed
5)	Arterial (for Neighborhood Center Zones developed prior to December 31, 2006)	existing

   b) Private Streets - Designed to City street standards for either the Local or Local Connector and for Shopping Streets as provided by this Section. For purposes of other development standards, such as setback requirements, private Shopping Streets shall provide the same features as required for public streets. However, the City shall not be responsible for maintenance of private Shopping Streets, and the applicant and/or owner shall be responsible for construction of the private Shopping Street and its maintenance in accordance with the standards herein. Private streets as provided by this Section shall have public access easements recorded and shall be platted in a separate tract per Section 4.0.60.d.4 .

3. Street Connectivity - Designated Shopping Streets, whether City streets or private streets, shall provide direct connections to adjacent public and private streets and neighborhoods where practicable.

4. The following development and design standards shall apply to streets designated as Shopping Streets:

   a) Auto Amenities - Auto lane widths shall comply with Table 4.0-1 - Street Functional Classification System and Table 4.0-2 - Shopping Street Standards. Shopping Streets should not include more than two travel lanes, excluding turn lanes as required or consistent with Section 4.0.60. However, applicants or the City may propose

Shopping Street designations for streets with more than two travel lanes as part of Master Site Plans for Neighborhood Centers.

b) Length of Shopping Streets - A Shopping Street should be no more than two blocks in length in accordance with the Block Perimeter requirements in Section 4.0.60.o and Chapter 4.10 - Pedestrian Oriented Design Standards.

c) Bike Amenities - Shared surface with auto traffic lanes is acceptable on Local and Local Connector Streets. Bike lanes shall be required on new Neighborhood Collector, Collector, and Arterial Streets except on Neighborhood Collectors where angled parking has been allowed.

d) Transit - Transit amenities consistent with the Corvallis Transit Master Plan are encouraged along Shopping Streets.

e) Managed Speed - Speeds along Shopping Streets shall be in conformance with Table 4.0-1 - Street Functional Classification System, and generally should be no greater than 25 mph. In situations where limitations of site development warrant, streets with higher established speed limits may be designated as Shopping Streets.

f) On-street Parking - On-street parking is required along newly constructed Shopping Streets and shall be maintained where already existing. Parallel parking is required where on-street bike lanes are provided or required. Angled parking is typical, and parallel parking is allowed, on Local and Local Connector Streets and allowed on Neighborhood Collector Streets designated as Shopping Streets where bicycle safety is ensured through lower traffic volumes or speeds. On-street ADA parking spaces may be designed as 90 degree spaces for better accessibility.

An exception to the requirement for on-street parking along newly constructed Shopping Streets is allowed in specific areas where a pedestrian park or plaza extends into the area that would otherwise be required to be on-street parking, provided the pedestrian park or plaza meets or exceeds all the thresholds in Sections 4.10.70.05.a.3(a-e) and Section 4.10.70.05.a.4. In this situation, the on-street parking would continue to be located on parts of the Shopping Street where the described pedestrian park or plaza was not present.

g) Curb-to-curb Width - Curb-to-curb widths shall be consistent with Table 4.0-1 - Street Functional Classification System, and shall be determined on a case-by-case basis with an emphasis on the minimum width necessary to accommodate transportation needs and on the creation of a quality pedestrian environment.

h) Traffic Calming - Bulbed intersections on Shopping Streets are required. Other traffic calming measures, including speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials are encouraged when shown to be appropriate in a traffic evaluation. Any traffic calming shall be approved by the City Engineer and City Fire Chief.

i) Access Control - Access control shall be required, consistent with Table 4.0-1 - Street Functional Classification System.

j) Planting Strips/Street Trees - Planting strips are discouraged along Shopping Streets. Street tree wells shall be provided and placed at a minimum of every 20 ft. in conformance with requirements in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Street trees at maturity shall be pruned to awning height, with tree canopies extending above awnings.

Table 4.0-2 - Shopping Street Standards				
		Collector	**Neighborhood Collector**	**Local and Local Connector**
New Development	**On-street Parking**	Required	Required	Required
	Angled or Parallel Parking	Not Allowed	Permissible	Required per Section 4.0.60.m.4(f)
	Bike Lanes	Required	Required, if no parking	Shared street
	Curb Extensions	Required	Required	Required
	Mid-block Crossings	Required	Required	Required
	Other Traffic Calming	Permissible, but not required	Required	Required
	Managed Speed	25	20-25	15-20
	Pedestrian Facilities	Wide Sidewalks	Wide Sidewalks	Wide Sidewalks
		Collector	**Neighborhood Collector**	**Local and Local Connector**
Redevelopment	**On-street Parking**	Allowed	Required	Required
	Angled or Parallel Parking	Not allowed	Permissible, if no existing bike lane	Required per Section 4.0.60.m.4(f)
	Bike Lanes	Required	Required, except where parking is allowed	Shared street
	Curb Extensions	Required	Required	Required
	Mid-block Crossings	Required	Required	Required
	Other Traffic Calming	Permissible, but not required	Required	Required
	Managed Speed	25	20-25	15-20
	Pedestrian Facilities	Wide Sidewalks	Wide Sidewalks	Wide Sidewalks

k) Sidewalk Width - Sidewalks along Shopping Streets shall be a minimum width of 12 ft.

l) Pedestrian Oriented Intersections - Street intersections along Shopping Streets shall contain:

1) Crosswalks that are clearly marked with contrasting paving materials. Raised crosswalks or raised intersections may be required as traffic calming measures, subject to standards specified by the City Engineer;

2) Bulbed intersections; and

3) Other pedestrian amenities approved by the City Engineer.

m) Facades - Ground-floor facades that face Shopping Streets shall comply with Chapter 4.10 - Pedestrian Oriented Design Standards.

5. An exception to the requirements of this Section may be granted if, through a Planned Development process consistent with Chapter 2.5 - Planned Development, or a legislative process consistent with or 2.0 - Public Hearings, a site is determined to appropriately provide mixed use opportunities and services to the affected Comprehensive Neighborhood.

n. Downtown / Monroe Avenue Street Design Standards

1. **Applicability** - The following minimum design standards shall apply to streets that abut property zoned Central Business (CB) and Riverfront (RF), and NW Monroe Street between NW 14th and NW 26th Street.

2. These streets shall be consistent with the provisions in LDC Sections 4.0.60.k.1-7, and 9. Right-of-way and minimum improvement widths shall be as specified in Table 4.0-3 - Downtown / Monroe Avenue Street Standards.

Table 4.0-3- Downtown / Monroe Avenue Street Standards[1, 5, 8]				
	Arterial Highway	**Arterial**	**Collector**	**Local**
Auto amenities (lane widths)[2]	3 Lanes (12 ft.)	2-3 Lanes	2 Lanes (11 ft.)	2 Lanes (10 ft.)
Bike amenities[3]	Bike Lanes (6 ft.)[6]	Bike Lanes (6 ft.)[6, 9]	Bike Lanes (6 ft.)[6, 9]	N/A
Pedestrian amenities[4]	2 Sidewalks with tree wells (11 ft.)	2 Sidewalks with tree wells (11 ft.)	2 Sidewalks with tree wells (11 ft.)[7]	2 Sidewalks with tree wells (11 ft.)
Auto Parking	Parking aisles (8 ft.)	Parking aisles (8 ft.)	Parking aisles (8 ft.)[7]	Parking aisles (parallel 8 ft., angled 19 ft.)

1. These standards do not preclude the flexibility currently allowed through the Planned Development process in Chapter 2.5 - Planned Development.

2. Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. On Arterial and Collector roadways, an absolute minimum for safety concerns is 10 ft. Such minimums are expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width.

3. An absolute minimum width for safety concerns is five ft., which is expected to occur only in locations where existing development along an established sub-standard route or other severe physical constraints preclude construction of the preferred facility width. Parallel multi-use paths in lieu of bike lanes are not appropriate along the Arterial-Collector system due to the multiple conflicts created for bicycles at driveway and sidewalk intersections. In rare instances, separated (but not adjacent) facilities may provide a proper function.

4. Tree wells shall be constructed consistent with detail TBD.

5. Where existing streets are proposed to have a reduced curb to curb width, prior approval shall be required by the City Engineer.

6. One way streets shall only be required to provide 1 bike lane.

7. On Monroe Avenue, between 14th Street and 26th Street, sidewalks shall be 10 ft. wide with tree wells, and only 1 (8 ft.) parallel parking aisle is required.

8. Where adequate right-of-way exists, the required improvements in this table may be modified to the satisfaction of the City Engineer.

9. On streets where sharrows have been approved, bike lanes may not be required.

o. Block Perimeter Standards - The following block perimeter standards apply to development projects, as described below. The block perimeter standards do not apply to development projects that are two acres or less in size, and situated in areas where the street patterns are established. However, the other street connectivity requirements in LDC Section 4.0.60 do apply.

1. Residential Standards -

a) Complete Blocks - Developments shall create a series of complete blocks bound by a connecting network of public or private streets with sidewalks.

b) Maximum Block Perimeter - The maximum block perimeter shall be 1,200 ft. Block faces greater than 300 ft. shall have a through-block pedestrian connection.

c) Multi-dwelling Development of 20 or More Units on a Single Parcel of Land (underline) - Multi-dwelling development projects on a single parcel of land, and which have at least 20 dwelling units, shall create a series of complete blocks bound by either streets with sidewalks or by walkways. For blocks bound only by walkways, the walkways shall be contained within a public access easement and maintained by the adjacent property owner.

d) Variations Allowed Outright - The distances specified in "b," above, may be varied by up to 50 percent to minimize impacts to: slopes greater than 15 percent, public parks, Significant Natural Features, existing street and/or development patterns, and/or access management considerations, as determined by the City Engineer.

2. Commercial, Industrial and Civic Standards - The following standards shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites. Commercial, Industrial, and Civic zoning districts not identified in subsection "b," below, are exempt from the block perimeter standards.

a) Complete Blocks - Commercial developments shall create a series of complete blocks bound by a connecting network of public or private streets with sidewalks.

b) Maximum Block Perimeter - The maximum block perimeter shall be as follows:

Neighborhood Center and Professional and Administrative Office Zones	1,200 ft.	Block faces greater than 250 ft. shall have a pedestrian through-connection
Other Commercial Zones and Limited Industrial-Office Zone	1,500 ft.	Block faces greater than 400 ft. shall have a pedestrian through-connection
Mixed Use Employment and Mixed Use Transitional Zones	1,800 ft.	Block faces greater than 400 ft. shall have a pedestrian through-connection

c) Variations Allowed Outright - The distances specified in "b," above, may be varied by up to 50 percent to minimize impacts: slopes greater than 15 percent, public parks, Significant Natural Features, existing street and/or development patterns, and/or access management considerations, as determined by the City Engineer.

3. Variations Exceeding 50 Percent Subject to a Minor Lot Development Option (underline) - Variations exceeding 50 percent of the block distances specified

in “1.b” and “2.b,” above, may be allowed through a Minor Lot Development Option to minimize impacts to: slopes greater than 15 percent, public parks, Significant Natural Features, existing street and/or development patterns, and/or where access management would require less frequent spacing as determined by the City Engineer.

p. Direct access to Highway 20/34 shall be restricted to maintain the Highway’s carrying capacity and enhance its safety levels. This shall be achieved through the following requirements:

1. New or expanded development shall comply with the City’s Transportation and Access Strategy until adoption of the final version of the Oregon Department of Transportation’s Highway 20/34 Corridor Plan;

2. New or expanded development on sites within 0.25-mile of Highway 20/34 shall have direct access to a Local, Collector, and/or Neighborhood Collector Street, wherever practicable;

3. Collector and/or Neighborhood Collector Streets, rather than Local Streets or direct access from individual properties, should be used to access Highway 20/34. Access from Local Streets onto Highway 20/34 may be allowed where no connection to a Collector or Neighborhood Collector Street is available;

4. New or existing Local Street access to Highway 20/34 shall be restricted or eliminated where possible;

5. Full-street access points should be consolidated and spaced at no closer than 0.25-mile intervals along Highway 20/34;

6. Roadway connections between West Hills Road and Country Club Drive shall be provided consistent with the West Corvallis Access Strategy, which is outlined in the Corvallis Transportation Plan; and

7. New or expanded development shall comply with state highway access regulations and other accepted traffic engineering standards.

q. Multiple accesses to properties along Highway 20/34 and to related major streets shall be consolidated when:

1. Land uses develop, expand, intensify, and/or change;

2. Properties are consolidated and/or divided; and

3. Lot lines are adjusted.

r. Development shall include underground electric services, light standards, wiring and lamps for streetlights according to the specifications and standards of the City Engineer. The developer shall be responsible for installation of underground

conduit for street lighting along all public streets improved in conjunction with such development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles.

2. The streetlight plan shall be designed to provide illumination meeting standards set by the City Engineer.

3. The standard street light installation is a wood pole.

The developer shall install such facilities and make the necessary arrangements with the serving electric utility for the City-owned and operated street lighting system to be served at the lowest applicable rate available to the City. Upon City's acceptance of such development improvements, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the City.

[Section 4.0.60 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.0.70 - PUBLIC UTILITY REQUIREMENTS (OR INSTALLATIONS)

a. All development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights.

b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrently with development.

c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrently with development.

d. To provide for orderly development of adjacent properties, public utilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. All required public utility installations shall conform to the City's adopted facilities master plans.

f. Private on-site sanitary sewer and storm drainage facilities may be allowed, provided all the following conditions exist:

1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;

2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and

3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Assistance Center prior to commencement of work.

g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 4.0.80 - PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure that public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, before installing public water, sanitary sewer, storm drainage, streetlights, street, transit, bicycle, or pedestrian improvements, developers shall contact the City Engineer for information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements.

Whenever any work is done contrary to the provisions of this Code, the Director may order the work stopped via a written notice served on the persons performing the work or otherwise in charge of the work. The work shall stop until the Director authorizes that it proceed or authorizes corrective action to remedy existing substandard work.

Section 4.0.90 - FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements that the City has with providers of electrical power, telecommunication, cable television, and natural gas services, hereafter referred to as Franchise Utilities.

a. Where a Land Division is proposed, the developer shall provide Franchise Utilities to the development site. Each lot in a Subdivision shall have an individual service available or secured prior to approval of the Final Plat, in accordance with Section 2.4.40 of Chapter 2.4 - Subdivisions and Major Replats.

b. Where necessary and in the judgement of the Director, Franchise Utilities shall be extended through the site to the edge of adjacent property(ies) to provide for orderly development of adjacent properties.

c. The developer shall have the option of choosing whether to provide natural gas or cable television service to the development site, provided that all of the following conditions exist:

1. Extension of Franchise Utilities through the site is not necessary for the future orderly development of adjacent property(ies);

2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and

3. The development is nonresidential.

d. Where a Land Division is not proposed, the site shall be provided with Franchise Utilities prior to occupancy of structures as required by this Section and in accordance with the provisions of Section 2.4.40.12 of Chapter 2.4 - Subdivisions and Major Replats.

e. All Franchise Utility distribution facilities installed to serve new development shall be placed underground except as provided below.

1. Poles for traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts; and

2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

f. The developer shall be responsible for making necessary arrangements with Franchise Utility providers for provision of plans, timing of installation, and payment for services installed. Plans for Franchise Utility installations and plans for public improvements shall be submitted together to facilitate review by the City Engineer.

g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

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. In areas where such a utility easement is not compatible with the existing development pattern, the Director may require that the utility easement be placed in an alternate location, as recommended by the City Engineer and affected utility companies.

c. Where a development site is traversed by a drainageway or water course, improvements shall be in accordance with the Corvallis Storm Water Master Plan and the Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

d. Where a development site is traversed by, or adjacent to, a future trail linkage identified in the Corvallis Transportation Plan or the Trails Master Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, based on the appropriate standard for the type of trail facility involved.

e. Where street, trail, utility, or other rights-of-way and/or easements in or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.

f. Easements or dedications required in conjunction with Land Divisions shall be recorded on the Final Plat. For developments not involving a Land Division, easements and/or dedications shall be recorded on standard forms provided by the City Engineer.

g. Environmental assessments shall be provided by the developer (grantor) for all lands to be dedicated to the public or City. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands, in accordance with the following:

1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of this information, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. If further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor, as described in “2," below.

2. Level I Environmental Assessments shall include data collection, site reconnaissance, and report preparation. Data collection shall include review of Oregon Department of Environmental Quality records, City and County fire

department records, interviews with agency personnel regarding citations or enforcement actions issued for the site or surrounding sites that may impact the site, review of available historic aerial photographs and maps, interviews with current and available past owners of the site, and other data as appropriate.

Site reconnaissance shall include a walking reconnaissance of the site to check for physical evidence of potentially hazardous materials that may impact the site. Report preparation shall summarize data collection and site reconnaissance, assess existing and future potential for contamination of the site with hazardous materials, and recommend additional testing if there are indications of potential site contamination. Level I Environmental Assessment reports shall be signed by a registered professional engineer.

3. If a Level I Environmental Assessment concludes that additional environmental studies or site remediation are needed, no construction permits shall be issued until those studies are submitted and any required remediation is completed by the developer and/or owner. Additional environmental studies and/or required remediation shall be at the sole expense of the developer and/or owner. The City reserves the right to refuse acceptance of land identified for dedication to public purposes if risk of liability from previous contamination is found.

h. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 4.0.100 amended by Ordinance 2012-16, effective December 13, 2012]

Section 4.0.110 - MAIL DELIVERY FACILITIES

a. Placement of mail delivery facilities shall consider locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements. Where mail delivery facilities are being installed in conjunction with a Land Division, their placement shall be indicated on the plans for public improvements and meet the approval of the City Engineer and the U.S. Post Office.

b. Where mail delivery facilities are proposed for installation in areas with an existing or future curbside sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.

c. Mail delivery facilities and associated sidewalk transitions, when sidewalk transitions are necessary, around these facilities shall conform with the City's standard construction specifications. Mailboxes shall conform with the U.S. Post Office standards for mail delivery facilities.

d. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

Section 4.0.120 - PONDING AREAS AND FLOOD HAZARDS

Ponding and flood hazards inside Special Flood Hazard Areas shall comply with the provisions in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions. For ponding or flood hazards outside Special Flood Hazard Areas, the following shall apply:

a. Areas subject to ponding of surface water or flooding shall not be developed until necessary measures have been taken to mitigate the situation. Such measures may be required by the Planning Commission or the Director as conditions of development approval.

b. The developer shall submit proposed mitigation measures to the City Engineer for review. The City Engineer shall report to the Planning Commission or the Director on the adequacy of the proposed mitigation measures.

c. Existence of a ponding area or flood hazard may be cause for revision of the development proposal or denial of the requested development.

4.0.130 - STORM WATER MANAGEMENT MEASURES

a. To reduce the risk of causing downstream properties to become flooded and to help maintain or restore the Properly Functioning Conditions of receiving waters, new development, expansions to existing development, or redevelopment shall be required to provide storm water detention and retention in accordance with “b,” of this Section.

b. **When Detention and/or Retention are Required** - See also Section 4.2.50.04 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

1. New development projects that create impervious surfaces in excess of 25,000 sq. ft. are required to implement storm water detention and/or retention measures as specified in the Corvallis Design Criteria Manual. Impervious surfaces include such elements as roads, driveways, parking lots, walks, patios, and roofs, etc. Detention facilities shall be designed to maximize storm water infiltration. Detention or retention facilities shall be located outside the 10-year Floodplain or the riparian easement area, whichever is greater. The riparian easement area is identified in Section 4.13.70 of Chapter 4.13 - Riparian Corridor and Wetland Provisions, and this

standard shall apply regardless of whether or not an easement has been granted.

2. Expansion and Redevelopment -

a) Development projects that create new or redeveloped impervious area totaling at least 10,000 sq. ft. and resulting in at least 25,000 sq. ft. of post-development impervious area are required to implement storm water detention and/or retention measures for the new and redeveloped impervious area as specified in the Corvallis Design Criteria Manual. Redeveloped impervious area consists of roof area and replaced impervious area, minus any reduction in overall impervious area, associated with substantial improvement or replacement of structures.

b) Detention facilities shall be designed to maximize storm water infiltration. Detention or retention facilities shall be located outside the 10-year Floodplain or the riparian easement area, whichever is greater. The riparian easement area is identified in Section 4.13.70 and this standard shall apply regardless of whether or not an easement has been granted.

c) Pre-developed runoff conditions for redeveloped impervious area shall assume a runoff pattern based on good condition grass and the corresponding native hydrologic soil group for the site. Detention shall not be required beyond the point at which gravity flow to the existing abutting storm drainage system cannot be feasibly maintained, as determined during development plan review.

3. Exemptions to Storm Water Detention Requirements -

a) Properties east of the Marys 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 or piped 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 Marys River or Willamette River and the need for quick dispersion of storm water.

b) Properties subject to Section 4.0.130.b.2, above, may subtract the square footage of underground parking or of each level of structured parking from the square footage subject to detention requirements.

4. Storm water facilities south of Goodnight Avenue shall be constructed in accordance with the requirements of the South Corvallis Drainage Master Plan.

c. Use of water quality features shall be consistent with the Corvallis Design Criteria Manual. Water quality features within the regulated Riparian Corridor shall be

located outside of the applicable riparian easement area. The riparian easement shall be re-vegetated consistent with Sections 4.13.50.d.1 and 4.13.50.d.2 of Chapter 4.13 - Riparian Corridor and Wetland Provisions.

d. Use of infiltration systems is allowed consistent with the Corvallis Design Criteria Manual.

[Section 4.0.130 amended by Ordinance 2012-16, effective December 13, 2012]

Section 4.0.140 - ROUGH PROPORTIONALITY

If an applicant intends to assert that it cannot legally be required, as a condition of Building Permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the Building Permit or site plan review application shall include a rough proportionality report in accordance with the provisions of Section 1.2.120 of Chapter 1.2 - Legal Framework.

CHAPTER 4.1
PARKING, LOADING, AND ACCESS REQUIREMENTS

Section 4.1.10 - PURPOSES

The regulations in this Chapter are established to provide appropriate location and design of parking and loading areas and appropriate location, design, and capacity of accesses. The parking requirements are intended to provide sufficient parking in close proximity to the various Uses for residents, customers, and/or employees; and to maintain traffic carrying capacity of nearby streets. These regulations apply to both motorized vehicles, hereafter called vehicles, and bicycles.

Section 4.1.20 - GENERAL PROVISIONS

a. **Provision and Maintenance** - The provision of required off-street parking for vehicles and bicycles, and loading facilities for vehicles, is a continuing obligation of the property owner. Building or other Permits will only be issued after receipt of site plans drawn to a suitable scale and showing the location of permanent parking and loading facilities. New vehicle and bicycle parking spaces shall be provided in accordance with the provisions of this Code.

b. **Unspecified Requirements** - Vehicle and bicycle parking requirements for Uses not specified in this Chapter shall be determined by the Director based upon the requirements of similar Uses.

c. **New Structures** - When a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 4.1.30 below.

d. **Alteration of Existing Nonresidential Structures** - When an existing structure is altered to the extent that the existing Nonresidential Use is intensified, vehicle and bicycle parking shall be provided in the amount required for such intensification.

When increased intensity requires no more than two additional vehicle and/or bicycle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative, and when the net effect of one or more changes generates a need for more than two spaces, they shall be provided in accordance with the provisions of this Chapter. Additional spaces shall be required for the intensification but not for the original Use. New vehicle and bicycle parking spaces shall be provided in accordance with the provisions of this Code.

e. **Change in Nonresidential Uses** - No additional parking shall be required when an existing structure is changed from one Nonresidential Use Type to another, as listed in Section 4.1.30, and the vehicle and bicycle parking requirements for each Use Type are the same. When the change in Use requires no more than two additional vehicle and/or bicycle spaces, no additional parking facilities shall be required. However, where a change in Use results in a requirement for more than two

additional vehicle and/or bicycle parking spaces, additional parking space shall be provided to compensate for the increased intensity of Use. New vehicle and bicycle parking spaces shall be provided in accordance with the provisions of this Code.

f. **Inoperative Motor Vehicles** - In any residential zone, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a completely screened space, garage, or carport.

g. **Mixed Uses** - When several Uses occupy a single structure or lot, the total required vehicle and bicycle parking shall be the sum of the requirements of individual Uses. Exceptions to this provision for shared parking may be considered through the Planned Development process outlined in Chapter 2.5 - Planned Development.

h. **Conflicting Parking Requirements** - When a building or Use is planned or constructed in such a manner that more than one standard is applicable, the Use that requires the greater number of parking spaces shall govern.

i. **Availability of Parking Spaces** - Required vehicle and bicycle parking spaces shall be unobstructed, and available for parking of vehicles and bicycles of residents, customers, patrons, and employees only. Required spaces shall not be used for storage of vehicles or materials, or for parking of vehicles or bicycles used in conducting the business or conducting the Use, and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

j. **Location of Required Parking** -

1. <u>Vehicles</u>

a) Vehicle parking shall be located consistent with Chapter 4.10 - Pedestrian Oriented Design Standards, such that it does not separate buildings from streets except for driveway parking associated with single-family development. An exception may also be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided that these spaces are within driveway areas designed to serve individual units in the Duplexes and Triplexes, consistent with Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes. Parking to the side of buildings is allowed in limited situations, as outlined in Chapter 4.10 - Pedestrian Oriented Design Standards.

b) Vehicle parking required for Residential Uses in accordance with RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9U, RS-12, and RS-12U Zone provisions shall be provided on the development site of the primary structure. Except where permitted by sections 4.1.30.g.4 and 4.1.50.02 below, required parking for all other Use Types in other zones, as well as Residential Uses developed in accordance with RS-20 and MUR provisions, shall be provided on the same site as the Use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on Arterial, Collector, and

Neighborhood Collector Streets, where a controlled intersection is not within 100 ft. of the subject property.

2. Bicycles - Bicycle parking required for all Use Types in all zones shall be provided on the development site in accordance with Section 4.1.70, below.

k. Unassigned Parking in Residential Zones -

1. Vehicles - Multi-dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants within the development.

2. Bicycles - Multi-dwelling units with more than 10 required bicycle parking spaces shall provide bicycle shared parking. The shared parking shall consist of at least 15 percent of the total required parking spaces, to be located such that they are available for shared use by all occupants within the development.

l. Bedroom Size Determination - Multi-dwelling units having a bedroom in excess of 160 sq. ft. shall provide added vehicle and bicycle parking of 0.5 parking spaces per oversized bedroom.

m. Fractions - When the calculated sum of the required vehicle and/or bicycle parking spaces includes a fraction equal to or greater than one half of a space (0.5 or more), a full space shall be required. If the fraction is less than 0.5, an additional space shall not be required.

n. Downtown Parking Assessment District Exemption - Sites and structures located in a municipal parking assessment district shall not be subject to off-street parking facility requirements for vehicles. The Downtown Parking District, which is Off-street Parking Assessment District #1, is shown in Figure 4.1-1 - Downtown Parking Assessment District.

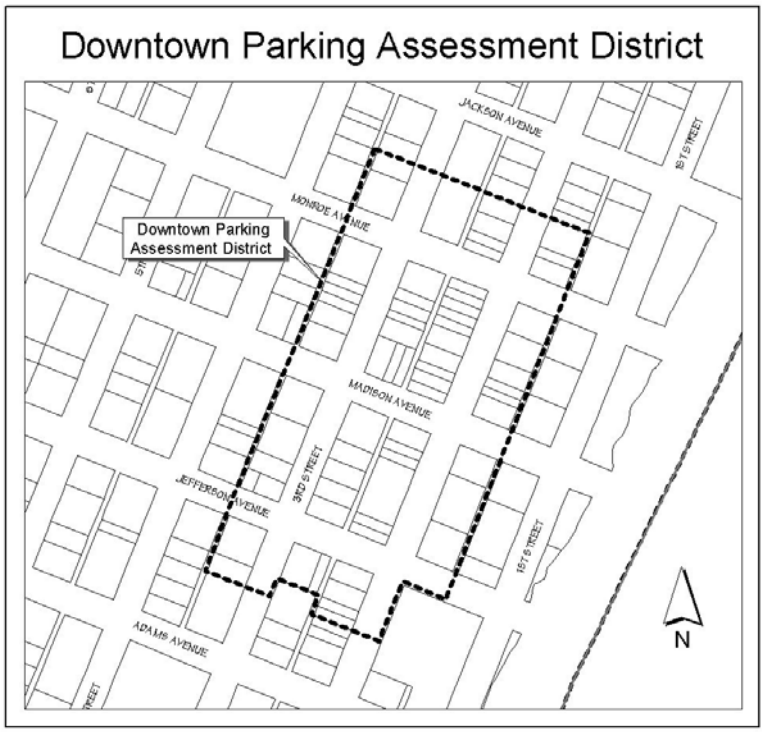

Figure 4.1-1 - Downtown Parking Assessment District

o. **Maximum Parking Allowed** - No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30, below, except as provided in "p," below, and in Section 4.1.30.g.3.b.

p. **Structured Parking Required** - For commercial, office, and industrial development with vehicle parking in excess of the minimum required, up to 200 unstructured vehicle parking spaces shall be allowed for each of the first three stories of structures within the development site, not to exceed the maximum parking allowed in "o," above. All non-required vehicle parking in excess of the 200 per story shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below. When multiple structures are located on an individual development site, the parking associated with each floor of all structures on the development site shall be added together when calculating the threshold of 200 spaces per story in this provision. For this Section, required handicapped spaces do not count toward the minimum parking requirement.

q. **Parking Reduction Allowed** -

1. A reduction of up to 10 percent of required vehicle parking may be allowed if a transit stop, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft.

2. A reduction of up to 10 percent of required vehicle parking may be obtained through the provision of bicycle parking as follows:

   a) For every eight required bicycle parking spaces, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction; or

   b) For every four additional bicycle parking spaces provided over the minimum requirement, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction. Fifty percent of these additional bicycle parking spaces shall be covered, consistent with Section 4.1.70.d.1.

   Additional reductions of vehicle parking spaces may be granted through the procedures in Chapter 2.12 - Lot Development Option or Chapter 2.5 - Planned Development.

r. **Handicapped Parking Exception** - Required handicapped spaces do not count toward the maximum parking spaces allowed pursuant to Sections 4.1.20.o and 4.1.20.p, above.

s. **Compliance with Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources Provisions** - Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain

Development Permit, Chapter 4.2- Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

[Section 4.1.20 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

a. Residential Uses Per Building Type -

1. Single Detached and Manufactured Homes -

   a) Vehicles - Two spaces per dwelling unit.

   b) Bicycles - None required.

2. Single Attached - Zero Lot Line

   a) Vehicles -

      1) One, Two, or Three-bedroom Unit - Two spaces per unit.
      2) Four-bedroom Unit - 3.5 spaces per unit.
      3) Five-bedroom Unit - 4.5 spaces per unit.

   b) Bicycles -

      1) Studio or Efficiency Unit - One space per unit.
      2) One-bedroom Unit - One space per unit.
      3) Two-bedroom Unit - 1.5 spaces per unit.
      4) Three-bedroom Unit - Two spaces per unit.
      5) Four-bedroom Unit - Three spaces per unit.
      6) Five-bedroom Unit - Four spaces per unit.

3. Single Detached with more than one dwelling unit on a single lot, Duplex, Attached, and Multi-dwelling -

   a) Vehicles -

      1) Studio or Efficiency Unit - One space per unit.
      2) One-bedroom Unit - One space per unit.

3)	Two-bedroom Unit	-	1.5 spaces per unit.
4)	Three-bedroom Unit	-	2.5 spaces per unit.
5)	Four-bedroom Unit	-	3.5 spaces per unit.
6)	Five-bedroom Unit	-	4.5 spaces per unit.

b) Bicycles -

1)	Studio or Efficiency Unit	-	One space per unit.
2)	One-bedroom Unit	-	One space per unit.
3)	Two-bedroom Unit	-	1.5 spaces per unit.
4)	Three-bedroom Unit	-	Two spaces per unit.
5)	Four-bedroom Unit	-	Three spaces per unit.
6)	Five-bedroom Unit	-	Four spaces per unit.

The required bicycle parking may be located within a structure, in accordance with the provisions of Section 4.1.70.

4. Group Residential -

a) Vehicles -

1) Fraternities, Sororities, Cooperatives, and Boarding Houses - Three spaces per five occupants at capacity, with capacity to be based on criteria set forth in the Oregon Structural Specialty Code.

2) Retirement Homes, Intermediate Care Facilities, and Halfway Houses - One space per three persons for which sleeping facilities are provided, based on the maximum number of people to be accommodated.

b) Bicycles -

1) Fraternities, Sororities, Cooperatives, and Boarding Houses - Three spaces per five occupants at capacity, with capacity to be based on criteria set forth in the Oregon Structural Specialty Code.

2) Retirement Homes, Intermediate Care Facilities, and Halfway Houses - 10 percent of required vehicle parking, or two spaces, whichever is greater.

5. Group Care -

a) Vehicles - One space per 1,000 sq. ft. of gross floor area.

b) Bicycles - 10 percent of required vehicle parking, or two spaces, whichever is greater.

b. Civic Use Types -

Unless noted otherwise, number of spaces refers to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or two bicycle spaces, whichever is greater. However, where fewer than three vehicle spaces are required, then only one bicycle parking space shall be required.

1. Administrative Services - One space per 400 sq. ft. of gross floor area.

2. Community Recreation Buildings - One space per 200 sq. ft. of gross floor area.

3. Cultural Exhibits and Library Services -

   a) Vehicles - One space per 200 sq. ft. of gross floor area.

   b) Bicycles - 30 percent of required vehicle parking.

4. Day Care/Small Schools - Two spaces per classroom.

5. Hospitals - One space per 1,000 sq. ft. of gross floor area.

6. Lodge, Fraternal, and Civic Assembly -

   a) Areas Without Eating or Drinking Facilities - One space per four fixed seats or stools, and 24 lineal in. of bench shall be considered one seat.

   b) Areas With Eating or Drinking Facilities - One space per four fixed seats or stools and one space per 50 sq. ft. of dining or drinking area where there are no fixed seats.

7. Public Safety Services - Two spaces per bed for sleeping accommodation areas, or as per Administrative Services requirements.

8. Religious Assembly - One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. of public assembly area where there are no fixed seats.

9. Schools -

   a) Vehicles -

1)	Preschool/Kindergarten	Two spaces per teacher
2)	Elementary	Two spaces per classroom

3)	Middle School/Junior High	Three spaces per classroom
4)	Senior High, Vocational (or similar institutions), or University	Six spaces per classroom

b) Bicycles -

1)	Preschool/Kindergarten	10 percent of required vehicle parking
2)	Elementary	Eight spaces per classroom
3)	Middle School/Junior High	Eight spaces per classroom
4)	Senior High	Eight spaces per classroom
5)	Vocational (or similar institutions), or University	Eight spaces per classroom, plus 25 percent of required vehicle parking

10. Social Services Facility - One space per 400 sq. ft. of gross floor area.

c. Commercial Use Types (for accompanying office and indoor service areas) -

Unless noted otherwise, number of spaces refers to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or two bicycle spaces, whichever is greater. However, where fewer than three vehicle spaces are required, then only one bicycle parking space shall be required.

1. Administrative and Professional Services - One space per 400 sq. ft.

2. Agricultural Sales - One space per 400 sq. ft. of gross floor area for accompanying office and indoor service area.

3. Agricultural Services - One space per 400 sq. ft. of gross floor area.

4. Animal Sales and Services -

a) Auctioning - One space per 50 sq. ft. of gross floor area.

b) Grooming - One space per 400 sq. ft. of gross floor area.

c) Horse Stables - Exempt.

d) Kennels - Exempt.

e) Stockyards - One space per 5,000 sq. ft. of gross floor area.

f) Veterinary - One space per 400 sq. ft. of gross floor area.

5. Automotive and Equipment -

a) Cleaning - One space per 400 sq. ft. of gross floor area.

b) Fleet Storage - One space per 400 sq. ft. of storage area.

c) Repairs/Heavy Equipment - One space per 800 sq. ft. of gross floor area.

d) Repairs/Light Equipment - One space per 400 sq. ft. of gross floor area.

e) Sales/Rentals, Farm Equipment - One space per 500 sq. ft. of gross floor area.

f) Sales/Rentals, Heavy Equipment - One space per 800 sq. ft. of gross floor area.

g) Sales/Rentals, Light Equipment - One space per 400 sq. ft. of gross floor area.

h) Storage, Nonoperating Vehicles - One space per 400 sq. ft. of gross floor area.

i) Storage, Recreational Vehicles and Boats - One space per 400 sq. ft. of gross floor area.

6. Building, Maintenance and Services - One space per 400 sq. ft. of gross floor area.

7. Business Equipment Sales and Services - One space per 400 sq. ft. of gross floor area.

8. Business Support Services - One space per 400 sq. ft. of gross floor area.

9. Communication Services - One space per 400 sq. ft. of gross floor area.

10. Construction Sales and Service - One space per 400 sq. ft. of gross floor area.

11. Convenience Sales and Personal Services - One space per 400 sq. ft. of gross floor area.

12. Eating or Drinking Establishments - One space per four fixed seats or stools where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. of dining or drinking area where there are no fixed seats.

13. Explosive Storage - One space per 5,000 sq. ft. of gross floor area.

14. Financial, Insurance, and Real Estate Services - One space per 400 sq. ft. of gross floor area.

15. Food and Beverage Retail Sales - One space per 400 sq. ft. of gross floor area.

16. Fuel Sales - One space per 400 sq. ft. of gross floor area.

17. Funerals and Interment Services -

    a) Crematory and Undertaking - One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. of public assembly area where there are no fixed seats.

    b) Interring and Cemeteries - Exempt.

18. Laundry Service - One space per 400 sq. ft. of gross floor area.

19. Lodging Services -

    a) Vehicles -

1)	Campground	One space per designated camping space
2)	Lodging	One space per guest room or suite

    b) Bicycles -

1)	Campground	Exempt
2)	Lodging	10 percent of required vehicle parking

20. Medical Services - One space per 200 sq. ft. of gross floor area.

21. Participant Sports or Recreation -

a) Vehicles -

1) Indoor

a.	Bowling Areas	Three spaces per alley and, for any Eating and Drinking Establishment areas, the same requirements as Eating and Drinking Establishments
b.	All Others	One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, for visitor seating; and one space per four participants based on projected participant capacity

2) Outdoor — One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, for visitor seating; and one space per four participants based on projected participant capacity

b) Bicycles - 20 percent of required vehicle parking.

22. Repair Services, Consumer - One space per 400 sq. ft. of gross floor area.

23. Research Services - One space per 300 sq. ft. of gross floor area.

24. Retail Sales, Bulky Merchandise - such as furniture or motor vehicles - One space per 800 sq. ft. of gross floor area.

25. Retail Sales, General - One space per 400 sq. ft. of gross floor area.

26. Scrap Operations - One space per 400 sq. ft. of gross floor area.

27. Spectator Sports and Entertainment -

a) Vehicles - One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. where there are no fixed seats.

b) Bicycles - 20 percent of required vehicle parking.

28. Swap Meets - One space per four fixed seats, where 24 lineal in. of bench shall be considered one seat, and one space per 50 sq. ft. where there are no fixed seats.

29. Technology and Support Services, except Data Center - One space per 150 sq. ft. of gross floor area.

    a) Data Center - One space per 5,000 sq. ft. of gross floor area or one space per employee on the largest shift, whichever is greater.

30. Vocational or Professional Training -

    a) Vehicles - One space per every three students.

    b) Bicycles - One space per every three students, plus 25% of the number of required vehicle parking spaces.

31. Wholesaling, Storage, and Distribution - One space per 5,000 sq. ft. of gross floor area.

d. Industrial Use Types -

Unless noted otherwise, number of spaces refers to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or two bicycle spaces, whichever is greater. However, where fewer than three vehicle spaces are required, then only one bicycle parking space shall be required.

1. Limited Manufacturing - One space per 400 sq. ft. of gross floor area or one space per employee on the largest shift, whichever is greater.

2. Technological Production, General Industrial, Intensive Industrial - One space per 1,000 sq. ft. of gross floor area or one space per employee on the largest shift, whichever is greater.

e. Agricultural Use Types - Exempt.

f. Extractive Use Types - Exempt.

g. Central Business (CB) and Riverfront (RF) Zones Parking Requirements -

1. Parking Minimums - The minimum automobile parking requirements for the Central Business (CB) and Riverfront (RF) Zones are described below:

    a) Allowed Nonresidential Uses - One space per 1,000 square feet of gross floor area.

b) Residential Uses -

1. One space per residential unit.

2. Fraternities, Sororities, Cooperatives, and Boarding Houses - One space per five occupants at capacity, with capacity to be based on criteria set forth in the Oregon Structural Specialty Code.

3. Retirement Homes, Intermediate Care Facilities, and Halfway Houses - One space per six persons for which sleeping facilities are provided, based on the maximum number of people to be accommodated.

4. Group Care - One space per 3,000 sq. ft. of gross floor area.

c) Parking Incentive for Structured Parking - Where structured parking is provided to satisfy required parking, each structured parking space may count as two required on-site parking spaces for nonresidential development. For the purposes of this provision, structured parking includes below-grade or at-grade parking (with habitable building area, improved vehicle circulation area, or improved right-of-way area above) and multi-level parking.

d) Parking Incentive for Curb Cut Removal - 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 nonresidental parking for the subject property.

2. Fee-in-Lieu Program - Upon City Council creation of a Fee-in-lieu program for parking in the Central Business (CB) and Riverfront (RF) Zones, the required minimum parking for a development may be provided by paying the fee adopted by the City Council.

3. Parking Maximums -

a) Except as described in “b,” below, the maximum parking allowance in the Central Business (CB) and Riverfront (RF) Zones shall be based upon the parking requirements described in Section 4.1.30, Subsections “a” through “f,” for each specific Use Type.

b) Parking spaces in excess of the maximum allowed for a new development under Section 4.1.30.g.3.a shall be allowed, provided the additional parking is structured, in a subsurface or multi-storied fashion, and meets one of the following additional requirements:

1) The additional spaces are made available through a long-term agreement for public use;

2) The additional spaces are made available through a long-term agreement for use by another development to meet its parking requirement; or

3) After a long-term agreement covered under “1," or “2," above, has run out, the additional spaces become necessary to meeting parking standards for an expansion of the building for which the parking structure was originally constructed.

4. Location of Required Parking - Required parking shall be provided on property located within the Central Business (CB) and Riverfront (RF) Zones and within 750 feet of any new development.

5. Bicycle Parking - Bicycle parking minimums shall be provided based upon the bicycle parking requirements described in Section 4.1.30, Subsections “a,” through “f,” for each specific Use Type.

6. Lot Development Option Process Not Available for Parking Reductions - With the reduction of the minimum number of required parking spaces in the Central Business (CB) and Riverfront (RF) Zones, the process in Chapter 2.12 - Lot Development Option shall not be used to further reduce the minimum requirements.

[Section 4.1.30 amended by Ordinance 2012-18 and 2012-20, effective December 13, 2012]

Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS

All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets shall be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this Section and the City’s Off-street Parking and Access Standards, established by the City Engineer and as amended over time. A permit from the Development Services Division shall be required to construct parking, loading, and access facilities, except for Single Detached, Duplex, Single Attached, and Attached Building Types; and Manufactured Dwellings.

a. Access to Arterial, Collector, and Neighborhood Collector Streets

1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back-up movement onto Arterial Streets.

2. Location and design of all accesses to and/or from Arterial, Collector, and Neighborhood Collector Streets, as designated in the Corvallis Transportation Plan, are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft. from any other access or street

intersection. Exceptions to this requirements may be granted by the City Engineer. Evaluations of exceptions shall consider the posted speed for the street on which access is proposed, constraints due to lot patterns, and effects on the safety and capacity of the adjacent public street, bicycle, and pedestrian facilities.

3. When developed property will be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in “2," above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

b. Access to Unimproved Streets

1. Development may occur without access to a street built to City standards when that development constitutes infill on an existing substandard public street. A condition of development shall be to prepay the City for future street improvements according to current policies and procedures. This shall be required with approval of any of the following applications:

   a) Land Divisions;

   b) Conditional Developments;

   c) Building Permits for new nonresidential construction or structural additions to nonresidential structures, except Accessory Development; and/or

   d) Building Permits for new residential units.

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.

c. Vision Clearance -

1. Except within the Central Business (CB) and Riverfront (RF) Zones, Vision Clearance Areas shall be provided at the intersections of all streets and at the intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of Vision Clearance Areas shall be

determined from standards adopted by the City Engineer that consider functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.

2. Traffic control devices, street lights, and utility installations approved by the City Engineer are permitted within Vision Clearance Areas.

d. **Backing or Maneuvering of Vehicles** - For developments requiring four or more parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. An exception to this provision may be granted for up to two parking spaces per dwelling unit for Duplexes and Triplexes, for a total of six spaces, provided that these spaces are within driveway areas designed to serve individual units within the Duplexes and Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes. Evaluations of other requests for exceptions shall consider constraints due to lot patterns and effects on the safety and capacity of the adjacent public street and on bicycle and pedestrian facilities. See also Section 4.10.60.01 a.3 and Section 4.10.60.02.

e. **Screening** - All parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall require screening in accordance with the zoning requirements and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Where not otherwise specified by zoning requirements, screening along a public right-of-way shall include a minimum five-ft.-wide plant buffer adjacent to the right-of-way.

f. **Lighting** - Lighting shall be consistent with the provisions outlined in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

g. **Setbacks** - Where vehicles will be backing out from a driveway to the public right-of-way, all off-street parking shall have a minimum 19 ft. setback from the sidewalk or future sidewalk to a garage or carport. Where no sidewalk location has been established, a 19-ft. setback from the right-of-way edge to the parking structure shall be used.

Nothing in this Section shall imply or permit a lesser setback than that required by any other section of this Code.

h. **Sidewalks** - Sidewalks shall be required in accordance with the provisions of Section 4.0.30 of Chapter 4.0 - Improvements Required with Development.

i. **Driveways** -

1. Driveways shall be surfaced as required by standards established by the City Engineer. No point along the driveway length shall traverse a slope in excess of 15 percent. The location and design of the driveway within the lot frontage shall provide for unobstructed sight per the Vision Clearance

requirements in Section 4.1.40.c. Requests for exceptions to these requirements will be evaluated by the City Engineer, who will consider the physical limitations of the lot and the safety impacts to vehicular, bicycle, and pedestrian traffic.

2. Single-family (Attached or Detached) and Duplex development shall be limited to a maximum 20 ft.-wide curb cut. An exception to this provision may be granted in situations where steep terrain in excess of a 15 percent grade prevents compliance. Additional exceptions to this requirement may be obtained through the procedures outlined in Chapter 2.12 - Lot Development Option and Chapter 2.5 - Planned Development.

j. **Access between Sites via Parking Lots and/or Drives** - Where vehicular circulation between sites is appropriate to reduce off-site traffic impacts and/or to provide convenience for customers and/or delivery vehicles, vehicular connections between commercial developments shall be provided via parking lots and/or drives.

[Section 4.1.40 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.1.50 - MODIFICATION TO PARKING REQUIREMENTS

Vehicle parking requirements may be modified as follows:

4.1.50.01 - Compact Car Spaces

Up to 40 percent of the required parking spaces may be reduced in size to accommodate compact cars. Compact car spaces should be located near the entrance to any lot or parking aisle.

4.1.50.02 - Group Care Facilities

Required parking spaces may be reduced in number for Uses such as Group Care facilities where it can be demonstrated that vehicle use or ownership is significantly lower than for other dwelling or lodging facilities.

Section 4.1.60 - STANDARDS FOR OFF-STREET LOADING FACILITIES

Every Retail or Industrial Use or premises mentioned in Sections 4.1.30 "c," and "d," with a gross floor area of 10,000 sq. ft. or more shall provide at least one on-site loading space. One additional on-site loading space shall be provided for each additional 20,000 sq. ft.

Off-street loading facilities shall conform with the following standards:

a. Each loading berth shall be at least 35 ft. by 10 ft. and shall have a minimum height clearance of 14 ft.;

b. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer;

c. Entrances and exits shall be provided at locations approved in accordance with applicable City ordinances and state statutes;

d. No on-site loading facilities shall be required where buildings abut a public alley, provided that loading operations can be conducted from the alley in accordance with applicable traffic and parking ordinances; and

e. Screening for off-street loading is required and shall be the same as screening for parking lots in accordance with Section 4.1.40.

Section 4.1.70 - STANDARDS FOR BICYCLE ACCESS AND PARKING

All bicycle parking facilities required in conjunction with development shall conform to the standards in this Section. Bicycle parking shall be located on-site with safe, convenient access to the public right-of-way, and shall conform to the Bicycle Rack Specifications adopted by the City Engineer, as amended from time to time.

a. Location

1. Safe, convenient pedestrian access shall connect the bicycle parking area to the main entrance of the site's Primary Use.

2. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas via curbing or other barriers to prevent damage to parked bicycles.

3. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

4. Where bicycle parking facilities are not directly visible and apparent from the public right-of-way, entry and directional signs shall be used to direct bicyclists to the facility.

5. Bicycle parking facilities shall be placed in a location convenient to the main entrance of the site's Primary Use.

6. For security and convenience, bicycle parking facilities shall be located in areas visible to the adjacent sidewalks and/or vehicle parking areas within the site.

b. Dimensions

1. Bicycle parking spaces shall each be a minimum of six ft. by two ft.

2. Overhead clearance in covered areas shall be at least seven ft.

3. A minimum five ft.-wide aisle shall be provided beside or between each row of bicycle parking.

c. Enclosures and Racks

1. Bicycle parking facilities shall include lockable enclosures (lockers) in which the bicycle is stored, or stationary objects (racks) to which bicycles may be locked.

2. Lockers and racks shall be securely anchored to the pavement or a structure.

3. Bicycle racks and covered bicycle parking shall be designed consistent with the standards of the City Engineer.

d. Covering

1. At minimum, 50 percent of the required bicycle parking shall be covered unless the facility is in a public park, the Riverfront (RF) Zone, or the Central Business (CB) Zone.

2. If vehicle parking is covered, a proportionate amount of bicycle parking shall also be covered. However, the minimum amount specified in "1," above shall be provided.

3. Covering for bicycle parking facilities shall be permanent and shall provide protection from precipitation.

4. Covering may be provided by an independent outdoor structure, a parking garage, a wide roof overhang, or a wide awning. Bicycle parking facilities may also be located within buildings, provided the other requirements of this Section are met.

e. Lighting

1. For security and convenience, lighting shall be provided in bicycle parking areas such that the facilities are thoroughly illuminated and visible from adjacent sidewalks and/or vehicle parking areas during all hours of use. Lighting shall be consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

CHAPTER 4.2
LANDSCAPING, BUFFERING, SCREENING, AND LIGHTING

Section 4.2.10 - PURPOSES

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

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

Section 4.2.20 - GENERAL PROVISIONS

a. Required Landscaping -

1. Landscaping and Irrigation Plans - Where a landscape plan is required by this Code, by a particular proposal, and/or by Conditions of Approval, detailed planting plans, irrigation plans and other related plans shall be submitted for review and approval with Building Permit applications and/or prior to the recordation of a Final Plat, as applicable. Building Permits, including Foundation Permits, shall not be issued until the Director has determined that the plans comply with the purposes clause and specific standards in this Chapter, any specific proposal(s), and/or Conditions of Approval that apply to the particular project. On a case by case basis, and where no Significant Natural Features would be impacted, the Director may grant an exception and allow the issuance of permits. Required landscaping shall be reviewed and approved by the Director, and in no case shall landscaping be less than that required by this Chapter. Landscaping shall consist of ground cover, shrubbery, and trees.

2. Installation - All required landscaping and related improvements, such as irrigation, etc., shall be completed prior to the issuance of a Certificate of Occupancy, with the exception of landscaping and related improvements required along Arterial, Collector, and Neighborhood Collector Streets per LDC Section 4.0.30.a.2, or which are located within Tracts and public rights-of-way that abut those Tracts. All required landscaping and related improvements along Arterial, Collector, and Neighborhood Collector Streets, or which are located within Tracts and public rights-of-way that abut those Tracts shall be completed or financially guaranteed prior to the recording of the associated Final Plat. If an applicant chooses to financially secure landscaping and related improvements in order to record a Final Plat, such financial security shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount at

least equivalent to 120 percent of the cost of the installation of the landscaping and related improvements.

3. Coverage within Three Years - All required landscaping shall provide a minimum 90 percent ground coverage within three years. A financial guarantee shall be provided for new residential development, with the exception of areas within single-family or Duplex lots. A financial guarantee shall also be provided for new nonresidential development, and nonresidential redevelopment that involves a 3,000 sq. ft. or 20 percent expansion, whichever is less, except that 20 percent expansions less than 500 sq. ft. are exempt. The financial guarantee shall cover maintenance for a three-year period from the date that the landscaping was installed by the applicant and accepted by the City. This guarantee shall be established prior to the issuance of a Final Certificate of Occupancy and prior to recording of a Final Plat. Additionally, this guarantee shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount that is at least equivalent to 50 percent of the cost of installation of required landscaping and related improvements, plus 20 percent of the 50 percent figure.

   To release this guarantee at the end of the three-year period, the developer shall provide a report to the Director. This report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.

b. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. A City permit is required to plant, remove, or prune any trees in a public right-of-way. Pruning shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Landscaping, buffering, and screening required by this Code shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind.

c. Protection of Shrub, Ground Cover and Tree Specimens in Inventoried Areas of the Adopted Natural Features Inventory Map dated December 20, 2004 -

1. For shrub, groundcover, and tree specimens within the areas inventoried as part of the Natural Features Inventory, preservation requirements shall be in accordance with the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. See Adopted Natural Features Inventory Map dated December

20, 2004, for information regarding areas inventoried as part of the Natural Features Inventory.

2. Plants to be preserved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees and shrubs shall be considered preserved if the standards in Section 4.12.60.f are met.

d. Protection of Significant Tree and Significant Shrub Specimens Outside of Inventoried Areas of the Adopted Natural Features Inventory Map dated December 20, 2004 -

1. Significant Tree and Significant Shrub specimens outside of the areas inventoried as part of the Natural Features Inventory should be preserved to the greatest extent practicable and integrated into the design of a development. See Adopted Natural Features Inventory Map dated December 20, 2004, for information regarding areas inventoried as part of the Natural Features Inventory. See also the definitions for Significant Shrub and Significant Tree in Chapter 1.6 - Definitions.

2. Preservation -

a) Significant Trees and Significant Shrubs to be preserved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing Significant Trees and Significant Shrubs shall be considered preserved if the standards in Section 4.12.60.f are met.

b) Where the preservation of Significant Trees or Significant Shrubs is required by this Code, by a particular proposal, and/or by Conditions of Approval, no development permits shall be issued until a preservation plan has been reviewed and approved by the Director. The preservation plan shall be developed by a certified arborist and shall comply with the purposes clause and specific standards in this Chapter and any proposal(s) and/or Conditions of Approval that apply to the particular project. Additionally, Significant Trees and Significant Shrubs to be saved and methods of protection shall be indicated on the preservation plan submitted for approval. Methods of preservation shall be consistent with Section 4.12.60.f.

e. Planters and boundary areas used for required plantings shall have a minimum diameter of five ft., or 2.5 ft. radius, inside dimensions. Where the curb or the edge of these areas is used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7.5 ft.

f. Irrigation Systems - With the exception of individual lots for single-family and Duplex development, irrigation systems shall be required, provided, and maintained for all required landscape areas in all zones, unless waived by the Director. These irrigation systems are for the purpose of ensuring survival of plant materials in required landscape areas. The Director may waive the requirement for irrigation systems in areas containing established trees and shrubs that are more than five

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

g. In no case shall shrubs, conifer trees, or other screening be permitted within Vision Clearance Areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.

h. **Historically Significant Trees** - Definitions, procedures, and review criteria to remove Historically Significant Trees are located in Chapter 1.6 - Definitions, and Sections 2.9.70.y, 2.9.90.02.a.11, 2.9.110.01.e, and 2.9.110.03.d of Chapter 2.9 - Historic Preservation Provisions.

i. **Hazardous Tree Removal** - Hazardous Trees are defined in Chapter 1.6 - Definitions. Except in emergency situations, removal of Hazardous Trees may only occur following the City Urban Forester's approval of a Hazard Tree Evaluation, which recommends tree removal. The Hazard Tree Evaluation shall be performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be submitted to the City's Urban Forester for review. The City Urban Forester will make the final determination as to whether or not the tree qualifies as a Hazardous Tree. Historically Significant Trees are also subject to the provisions in LDC Section 2.9.70.y. Protected trees that qualify as Hazardous Trees are also subject to the relevant Natural Resource protection provisions in this Code, and/or any relevant Conditions of Approval.

[Section 4.2.20 amended by Ordinance 2012-17, effective December 13, 2012]

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE

a. **Tree Plantings** -

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

1. Street Trees -

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

b) Along all streets with planting strips in excess of six ft. wide and where power lines are located underground, a minimum of 80 percent of the street trees shall be large canopy trees. This standard shall not apply to alleys located within the Central Business (CB) and Riverfront (RF) Zones.

c) Planting strips on Local Connector and Local Streets shall be planted with medium canopy trees; and

d) If planting strips are not provided on Arterial, Collector, and Neighborhood Collector Streets, an equivalent number of the required large and required medium canopy trees shall be provided in other locations within common open space tracts on the site, or within the front yard setback areas of the parcels and lots adjacent to the street. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;

2. Along alleys, trees shall be planted on the sides of the alleys at a minimum of one tree per lot; and the trees shall be located within 10 ft. of the alley. This standard shall not apply to alleys located within the Central Business (CB) and Riverfront (RF) Zones;

3. A minimum five ft. wide landscaping buffer is required on both sides of the sidewalks identified in LDC Section 4.0.30.b.2. Within these buffers, trees shall be planted at least every 30 ft., or as determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees;

4. Conditions of Approval for individual development projects may require additional tree plantings to mitigate removal of other trees, or as part of landscape buffering or screening efforts;

5. The distance between required trees shall be determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees; and

6. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

Table 4.2-1 - Street Trees

Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	-	Maximum 30 ft. on-center spacing
Large-canopy trees: trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	-	Maximum 50 ft. on-center spacing

Table 4.2-2 - Parking Lot Trees

Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	-	Minimum one tree per eight cars
Large-canopy trees: trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	-	Minimum one tree per 12 cars

b. Areas Where Trees May Not be Planted -

1. Trees may not be planted within five ft. of permanent hard surface paving or walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.40.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.

2. Unless approved otherwise by the City Engineer, trees may not be planted:

   a) Within 10 ft. of fire hydrants and utility poles;

   b) Within 20 ft. of street light standards;

   c) Within five ft. from an existing curb face, except where required for street trees;

   d) Within 10 ft. of a public sanitary sewer, storm drainage, or water line; or

   e) Where the Director determines the trees may be a hazard to the public interest or general welfare.

c. Tree Maintenance Near Sidewalks and Paved Surfaces - Trees shall be pruned to provide a minimum clearance of eight ft. above sidewalks and 12 ft. above street and roadway surfaces; and shall be pruned in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

d. Trees Planted near Weather Protection - Where street trees are required in combination with weather protection features such as awnings, the trees shall be allowed to grow and their canopies shall be trimmed above the weather protection features. Such trimming shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

[Section 4.2.30 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.2.40 - BUFFER PLANTINGS

Buffer plantings are used to reduce apparent building scale, provide a transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. At minimum, this mix shall consist of trees, shrubs, and ground cover, and may also consist of existing vegetation, such as natural areas that will be preserved.

At minimum, buffering is required in areas identified through Conditions of Approval, in areas required by other provisions within this Code, and in Through Lot Easement areas, and as required below.

Parking, Loading, and Vehicle Maneuvering Areas -

a. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five-ft.-wide perimeter landscaping buffer shall be provided around parking areas; and a minimum 10 ft.-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or planters shall be increased in width by 2.5 ft. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. Low-lying ground cover and shrubs, balanced with vertical shrubs and trees, shall be used to buffer the view of these facilities.

Decorative walls and fences may be used in conjunction with plantings, but may not be used alone to comply with buffering requirements.

b. In addition to any pedestrian refuge areas, each landscaped island within and around parking lot areas shall -

1. Include one or more shade canopy trees;

2. Be a minimum length of eight ft. at its smallest dimension;

3. Include at least 80 sq. ft. of ground area per tree to allow for root aeration; and

4. Include raised concrete curbs around the perimeter.

c. Connecting walkways through parking lots shall have one or more canopy shade tree per 40 linear ft. Driveways to or through parking lots shall have one or more canopy shade tree per 40 linear ft. on each side. These trees shall be planted in landscape areas within five ft. of the walkways and driveways, respectively.

[Section 4.2.40 amended by Ordinance 2012-18, effective December 13, 2012]

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 chainlink 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 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 and e. See Through Lot Easement 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; or

2. 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. It remains the property owner's responsibility to maintain the area outside the fence.

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. 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 four 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. Hedges, fences, and walls up to six feet in height are allowed in exterior side yards no closer than five feet from the side-yard property line if a five-foot-wide landscaped buffer is maintained on the street side of the fence. Exterior side yard fencing above four feet in height is not allowed to extend closer to the front property line than the rear of the building at its closest point to the exterior side yard.

e. In exterior side yards of residential lots of a size less than 5,500 square feet, hedges, fences, and walls up to six feet in height are allowed to be located up to the exterior side-yard property line, unless the property line is located at the edge of a curbside sidewalk, in which case the fence shall be set back one foot from the property line. The six-foot height allowance shall extend 50 feet forward from the rear property line or to the rear of the building at its closest point to the exterior side yard, whichever distance is greater. Vision clearance standards shall be maintained (Refer to Figure 4.2-1).

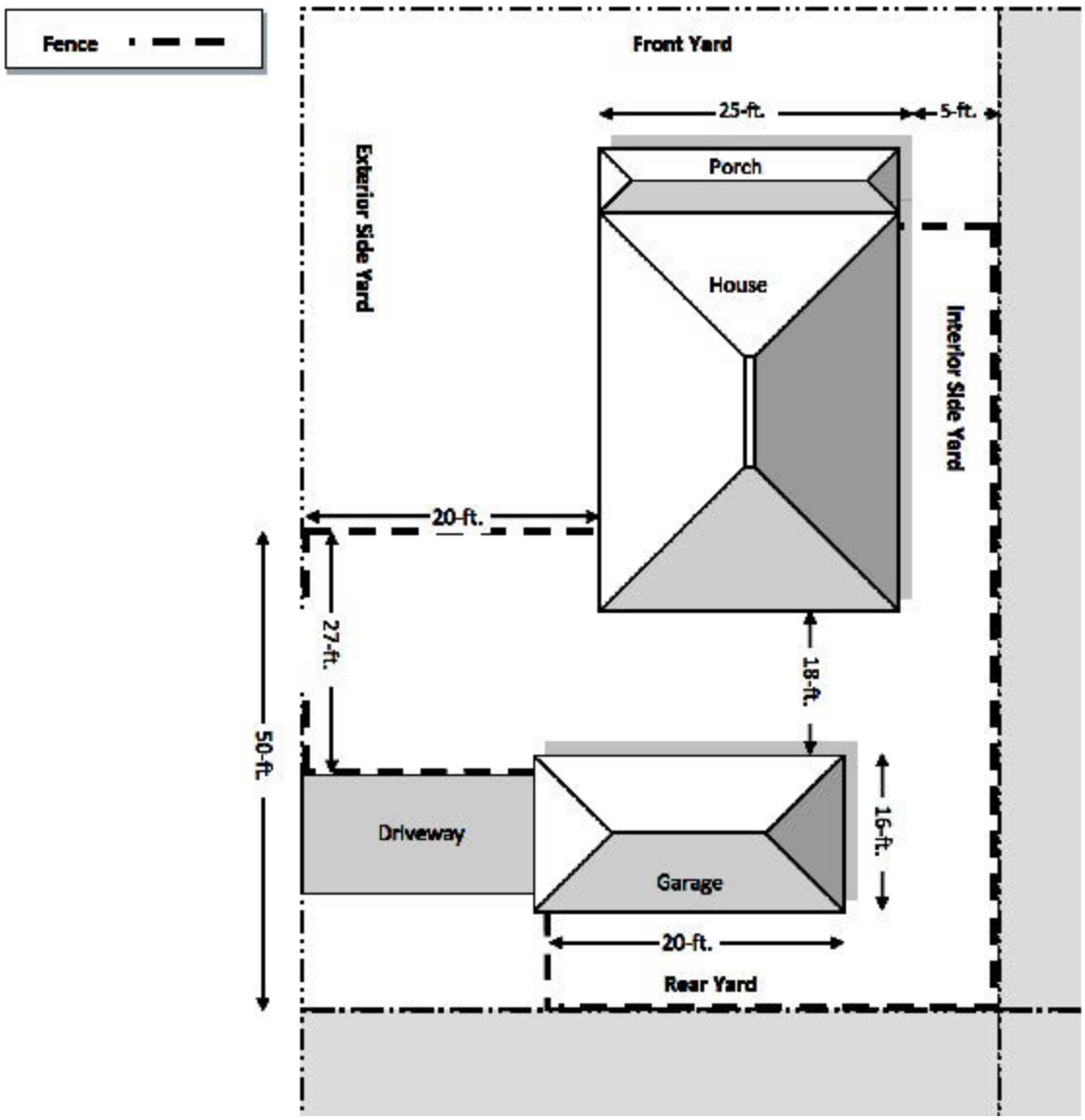

Figure 4.2-1 -
Fence Heights and Locations for Corner Lots Less than 5,500 sq. ft.

f. 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.

g. 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.

h. 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.

4.2.50.02 - Service Facilities and Outdoor Storage Areas

Trash dumpsters, gas meters, ground-level air conditioning units and other mechanical equipment, other service facilities, and outdoor storage areas shall be appropriately screened with a fence, wall, or plantings, consistent with the landscape screening provisions in this Section. When located adjacent to a residential zone, outdoor components associated with heat pumps, ground-level air conditioning units and similar kinds of equipment that create noise shall not be placed within any required setback area. Additionally, if such equipment is located adjacent to a residential zone and between five - 10 ft. of a property line, it shall be screened with a solid fence or wall at least one ft. higher than the equipment. When such equipment is located adjacent to a residential zone and outside a required setback line, and is greater than 10 ft. from a property line, standard screening requirements in this Section shall apply.

4.2.50.03 - Swimming Pools

Swimming pools more than 18 in. deep shall be surrounded and screened with a minimum four ft.-high secured fence or wall. The fence or wall must have a self-latching gate in accordance with Chapter 9 of the City's Municipal Code.

4.2.50.04 - Detention Facilities

Detention facilities, such as ponds, shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and biofiltration. See also Section 4.0.130 of Chapter 4.0 - Improvements Required with Development.

[Section 4.2.50 amended by Ordinances 2012-16, and 2012-18, effective December 13, 2012]

Section 4.2.60 - PROHIBITED STREET TREES

a. **Section 10.01.020 of the Municipal Code** - Section 10.01.020 of the Municipal Code prohibits the following species of trees within public rights-of-way and parking strips:

1. Bamboo;
2. Poplar;
3. Willow;
4. Conifer;
5. Cottonwood;
6. Fruit and nut trees, other than ornamental; and
7. Ailanthus.

b. **Section 10.01.030 of the Municipal Code** - Because of concerns regarding tree root interactions with sanitary sewer lines, Section 10.01.030 of the Municipal Code prohibits the following trees from being planted anywhere in the City, unless the City Manager approves an exception for a situation where the tree roots are unlikely to interfere with a public sewer:

1. Willow;

2. Cottonwood; and

3. Poplar.

Section 4.2.70 - GATEWAY PROVISIONS

Development in designated Gateway areas, as defined in the Comprehensive Plan, shall comply with the additional provisions of this Section.

4.2.70.01 - Gateway Provisions for Development Along South Third Street

Within the Limited Industrial-Office (LI-O), Mixed Use General Commercial (MUGC), and Mixed Use Community Shopping (MUCS) zones, the following standards shall apply:

a. **Street Trees and Streets** - A double row of street trees along street frontages shall be required, as shown below in Figure 4.2-2 - Gateway Features. Properties zoned MUCS are exempt from this double row of trees requirement. Other street improvements, such as for sidewalks, bicycle lanes, transit facilities, and roadways, shall conform to the provisions of this Code including all chapters in Article IV, unless more restrictive provisions are established in this Chapter.

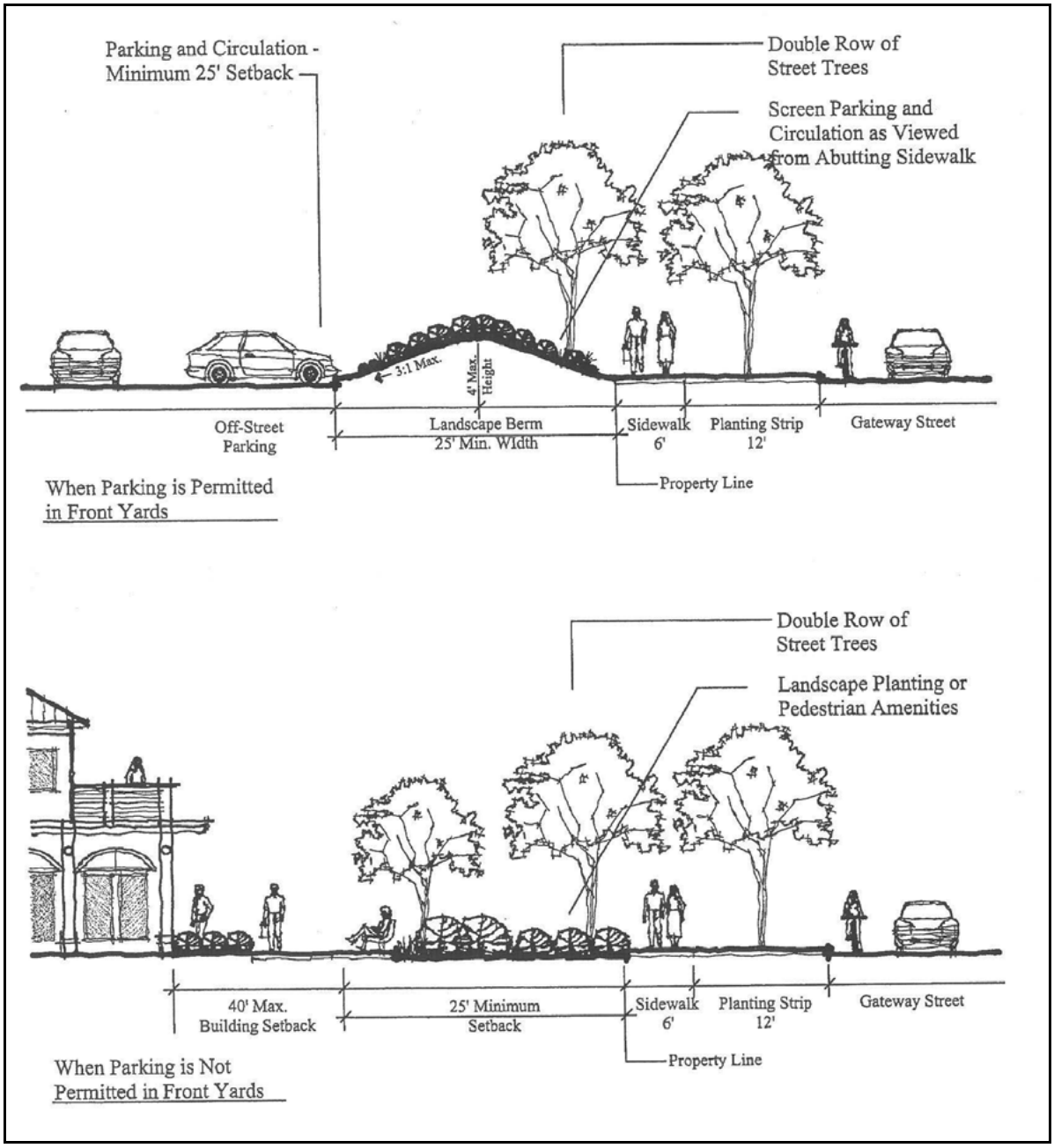

Figure 4.2-2 - Gateway Features

b. **Landscaping** - Areas within required setbacks adjacent to a Gateway Street, considered to be the gateway landscape area, shall be landscaped with a combination of ground cover, shrubbery, and trees to serve as buffering between the development and the Gateway Street, in accordance with this Chapter. While properties zoned MUCS shall provide required landscaping, they are exempt from the portion of this requirement that pertains to buffering of buildings.

Screening shall block views of the paved surfaces of parking and circulation areas for pedestrians on the abutting public sidewalk, such as on South Third

Street, in accordance with this Chapter and the following special screening standards:

1. Screening shall be provided with planted berms with a maximum slope of 3:1, or other effective terrain features, but shall not block the view(s) of building facades from the Gateway Street. See Figure 4.2-2 - Gateway Features; and

2. Mulch, rocks, and other non-plant ground cover material shall not be permitted as screening, but shall be allowed to aid in the establishment of plants and to control erosion.

c. **Fences and Walls** - Fences and walls within required setbacks adjacent to a Gateway Street shall not exceed three ft. above finished grade, and shall have a minimum average setback of 12 ft. from the Gateway Street right-of-way. The setback shall be landscaped in accordance with "b," above. Straight fence or wall segments shall not exceed 50 ft. in length without an off-set or pillar measuring at least two ft. in depth. Pillars shall have a clearly defined base and cap and be constructed of brick, masonry, wood, or similar quality material. Cyclone fences shall not be permitted. Fences and walls associated with required screening of service facilities shall be located no closer than 25 ft. from a Gateway Street. Service facilities include elements such as trash dumpsters, gas meters, ground-level air conditioning units, other mechanical equipment within required setback areas, etc.

d. **Signs, Facilities, and Features** - Monument signs, pedestrian and transit facilities, and water quality/quantity features approved by the City are allowed within the Gateway landscape area. Examples of water quality/quantity features include drainageways, detention ponds, etc.

e. **Parking and Vehicle Circulation** - Parking and vehicle circulation areas shall not be placed closer than 25 ft. from a Gateway Street right-of-way. Such areas shall not be visible from a Gateway Street, as provided in "b," above. Where the Gateway Street is used to comply with Section 3.22.40.09, parking and circulation areas shall not be placed between the subject building and the Gateway Street.

f. **Pole-mounted Signs** - Pole-mounted signs are prohibited within 100 ft. of any Gateway Street's right-of-way.

g. **Monument Signs** - Monument signs on properties along Gateway Streets shall be limited to eight ft. in height.

4.2.70.02 - Reserved for Gateway Provisions for other Parts of the City - These provisions are to be established as part of a future Code Update process.

[Section 4.2.70 amended by Ordinance 2012-16, effective December 13, 2012]

Section 4.2.80 - SITE AND STREET LIGHTING

Pursuant to City Council Policy 91-9.04, *"The City of Corvallis is interested in well shielded, energy efficient street lighting sources that direct the light source downward where it is needed, not up or sideways where it is wasted and causes glare, light trespass, and bright skies."*

All developers shall submit a proposed lighting plan for approval that meets the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. This criteria is satisfied upon compliance with the provisions listed below and shall be substantiated by the applicant's submittal of the necessary information to demonstrate compliance, such as information including but not limited to manufacturers' specifications:

a. For safety purposes, lighting shall be provided in all areas designed to include pedestrian activities, such as streets, sidewalks, multi-use paths, parking lots, buildings, and plazas.

b. With the exception of lighting for public streets, which is maintained by the City through a contract with an electric company, all other lighting used to illuminate streets, buildings, sidewalks, multi-use paths, parking lots, plazas, or the landscape, shall be evaluated during the plan review process associated with requests for permits.

c. Site lighting that may be confused with warning, emergency, or traffic signals is prohibited.

d. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property. Compliance with this provision shall be demonstrated by ensuring that, when evaluated from a point four ft. above the ground, bulbs of light fixtures are not visible from adjacent property.

e. All new Subdivision street lights and future street-light luminaire replacements within the existing street-light system shall be flat-lens fully shielded luminaires.

f. Standard placement of street lights shall be at intersections, in the middle of long blocks, and in dead end streets and long Cul-de-sacs.

g. Background spaces such as parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property. Foreground spaces, such as building entrances and plaza seating areas, shall use local lighting that defines the space without glare.

CHAPTER 4.3
ACCESSORY DEVELOPMENT REGULATIONS

Section 4.3.10 - PURPOSE

These provisions are intended to establish the relationship between Primary and Accessory development and to specify criteria for regulating Accessory developments.

Section 4.3.20 - ACCESSORY USES ENCOMPASSED BY PRINCIPAL USES

In addition to the designated Primary, Accessory, Special, or Ministerial Development Uses, each zone shall provide for Accessory developments identified in this Chapter. When a proposed Accessory Use is not specified, the Director shall determine the appropriateness of the Use and whether it is customarily associated with, and subordinate to, the Primary development. The Director shall base the decision on the similarity of the proposed Accessory development to those developments specifically identified as Accessory to the Primary developments, and on the relationship between the proposed Accessory development and Primary development. The Director's determination shall be made in accordance with procedures in Chapter 2.16 - Request for Interpretation.

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 setback may be reduced to three ft. for an Accessory Structure located behind the nearest facade of the primary structure in relation to the front yard of the residence. Vision clearance standards shall be maintained;

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;

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 feet 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. However, within front yard setback areas, the cumulative width of such structures, as measured parallel to the lot's front property line, may be no more than 15 feet. Vision clearance standards shall be maintained and the building code may require special construction techniques and materials for structures near property lines.

[Section 4.3.30 amended by Ordinance 2012-16, effective December 13, 2012]

Section 4.3.40 - RESIDENTIAL USE TYPES

a. Accessory Structures shall not have bedrooms or sleeping rooms and, with the exception of decks, shall be detached from the primary residence.

b. Subject to the restrictions and limitations specified in this Code, the following types of Accessory Structures shall be permitted in zones where Residential Use Types are permitted:

1. Private garages;

2. Children's playhouses;

3. Radio and television antennas - personal use;

4. Sheds;

5. Shops;

6. Barns;

7. Kennels for dog and cat keeping;

8. Gazebos;

9. Solar and wind energy systems, including solar collectors, storage facilities, distribution components, and wind generation devices; and

10. Other necessary and customary developments as determined by the Director in accordance with Section 4.3.20 above and Chapter 2.16 - Request for Interpretation.

c. When the primary use on a lot is a Garden, the combined square footage of all accessory structures shall not exceed 600 sq. ft, and the cumulative maximum allowed square footage for all non-greenhouse structures is 200 sq. ft.

[Section 4.3.40 amended by Ordinances 2012-18 and 2012-19, effective December 13, 2012]

Section 4.3.50 - CIVIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, OR EXTRACTIVE USE TYPES

Accessory development customarily associated with, and subordinate to, the Primary Civic, Commercial, Industrial, Agricultural, or Extractive Use Types shall be permitted where these Use Types are authorized.

Industrial and Agriculture/Open Space Zones

a. A single dwelling unit shall be permitted in Industrial zones and the Agricultural/Open Space Zone, provided that the Uses are for the following:

1. Caretaker or Superintendent - On a lot or building site with a Permitted Industrial Use and occupied exclusively by a caretaker or superintendent of such Industrial Use and his/her family;

2. Farm Owner or Operator - On a lot or building site having a net area of at least five acres being farmed and occupied exclusively by the owner or operator and his/her family;

3. Kennel Owner or Operator - On a lot or building site with a kennel, and occupied by the owner or operator; or

4. Residential Development in a Limited Industrial Zone - On a lot or building site in the Limited Industrial (LI) Zone with residential development in

accordance with Section 3.23.20.01.b.2 of Chapter 3.23 - Limited Industrial (LI) Zone.

b. Retail outlets, cafeterias, and offices accessory to the Primary Use, developed during or following development of the Primary Use.

CHAPTER 4.4
LAND DIVISION STANDARDS

Section 4.4.10 - PURPOSES

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

Section 4.4.20 - GENERAL PROVISIONS

4.4.20.01 - Applicability

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

4.4.20.02 - Blocks

a. **General** - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.

b. **Size** - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60.o of Chapter 4.0 - Improvements Required with Development.

4.4.20.03 - Lot Requirements

a. **Size and Shape** - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable. 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.

b. **Access** - Each lot shall abut a street (not an alley) for a distance of at least 25 ft. unless it complies with the exceptions listed in “1,” “2,” or “3,” below:

1. Exception 1 - On a lot or parcel zoned RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) and existing prior to December 31, 2006, the Minor Land Partition or Minor Replat process may be used to create flag lots that comply with all of the criteria in “a-d,”

    a. Each resulting lot or parcel contains an area equal to no more than 175 percent of the zone’s minimum lot size for a Single-family Detached dwelling;

    b. The primary building entrance is located within 100 ft. of the lot’s (or parcel’s) accessway;

    c. A street is not required through any part of the site per other requirements of this Code, such as the Block Perimeter standards in Section 4.0.60.o; and

    d. The Accessway is consistent with Section 4.4.30.01, below.

2. Exception 2 - On a lot or parcel approved through a Minor Land Partition prior to December 31, 2006, that has not expired and for which an “urban conversion plan” was provided, the Minor Land Partition or Minor Replat process may be used to create flag lots that comply with the approved urban conversion plan and all of the criteria in "a and b."

    a. Front doors are within 100 feet of the lot's (or parcel's) accessway;

    b. The Accessway is consistent with Section 4.4.30.01, below.

3. Exception 3 - The lot meets the exemption in “a” or “b,” below:

    a) Residential lots involving Single-family Detached; Single-family Attached, two units; or Duplex dwellings, provided:

1) Front doors are less than 100 ft. from a street and are accessed by a sidewalk or multi-use path (distance measured along the centerline of the path to the nearest public street right of way or private street tract); and

2) Vehicular access is provided via an alley.

b) Commercial, Industrial, and Residential lots other than those described in “a,” above, provided:

1) Front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path (distance measured along the centerline of the sidewalk or over the “hard-surfaced” portion of the courtyard); and

2) Vehicular access is provided via an alley.

c. **Through Lots** - The creation of Through Lots through a Land Division process shall be avoided except where essential to overcome specific disadvantages of topography and orientation. Through lots, in low density residential zones, created through a Land Division process shall comply with the following standards:

1. A 20-ft. wide easement area shall be provided along the full length of one abutting street to the Through Lot, and shown on the plat;

2. No vehicular access shall be permitted within the Through Lot Easement area; and

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

d. **Lot Side Lines** - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.

e. **Lot Grading** - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.

f. **Building Lines** - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.

g. **Large Lots** - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.

h. **Minimum Assured Development Area** - For property with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, lots created through a Subdivision, Partition, or Property Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA).

[Section 4.4.20 amended by Ordinances 2012-16, 2012-17, and 2012-18, effective December 13, 2012]

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

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

4.4.30.01 - Accessway

a. For residential lots, access requirements of Section 4.4.20.03.b may be reduced and combined to provide an Accessway, a narrow strip of land connecting a parcel to a dedicated right-of-way or private street within a separate tract, in accordance with the following:

1. An Accessway to one dwelling unit shall be a minimum of 17 ft. wide;

2. A combined Accessway to two or three dwelling units shall be a minimum of 23 ft. wide;

3. An Accessway to four or more dwelling units shall be a minimum of 28 ft. wide;

4. An Accessway that provides fire access shall be a minimum of 25 ft. wide. If a fire hydrant is required to be located along the Accessway, the minimum width shall be 31 ft.

The Accessway ensures access to the parcel. Actual pavement widths within an Accessway shall be in accordance with the City's Off-street Parking and Access Standards, established by and available through the City Engineer and amended over time.

b. Accessways must connect to a dedicated right-of-way at least 40 ft. wide and paved to City standards. An exception to the paving requirements for the existing dedicated right-of-way may be allowed if all of the following conditions are met:

1. The Accessway connects to a paved street that is a minimum of 20 ft. wide;

2. The Accessway serves a single lot and not more than two dwelling units;

3. The property owner signs an irrevocable petition for public street improvements and records it with the property through the Benton County Recorder's Office; and

4. The property owner demonstrates that the grade of the property will allow foundation drainage to be carried by gravity, without pumping, to a public storm drain or other drainage facility approved by the City Engineer.

c. The City Engineer may require that any private Accessway or driveway over 50 ft. long or serving two or more lots shall be constructed at the same time that the adjacent public street is constructed. This provision includes all required drainage, sewage, and utility facilities.

4.4.30.02 - Lot Width - The minimum lot width shall be as required by the applicable zone.

4.4.30.03 - Lot Area - The lot area shall be as required by the applicable zone and shall be provided entirely within the building site area, exclusive of any Accessway. See Figure 4.4-1 Lot Area Exclusive of Accessway, below.

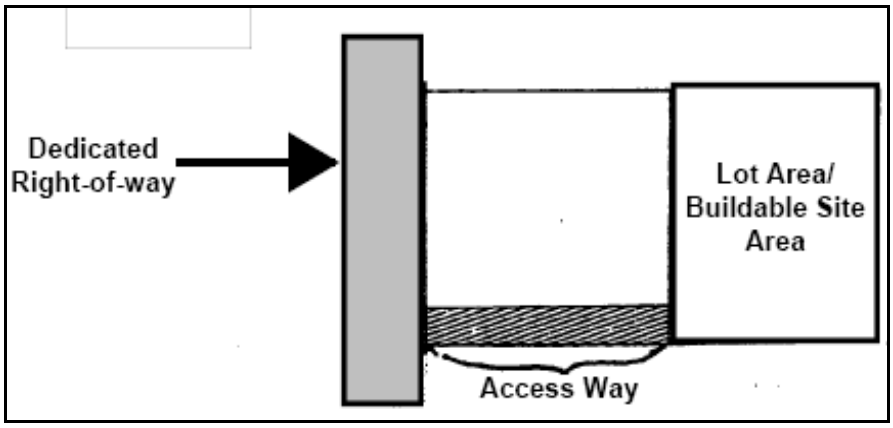

Figure 4.4-1 - Lot Area Exclusive of Accessway

4.4.30.04 - Front Yard Determination - If the partitioned lot is a flag lot, the property owner may determine the location of the front yard, provided that no side yard setback is less than 10 ft.

4.4.30.05 - Site Improvements - These requirements shall be in addition to others in Chapter 4.0 - Improvements Required with Development.

a. **Screening** - A screen shall be provided along the property line of a lot of record where a paved driveway is within five ft. of the lot line; if the driveway is shared, the lot is exempt from this provision. Screening also may be required to maintain privacy for abutting lots. These screening requirements may be waived if the adjacent affected property owner consents in writing to such a waiver. Required screening shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

b. **Fire Protection** - The Fire Chief may require installation of a fire hydrant and turnaround(s) if the length of an Accessway would have a detrimental effect on fire fighting capabilities.

4.4.30.06 - Existing Vegetation

Significant beneficial vegetation including trees and shrubbery shall be preserved wherever possible, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

4.4.30.07 - Reciprocal Easements

If a common driveway serves more than one lot, a reciprocal easement to ensure access rights shall be recorded with the approved partition map.

[Section 4.4.30 amended by Ordinance 2012-18, effective December 13, 2012]

CHAPTER 4.5
FLOODPLAIN PROVISIONS

Section 4.5.10 - PURPOSES - FLOODPLAIN PROVISIONS

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

a. Protect human life, health, and property in areas subject to periodic flooding;

b. Implement the Floodplain requirements of Statewide Planning Goal 7 - which relates to Areas Subject to Natural Disasters and Hazards;

c. Implement some of the land use aspects of the City's Stormwater Master Plan, as well as some aspects of the City's Endangered Species Act Salmon Response Plan;

d. Through Floodplain regulation, contribute to the Properly Functioning Condition of Streams and rivers and address, in part, the water quality aspects of Statewide Planning Goal 6;

e. Manage stormwater drainage in a manner that:

1. Maintains the Properly Functioning Conditions of Streams;

2. Provides for the conveyance and temporary storage of floodwater;

3. Reduces floodwater velocity;

4. Facilitates sediment deposition in the Floodplain;

5. Provides an opportunity for groundwater recharge; and

6. Promotes other Stormwater and Floodplain functions.

These provisions are also intended to minimize maintenance costs, eliminate potential hazards before they occur, and protect properties and persons adjacent to drainageways and to other Natural Hazard areas;

f. Implement requirements for the City's participation in the National Flood Insurance Program, including the Community Rating System;

g. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in Floodplains;

h. Help maintain a stable tax base by providing for the sound use and Development of flood-prone areas;

i. Minimize expenditure of public money for costly flood control projects;

j. Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;

k. Minimize unnecessary disruption of commerce, access, and public service during times of flood;

l. Facilitate the notification of potential buyers that property is in an Special Flood Hazard Area;

m. Compel those who occupy the Special Flood Hazard Areas to assume responsibility for their actions;

n. Manage the alteration of Special Flood Hazard Areas, stream channels, and shorelines to minimize the impact of Development on the natural and beneficial functions of the Floodplain; and

o. **Methods of Reducing Flood Losses -** In order to accomplish its purpose, this chapter and Chapter 2.11 - Floodplain Development Permit include methods and provisions to:

1. Require that Development that is vulnerable to floods, including buildings, structures, and facilities necessary for the general health, safety and welfare of citizens, be protected against flood damage at the time of initial construction;

2. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

3. Control filling, grading, dredging and other Development which may increase flood damage or erosion;

4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

5. Preserve and restore natural Floodplains, stream channels, and natural protective barriers which carry and store flood waters, and;

6. Coordinate with and supplement provisions of Oregon Building Codes; and

p. To advance these purposes, where not required, creation of open space tracts is encouraged within areas designated as Natural Resources or Natural Hazards on the Comprehensive Plan and Official Zoning Maps.

Section 4.5.20 - APPLICABILITY

4.5.20.01 - Natural Hazards that are Subject to this Chapter

a. These provisions apply to public and private properties in the 100-yr. Floodplain of rivers and local streams;

b. **Mapping of Natural Hazards** - The Natural Hazard areas in “a,” above, are mapped on the Corvallis Natural Hazards Map.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for Benton County and Incorporated Areas, dated June 2, 2011, with accompanying Flood Insurance Rate Maps or Digital Flood Insurance Rate Maps, and other supporting data, are adopted by reference and declared a part of the 100-yr. Floodplain regulations presented below. The Flood Insurance Study and the Flood Insurance Rate Map are on file at the office of the City of Corvallis Engineer at 1245 NE Third Street, Corvallis, Oregon 97330, and at the Development Services Division at 501 SW Madison Avenue, Corvallis, Oregon, 97333. Not every Special Flood Hazard Area within the Urban Growth Boundary has been mapped by the Federal Emergency Management Agency through the Flood Insurance Study, Flood Insurance Rate Maps, and Digital Flood Insurance Rate Maps cited above. The Floodplain Administrator or designee is authorized through Sections 4.5.50.02, 4.5.50.03.p, and 4.5.60.02.b to obtain from applicants the information necessary to determine the presence and extent of unmapped Special Flood Hazard Areas as part of reviewing Development proposals that affect the 100-yr. Floodplain. Once approved by the Floodplain Administrator or designee, such information shall be incorporated into the Natural Hazards Map and used by the City of Corvallis to supplement the Flood Insurance Study, Flood Insurance Rate Maps, and

Digital Flood Insurance Rate Maps cited above to ensure consistency with the 100-yr. Floodplain regulations contained in this Chapter and Chapter 2.11 - Floodplain Development Permit.

4.5.20.02 - Coordination with Building Codes and Greater Restrictions

a. **Coordination with Building Codes** - Pursuant to the requirement established in ORS 455 that the City of Corvallis administers and enforces the State Building Codes, the City Council of the City of Corvallis does hereby acknowledge that the State Building Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard Areas. Therefore, this chapter and Chapter 2.11 - Floodplain Development Permit are intended to be administered and enforced in conjunction with the State Building Codes.

b. **Greater Restrictions** - This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

4.5.20.03 - Exceptions to Achieve Minimum Assured Development Area (MADA)

a. **General** - Chapter 4.11 - Minimum Assured Development Area (MADA) explains how Minimum Assured Development Area (MADA) is determined. If the application of Natural Hazard regulations outside prohibited areas, or if the cumulative impact of such Natural Hazard regulations and the application of the regulations in Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions would limit the developable portion of a property below the property's MADA, then development will be allowed on the property, to the degree necessary to achieve the MADA, as explained in Chapter 4.11 - Minimum Assured Development Area. However, use of MADA provisions to develop in the 0.2-ft. Floodway is prohibited, as outlined in Sections 4.5.90.05 and 4.5.100.03, as well as Section 4.11.50.05 of Chapter 4.11 - Minimum Assured Development Area; and

b. **Floodway Fringe Development Pursuant to MADA Provisions Requires Adherence to Partial Protection Floodplain Provisions -** In cases where encroachment into the Floodway Fringe is allowed per the Minimum Assured Development Area provisions in Chapter 4.11 - Minimum Assured

Development Area (MADA), all such Development shall comply with Section 4.5.100 - Standards in Partial Protection Floodway Fringe. See Sections 4.5.90.05 and 4.5.100.03.

Section 4.5.30 - DISCLAIMER OF LIABILITY

The degree of flood protection required by this Chapter and Chapter 2.11 - Floodplain Development Permit is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods and hazard events can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. Areas impacted by other Natural Hazards may differ from those shown on the Corvallis Natural Hazards Map. Neither this Chapter nor Chapter 2.11 - Floodplain Development Permit implies that land outside the Special Flood Hazard Areas or Uses permitted within such areas will be free from flooding or flood damages, nor does it imply that land outside of mapped hazard areas will be free from damage or earth movement in a hazard event. Neither this Chapter nor Chapter 2.11 - Floodplain Development Permit shall create liability on the part of the City of Corvallis, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages or other hazard damages that result from reliance on this chapter and Chapter 2.11 - Floodplain Development Permit, or any administrative decision lawfully made hereunder. Compliance with the minimum standards established by this Chapter is not intended to relieve any private party from liability for the design or construction of Development which causes damage or injury by increasing flooding or aggravating an existing and known hazard.

Section 4.5.40 - FINDINGS OF FACT, DEFINITIONS, AND RELATED STANDARDS

4.5.40.01 - Findings of Fact

a. The Special Flood Hazard Areas of the City of Corvallis are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

b. These flood losses are caused by buildings and structures in Special Flood Hazard Areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in Floodplains causing increases in flood heights and velocities.

c. The City of Corvallis has the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper Floodplain management.

4.5.40.02 - Definitions

a. Specific Definitions for Phrases Related to 100-Yr. Floodplain Regulations - See Section 1.6.40 for the full set of definitions that are unique to the 100-yr. Floodplain regulations presented below.

b. 100-yr. Floodplain, 0.2-ft. Floodway, and Floodway Fringe -

1. 100-yr. Floodplain - The 100-yr. Floodplain is a land area adjacent to a river, stream or other water body that is subject to a one percent or greater chance of flooding in any given year. The Floodplain is divided into two sections: the Floodway and Floodway Fringe areas. The 100-yr. Floodplain is mapped by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Maps (FIRMs) or, for areas not mapped by FEMA, it is mapped via Floodplain studies approved by the Floodplain Administrator or designee. It is also referred to as the Special Flood Hazard Area and is the area subject to Base Flood regulations. See Figure 4.5-1 - Components of 100-yr. Floodplain; and the following definitions in Section 1.6.40: Floodway (Regulatory Floodway); Floodplain - 100-yr.; Flood,100-yr.; Base Flood; and Floodway Fringe.

2. 0.2-ft. Floodway - The 0.2-ft. Floodway is defined as the river channel or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood (100-yr. Flood) without cumulatively increasing the Water Surface Elevation more than 0.2 ft. See Figure 4.5 -1 - Components of 100-yr. Floodplain; and the Floodway (Regulatory Floodway) definition in Section 1.6.40. The Regulatory Floodway for the City of Corvallis is the 0.2-ft. Floodway. However, unless development qualifies as one of the exceptions per Sections 2.11.40, 4.5.50.04, or 4.5.80.05, no rise in Base Flood Elevation (BFE) is allowed.

3. Floodway Fringe - The Floodway Fringe is defined as the area of the 100-yr. Floodplain lying outside of the 0.2-ft. Floodway. See Figure 4.5 -1 - Components of 100-yr. Floodplain; and the following definitions in Section 1.6.40: Floodway Fringe and Floodway (Regulatory Floodway). However, unless development qualifies as

one of the exceptions per Section 2.11.40, 4.5.50.04, or 4.5.80.05, no rise in Base Flood Elevation (BFE) is allowed.

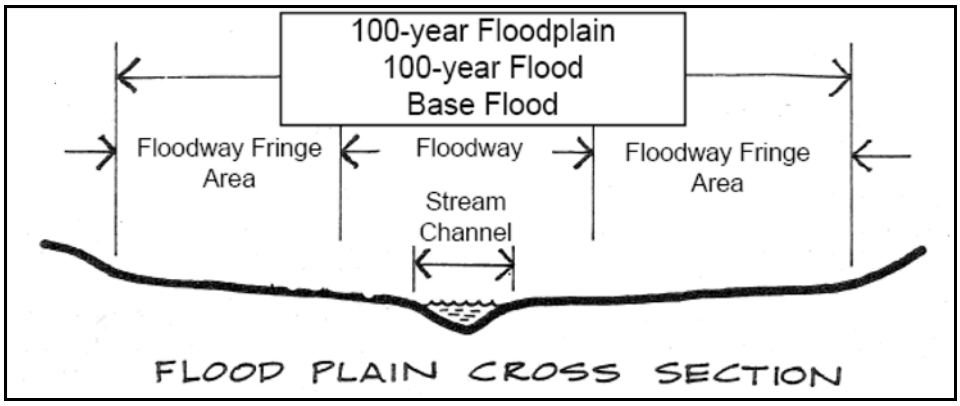

Figure 4.5-1 - Components of the 100-year Floodplain
Where development is allowed per Code provisions, no rise in Base Flood Elevation (BFE) is allowed, unless the development qualifies as one of the specific exceptions outlined in Section 2.11.40, 4.5.50.04, or 4.5.80.05.

4.5.40.03 - Relationship of 0.2-ft. Floodway and Floodway Fringe to Regulated Riparian Corridors

Areas of the 0.2-ft. Floodway and Floodway Fringe that fall within a Regulated Riparian Corridor are also subject to the provisions of Chapter 4.13 - Riparian Corridor and Wetland Provisions. Where regulations are in conflict, the most restrictive shall apply. See Riparian Corridor, Regulated in Chapter 1.6 - Definitions.

Section 4.5.50 - PROCEDURES

Compliance with the provisions of this Chapter shall be determined through the development review processes identified in Section 1.2.110 of Chapter 1.2 - Legal Framework and in Chapter 2.11 - Floodplain Development Permit. Applications for Excavation and Grading Permits, Floodplain Development Permits, Building Permits or other permits for buildings and structures on sites containing the 100-yr. Floodplain shall be submitted and reviewed to ensure compliance with specifications referenced herein; and to ensure that development is reasonably safe from anticipated hazards. Such applications also include those needed for Manufactured Dwellings. Other development activities as described in this provision include all the activities listed in the Section 1.6.40 definition for Development. However, unless development qualifies as one of the exceptions per Section 2.11.40, 4.5.50.04, or 4.5.80.05, no rise in Base Flood Elevation (BFE) is allowed.

4.5.50.01 - Floodplain Development Permit

A Floodplain Development Permit shall be obtained consistent with Chapter 2.11 - Floodplain Development Permit, prior to initiating Development activities in any Special Flood Hazard Area established through Section 4.5.20.01.b. Floodplain Development Permit applications shall include the items listed in Sections 4.5.50.02, 4.5.50.03, 4.5.50.04, as applicable, and the items listed in Section 2.11.50.01.

4.5.50.02 - Development Application

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

4.5.50.03 - Required Information

Unless deemed unnecessary per Section 4.5.50.02, all such Development applications shall include the following information:

a. A site plan showing the proposed Development on the site, drawn to a standard scale and including an illustrated scale for use in reductions;

b. Location of all proposed infrastructure necessary to serve the proposed Development. Such infrastructure includes streets, driveways, water, sanitary sewer, and storm drainage;

c. Land uses within 300 ft. of the subject property;

d. Title block;

e. North arrow and bar scale;

f. Date(s) of field check(s);

g. A grading plan, if grading is to occur, showing existing and finished contours on the site, at two- ft. contour intervals;

h. Sources of information, such as national, state, or local soil survey maps; and City maps such as Comprehensive Plan and Zoning Maps, the Natural Hazards Map, the Significant Vegetation Map, the Riparian Corridors and Wetlands Map; and date and scale of aerial photos, etc.;

i. Any other relevant submittal requirements identified for Development in areas with other specific Natural Hazards, as specified in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

j. **Building and Structure Elevations** - For all existing and proposed, relocated, or expanded buildings and structures, elevation in relation to the Highest Adjacent Grade, the North American Vertical Datum 1988 (NAVD88), and the Base Flood Elevation, or the flood Depth Number in AO Federal Flood Zones, as applicable, of the:

1. Lowest enclosed area of all existing and proposed, relocated, or expanded buildings and structures. This includes Crawlspaces, basement floors, and attached garages, electrical equipment (except utility meters), heating and ventilation equipment, plumbing, air conditioning equipment, and/or other service facilities (including ductwork);

2. Top of proposed garage slabs; and

3. Next highest floor situated above the items in “1,” and “2,” above.

k. Elevation to which any existing building or structure has been or is proposed to be flood-proofed; and certification by a registered professional engineer that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 4.5.110.08, below;

l. The locations and sizes of all flood openings in any proposed buildings and structures;

m. A description of the extent to which any Floodplain or Watercourse is proposed to be altered or affected as a result of proposed Development;

n. **Topographic Survey** - A topographic survey of the Development site, showing existing and proposed topography in two-ft. contour intervals. The

survey shall indicate the location of Top-of-bank, consistent with the definition in Chapter 1.6 - Definitions. The survey shall show the 0.2-ft. Floodway boundary and the 100-yr. Floodway Fringe boundary. The survey shall also show the location of existing and proposed improvements on the site, including buildings, structures, fencing, walls, landscaping, storage of materials or equipment, drainage facilities, parking areas, and other impervious surface areas. The survey shall be drawn to scale and shall note the distance from Top-of-bank to the improvements on the site;

o. **Flood Elevation** - The applicable Base Flood Elevation or, in AO Federal Flood Zones, the flood Depth Number;

p. **Determination of Unmapped 100-yr. Floodplain Information** - The following shall be included with applications involving properties for which any of the items listed below have not been mapped consistent with Section 4.5.20.01.b, and contain or are suspected to contain a portion of the 100-yr. Floodplain. The applicant shall provide a scope of work for a Floodplain study to the Floodplain Administrator or designee. The Floodplain Administrator or designee shall review the scope of work to determine whether or not it is compliant with established procedures. The scope of work may or may not be required to include off-site areas. The final scope of work and Floodplain study shall be prepared by a licensed engineer and reviewed and approved by the Floodplain Administrator or designee.

1. The boundary of the 100-yr. Floodplain. Newly mapped 100-yr. Floodplain areas shall be designated High Protection Floodplain;

2. The boundary of the 0.2-ft. Floodway;

3. A determination of the corresponding Federal Flood Zone (e.g., “A1-30,” “AE,” “AH,” approximate “A,” and “AO”), as applicable; and

4. The Base Flood Elevation for Federal Flood Zones “A1-30," “AE,” “AH,” and approximate “A,” or flood Depth Number for Federal Flood Zone “AO,” as applicable; and

q. All federally-mandated or state-mandated permits issued by other governmental agencies shall be obtained, or obtaining such permits shall be a Condition of Approval to be satisfied prior to issuance of any construction permit. Such permits include but are not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, 16 U.S.C. 1531-1544, and State of Oregon Removal-Fill permits, as amended.

4.5.50.04 - Provisions for New Technical Data When Conditional Letter of Map Revision (CLOMR) and Associated Letter of Map Revision (LOMR) Required

Notwithstanding prohibitions contained in Sections 4.5.80.01, 4.5.90.02, and 4.5.100, exceptional circumstances directly related to the construction of public infrastructure may necessitate an increase in the Base Flood Elevation within the 0.2-ft. Floodway and/or Floodway Fringe. The Floodplain Administrator or designee shall be responsible for determining whether exceptional circumstances exist. If such exceptional circumstances are found to exist, the applicant shall provide materials required by Section 4.5.50.02, 4.5.50.03, and 2.11.50.01 as part of a Floodplain Development Permit application and shall also be responsible for:

a. Having technical data prepared in a format required for a Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) and submitting such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant;

b. Covering all costs associated with obtaining a CLOMR or LOMR from FEMA. The City of Corvallis shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application;

c. Obtaining FEMA approval for the CLOMR or LOMR and including the written documentation of the approval to the Floodplain Administrator or designee as part of the application materials in Section 4.5.50.02 and 4.5.50.03, as well as part of the application materials for a Floodplain Development Permit required by Chapter 2.11 - Floodplain Development Permit; and

d. Obtaining from FEMA, within six months of project completion, a LOMR reflecting the as-built changes to the FIRM, and providing a copy of the FEMA-approved materials to the Floodplain Administrator or designee. This provision applies when the applicant obtains an approved CLOMR from FEMA, or when the applicant's Development modifies Floodplain boundaries or Base Flood Elevations.

Section 4.5.60 - ADMINISTRATION AND INTERPRETATION

4.5.60.01 - Administration

a. **Designation of a Local Floodplain Administrator** - The City Engineer is hereby appointed as the Floodplain Administrator. The City Engineer or designee is responsible for administering and implementing the provisions of this chapter and Chapter 2.11 - Floodplain Development Permit;

b. **Duties and Responsibilities of the Floodplain Administrator or Designee** - Duties of the Floodplain Administrator or designee shall include, but shall not be limited to:

1. Review all Floodplain Development Permit applications to determine whether proposed new Development will be located in Special Flood Hazard Area;

2. Review applications for modifications of any existing Development in Special Flood Hazard Areas for compliance with the requirements of this Chapter and Chapter 2.11 - Floodplain Development Permit;

3. Interpret Special Flood Hazard Area boundaries, provide available Special Flood Hazard Area information, and provide Base Flood Elevations, where they exist;

4. Review proposed Development to assure that applicants have obtained and provided the necessary permits from governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Oregon Removal-Fill permits. Copies of such permits shall be maintained on file;

5. Review all Floodplain Development Permit applications to determine if the proposed Development is located in the 0.2-ft. Floodway and, if so, ensure that the encroachment standards of Section 4.5.80 are met;

6. When Base Flood Elevation or Floodway data have not been identified by FEMA in a Flood Insurance Study and/or Flood Insurance Rate Maps, the Floodplain Administrator or designee shall require an

applicant to provide a Floodplain study prepared by a licensed engineer, and the study shall be in accordance with Section 4.5.50.03.p. Newly mapped 100-yr. Floodplain areas shall be designated as High Protection Floodplain. Upon receipt and approval of this Floodplain study, the Floodplain Administrator or designee shall review, and reasonably utilize scientific or historic Base Flood Elevation and Floodway data available from a federal, state, or other source, in order to administer this chapter and Chapter 2.11 - Floodplain Development Permit;

7. When Base Flood Elevations or other engineering data are not available from an authoritative source, the Floodplain Administrator or designee shall take into account the Special Flood Hazard Areas, to the extent they are known, to determine whether a proposed building site or Subdivision will be reasonably safe from flooding. Oregon Residential Specialty Code R324.1.3 authorizes the Building Official to require an applicant to determine a Base Flood Elevation where none exists. Additionally, Section 4.5.50.03.p authorizes the Floodplain Administrator or designee to require an applicant to provide a Floodplain study in accordance with the provisions of that Code section. Newly mapped 100-yr. Floodplain areas shall be designated as High Protection Floodplain;

8. Where interpretation is needed of the exact location of boundaries of the Special Flood Hazard Areas, including regulatory Floodway (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator or designee shall make the interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1.1.30;

9. Issue Floodplain Development Permits when the provisions of Chapter 2.11 - Floodplain Development Permit have been met, or deny the same in the event of noncompliance;

10. Coordinate with the Building Official to assure that applications for Building Permits comply with the requirements of this chapter and Chapter 2.11 - Floodplain Development Permit;

11. Obtain from applicants, verify, and record the actual elevation in relation to the vertical datum used on the effective Flood Insurance Rate Map, or Highest Adjacent Grade where no Base Flood Elevation

is available, of the Lowest Floor level, including Basement, of all New Construction or Substantially Improved buildings and structures;

12. Obtain from applicants, verify, and record the actual elevation, in relation to the vertical datum used on the effective Flood Insurance Rate Map, or Highest Adjacent Grade where no Base Flood Elevation is available, to which any new or Substantially Improved buildings or structures have been flood-proofed. When flood-proofing is utilized for a structure, the Floodplain Administrator or designee shall obtain from applicants certification of design criteria from a registered professional engineer or architect;

13. Ensure that all records pertaining to the 100-yr. Floodplain regulations presented in this Chapter are permanently maintained in the office of the Floodplain Administrator or designee and shall be open for public inspection;

14. Make inspections in Special Flood Hazard Areas to determine whether Development has been undertaken without issuance of a Floodplain Development Permit, ensure that Development is undertaken in accordance with a Foodplain Development Permit and the provisions of this Chapter and Chapter 2.11 - Floodplain Development Permit, and verify that existing buildings and structures maintain compliance with the provisions of this Chapter and Chapter 2.11 - Floodplain Development Permit;

15. The Floodplain Administrator or designee shall make periodic inspections of Floodplain areas to establish that Development activities within the Floodplain are being performed in compliance with an approved Floodplain Development Permit. The Floodplain Administrator or designee shall prepare a field report listing non-complying conditions and shall proceed with enforcement actions including, but not limited to: the issuance of a Stop Work Order; the issuance of a citation; and the commencement of civil legal proceedings;

16. Coordinate with the Building Official to inspect areas where existing buildings and structures in Special Flood Hazard Areas have been damaged, regardless of the cause of damage, and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the Building or Structure; and

17. Make Substantial Improvement or Substantial Damage determinations.

4.5.60.02 - Interpretation

a. Interpretation and Application of this Chapter and Chapter 2.11 - Floodplain Development Permit - In the interpretation and application of the 100-yr. Floodplain regulations presented below, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body, and;

3. Deemed neither to limit nor repeal any other powers granted under state statutes, including state Building Codes.

b. Interpretation of Flood Insurance Rate Map and Other Floodplain Boundaries - When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator or designee shall determine the exact location of the boundaries of the Floodplain. Where FEMA Base Flood Elevation information is unavailable for Special Flood Hazard Areas, the Floodplain Administrator or designee shall obtain, review, and reasonably utilize any Base Flood Elevation and Floodway data as a basis for applying standards in the Floodway Fringe and 0.2-ft. Floodway. The Floodplain Administrator or designee is authorized to require applicants to provide such information via Section 4.5.50.03.p.

Section 4.5.70 - INCENTIVES FOR RELOCATING BUILDINGS, STRUCTURES, PARKING LOTS, AND OTHER IMPERVIOUS SURFACES OUTSIDE THE 100-YR. FLOODPLAIN

Existing buildings and structures, parking lots, and other impervious surface areas that are removed from the 100-yr. Floodplain will qualify for the benefits in “a,” and “b,” below. Additionally, new Development is also eligible for the benefits in “a,” and “b,” below, in areas of the 100-yr. Floodplain where such Development is allowed, including identified portions of the Willamette River, Mary’s River, Millrace Floodplain, and Partially Protected local Stream areas.

4.5.70.01 - Allowed Intensification

a. Residentially Zoned Properties - Development or redevelopment of a residentially zoned property, or of a group of contiguous residentially zoned

properties, may transfer density from portions of the site within the Floodway Fringe to portions of the site outside of the Floodway Fringe to the extent allowed by use of the Development standards in the next most intensive Development zone. However, this intensification is only allowed provided that, in resultant Development, no buildings, structures or parking areas are located within the Floodway Fringe portion of the site.

b. Nonresidentially Zoned Properties for which at Least 25 Percent of the Total Site Area is within the 100-yr. Floodplain -

1. Allowed building height of the underlying zone may be increased by 10 ft. if all improvements, including buildings and parking areas, are removed from at least 75 percent of the site area within the Floodplain. This is not a cumulative standard and cannot be combined with height exceptions allowed elsewhere in this Code.

2. Allowed building height of the underlying zone may be increased by 20 ft. if all improvements, including buildings and parking areas, are removed from 100 percent of the site area within the Floodplain. This is not a cumulative standard and cannot be combined with height exceptions allowed elsewhere in this Code.

4.5.70.02 - Reduction of Impervious Surface Area for Development Sites with at Least 50 percent of Their Area within the 100-yr. Floodplain

When a Development site has at least 50 percent of its site area within the 100-yr. Floodplain, the height of buildings and structures may be increased by 10 ft. above the height normally allowed in the applicable underlying Development zone if Development or redevelopment of the site results in pervious surface area for at least 50 percent of the entire Development site. Gravel, paving, concrete, buildings, and structures are all impervious. This is not a cumulative standard and cannot be combined with height exceptions allowed elsewhere in this Code.

Section 4.5.80 - STANDARDS IN THE 0.2-FT. FLOODWAY

4.5.80.01 - Encroachments

Except as provided in Section 4.5.80.05, no encroachments are allowed within the 0.2-ft. Floodway, with the exception of bridges, infrastructure, utilities, or Water-dependent Uses, for which it may be demonstrated, through hydrologic and hydraulic analyses certified by a registered professional civil engineer and

performed in accordance with standard engineering practices, that the proposed encroachment would not result in any increase in flood levels within the community during the Base Flood discharge. Encroachments include fill, New Construction, fences, Substantial Improvements, except as provided in Section 4.5.80.03.c, below, and other Development. Development within the 0.2-ft. Floodway shall comply with all applicable state and federal requirements. Construction of these facilities must be shown to cause minimal harm to the Properly Functioning Condition of the stream. These improvements shall be subject to the City's Engineering Design Standards.

4.5.80.02 - Watercourse Relocations

Watercourse relocation by artificial means is prohibited, except for emergency management purposes, the realignment of Dunawi Creek back to its natural alignment as allowed by the note on the Comprehensive Plan Map, or as mandated by state or federal actions that supercede local authority. For riverine situations, the applicant who is authorized for such a relocation must notify the Oregon Department of State Lands (DSL) and the Oregon Department of Land Conservation and Development, and submit copies of such notification to the Floodplain Administrator or designee, prior to the relocation of the Watercourse. The applicant is required to submit copies of said notification to those adjacent communities that the Floodplain Administrator or designee determines should receive such notification. The applicant shall submit to the Floodplain Administrator or designee certification provided by a registered professional engineer, assuring that the flood carrying capacity of a relocated Watercourse can and will be maintained.

4.5.80.03 - Limitations and Exceptions to Activities in the 0.2-ft. Floodway

In addition to the requirements of the underlying zone, the limitations and exceptions in "a," through "c," below, and in Sections 4.5.80.04 and 4.5.80.05 shall apply to activities within the 0.2-ft. Floodway. Where applicable state or federal regulations provide greater restrictions, such regulations shall apply. All necessary local, state, and federal approvals shall be secured prior to the commencement of earth movement or construction in these areas.

a. **Removal of Vegetation** - Removal of vegetation from the 0.2-ft. Floodway is prohibited, except for the following purposes, as approved by the Floodplain Administrator or designee:

1. Stream restoration and enhancement programs;

2. Removal of Invasive and/or Noxious Vegetation as defined in Chapter 1.6 - Definitions. If necessary in conjunction with vegetation removal, non-rip-rap erosion control measures shall be utilized;

3. For the Development of Water-related or Water-dependent Uses, provided they are designed and constructed to minimize impact on the existing Riparian Vegetation;

4. Removal of emergent in-channel vegetation and debris likely to cause flooding events that result in structural damage;

5. Mowing/cutting of vegetation and in a 20-ft. perimeter around buildings and structures for fire hazard prevention;

6. Continuation of agricultural activities occurring on a property prior to December 31, 2004, such as grazing livestock, growing crops, etc. However, the use of herbicides, or other pesticides, the application of synthetic fertilizers, and the storage of toxic materials in these areas is subject to applicable state and federal regulations and is also subject to the restrictions set forth in the Corvallis Municipal Code;

7. Removal of Hazardous Trees - Requests for removal of Hazardous Trees, except in emergency circumstances, shall be reviewed by the City Urban Forester (or another qualified arborist) and approved, conditionally approved, or denied by the Community Development Director. Any trees removed shall be replaced by like native species or alternative approved native species listed on the City of Corvallis Native Plant List; and

8. For maintenance consistent with the City of Corvallis Public Works Department Urban Stream Maintenance Guidelines. However, any maintenance conducted according to these guidelines may only be done if it is consistent with the other applicable provisions of this Chapter 4.5 - Floodplain Provisions, as well as the applicable provisions of Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

b. Maintenance within the 0.2-ft. Floodway -

1. The limitations imposed by this Section do not preclude the routine maintenance of existing buildings and structures, nor the routine maintenance, repair, and replacement of infrastructure in the 0.2-ft. Floodway.

2. Maintenance of lawns, non-native riparian planted vegetation, and landscaping shall be kept to a minimum. Additionally, the application of herbicides or other pesticides, and the application of synthetic fertilizers is subject to applicable state and federal regulations and developed properties shall be subject to the restrictions set forth in the Corvallis Municipal Code;

3. Where replanting is done, native species shall be used, with the exception of continuing agricultural uses, as specified in Section 4.5.80.03.a.6;

4. Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and resource functions;

5. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species. However, no trees shall be planted within utility easements;

6. Disposal of yard waste or other organic materials is prohibited within the Top-of-bank boundary of any Stream, and is regulated by restrictions in the Corvallis Municipal Code; and

7. Maintenance consistent with the City of Corvallis Public Works Department Urban Stream Maintenance Guidelines. However, any maintenance conducted according to these guidelines may only be done if it is consistent with the other applicable provisions of this Chapter 4.5 - Floodplain Provisions, as well as the applicable provisions of Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

c. **Existing Buildings and Structures Constructed Prior to December 4, 1984 -** Existing buildings and structures that were constructed prior to December 4, 1984, and are located in the area between the 1.0-ft. Floodway and the 0.2-ft. Floodway shall not be considered Nonconforming Structures for the purposes of this Chapter. Additionally, Substantial Improvement or replacement within the same footprint is permitted. Such replacements shall comply with the mandatory construction standards in Sections 4.5.100.02, 4.5.100.03, and 4.5.110.

4.5.80.04 - Placement of Fill within the 0.2-ft. Floodway

Any fill allowed to be placed within the 0.2-ft. Floodway, per Sections 2.11.40, 4.5.80.01, or 4.5.80.05, shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour. This standard shall not be varied.

4.5.80.05 - Exception to the 0.2-ft. Floodway "No Rise" Standard

Notwithstanding Section 4.5.80.01, an increase in the Base Flood Elevation within the 0.2-ft. Floodway may be permitted in exceptional circumstances, if the Floodplain Administrator or designee approves the exceptional circumstances and if the applicant obtains approval of a Conditional Letter of Map Revision (CLOMR) by the Federal Emergency Management Agency. An applicant must strictly adhere to the procedures for obtaining a CLOMR, as described in Section 4.5.50.04, and provide copies of a valid CLOMR to the Floodplain Administrator or designee prior to receiving approval of a local land use request that will result in any increase in Base Flood Elevation within the 0.2-ft. Floodway.

Section 4.5.90 - STANDARDS IN HIGH PROTECTION FLOODWAY FRINGE AREAS

The following standards shall apply to activities and Development in High Protection Floodway Fringe areas, as identified on the Natural Hazards Map. Generally, these areas contain the 100-yr. Floodplain of local Streams, but not the portions of the Millrace and Willamette and Mary's River 100-yr. Floodplains within the City Limits boundary, as of December 31, 2004. Additionally, Special Flood Hazard Areas mapped after December 31, 2004, shall all be designated High Protection Floodway Fringe and, once annexed, shall be subject to the standards of this chapter and Chapter 2.11 - Floodplain Development Permit.

In addition to the requirements of the underlying zone, the following limitations and exceptions shall apply to activities within the High Protection Floodway Fringe. Where applicable state or federal regulations provide greater restrictions, such regulations shall

apply. All necessary local, state, and federal approvals shall be secured prior to the commencement of earth movement or construction in these areas.

4.5.90.01 - Removal of Vegetation

Removal of vegetation from High Protection Floodway Fringe areas is prohibited, except for the following purposes, as approved by the Floodplain Administrator or designee:

a. Stream restoration and enhancement programs;

b. Removal of Invasive and/or Noxious Vegetation as defined in Chapter 1.6 - Definitions. If necessary in conjunction with vegetation removal, non-rip-rap erosion control measures shall be utilized;

c. For the Development of Water-related or Water-dependent Uses, provided they are designed and constructed to minimize impact on the existing Riparian Vegetation;

d. Removal of emergent in-channel vegetation likely to cause flooding events that result in structural damage;

e. Mowing/cutting of vegetation in a 20-ft. perimeter around buildings and structures for fire hazard prevention;

f. Continuation of agricultural activities occurring on a property prior to December 31, 2004, such as grazing livestock, growing crops, etc. However, the use of herbicides, or other pesticides, the application of synthetic fertilizers, and the storage of toxic materials in these areas is subject to applicable state and federal regulations,and is also subject to the restrictions set forth in the Corvallis Municipal Code;

g. Maintenance and protection of the function of City utilities and transportation facilities located within Floodway Fringe areas;

h. Removal of Hazardous Trees - Requests for removal of Hazardous Trees, except in emergency circumstances, shall be reviewed by the City Urban Forester (or another qualified arborist) and approved, conditionally approved, or denied by the Community Development Director. Any trees removed shall be replaced by like native species or alternative approved native species listed on the City of Corvallis Native Plant List;

i. Maintenance consistent with the City of Corvallis Public Works Department Urban Stream Maintenance Guidelines. However, any maintenance conducted according to these guidelines may only be done if it is consistent with the other applicable provisions of this Chapter 4.5 - Floodplain Provisions, as well as the applicable provisions of Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; and

j. Removal of vegetation and maintenance within areas allowed to be developed per the Code's Minimum Assurance Development Area (MADA) provisions.

4.5.90.02 - Building, Paving, and Grading Activities

Within High Protection Floodway Fringe areas, the placement of buildings and structures or impervious surfaces, as well as grading, excavation, and the placement of fill, is prohibited except as provided in Section 2.11.40 and as stated below. Exceptions to the Floodway Fringe restrictions may be made for the purposes identified in items "a," through "g," of this Section, provided they are designed and constructed to minimize adverse impacts to Stormwater and Floodplain Functions within the Floodway Fringe, comply with the mandatory construction standards in Section 4.5.100 and, unless permitted in accordance with Section 4.5.50.04, result in no increase in Base Flood Elevation.

a. **Replacement or Relocation of Existing Buildings and Other Structures -** Replacement or relocation of existing buildings and/or other structures, either within the original footprint, or with the same or reduced square footage area elsewhere in the Floodplain portion of the site. A relocation of an existing building and/or other structure within the same square footage area, but located elsewhere within the Floodplain portion of the site, is only allowed if the relocated building and/or other structure enhances Stormwater and Floodplain Function. The relocation shall be considered to enhance Stormwater and Floodplain Function if it furthers any of the following goals without worsening any other goal:

1. Replaces standard construction with flow-through construction;

2. Moves the structure or paved area to a higher elevation;

3. Moves the structure or paved area further from the Top-of-bank of the adjacent Watercourse;

4. Reduces the amount of impervious surface area in the Floodway Fringe;

5. Does not negatively impact non-noxious Riparian Vegetation. Invasive and/or Noxious Vegetation is defined in Chapter 1.6 - Definitions; and/or

6. Maintains or reduces the volume of floodwater displacement.

b. Additions to existing buildings and structures that either:

1. Fall below the threshold of Substantial Improvement as defined in Chapter 1.6 - Definitions; or

2. Will not result in the filling of additional Floodway Fringe area, such as a second story addition or Flow-through Design construction;

c. Location, maintenance, repair, and replacement of infrastructure, and construction of streets, utilities, bridges, bicycle, and pedestrian facilities. Location and construction of such facilities within High Protection Floodway Fri nge areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the Floodway Fringe area;

d. Redevelopment of utility operations existing as of December 31, 2004, is also permitted. Required riparian easement areas shall be re-vegetated consistent with Section 4.13.50.d.1 and Section 4.13.50.d.2 of Chapter 4.13 - Riparian Corridor and Wetland Provisions;

e. Development of Water-related and Water-dependent Uses, including associated drainage facilities, water and sewer utilities, stormwater detention and retention facilities, flood control projects, and drainage pumps. These improvements shall be subject to the City's Engineering Design Standards;

f. Erosion control or flood control measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agency with jurisdiction in this

area. Erosion control or flood control measures shall either utilize bio-engineering methods other than rip-rap, or shall utilize rip-rap only to address an imminent hazard to a structure built prior to December 31, 2004. If utilized, the rip-rap installation shall be designed by a Professional Engineer Licensed by the State of Oregon and approved by the Oregon Department of Fish and Wildlife; and

g. Development associated with a Minimum Assured Development Area that would be allowed in accordance with Chapter 4.11 - Minimum Assured Development Area (MADA).

4.5.90.03 Subdivisions, Land Partitions, and Property Line Adjustments

For properties with Natural Resources or Natural Hazards subject to Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, no Subdivision, Partition, or Property Line Adjustment shall create new lots or parcels unless each new and remaining lot or parcel contains:

a. An area unconstrained by Natural Resources or Natural Hazards;

b. An area that includes Formerly Constrained Areas; or

c. Contains an area that includes the areas in “a,” and “b,” above;

and that area is equal to or greater than the Minimum Assured Development Area for the zone or zones in which the Development site falls.

Exceptions to this requirement are lots created for public park purposes and privately- or publicly-owned lots completely contained within land zoned Conservation-Open Space. New Subdivisions and Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.

4.5.90.04 - Maintenance within Floodway Fringe Areas

The limitations imposed by this Section do not preclude the routine maintenance of allowed or pre-existing buildings, structures, infrastructure, and landscaped areas.

a. Maintenance of lawns, non-native riparian planted vegetation and landscaping shall not expand lawn areas or remove or damage any non-

hazardous tree. A lawn area is defined as vegetated area mowed to an 18-in. or less height;

b. The application of herbicides or other pesticides, and the application of synthetic fertilizers are subject to applicable state and federal regulations; and developed properties shall be subject to the restrictions set forth in the Corvallis Municipal Code;

c. Where replanting is done, native species shall be used, with the exception of continuing agricultural uses, as specified in Section 4.5.90.01.f;

d. Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and resource functions;

e. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species. However, no trees shall be planted within utility easements;

f. Disposal of yard waste or other organic materials is prohibited within 25 ft. of the Top-of-bank boundary of any Stream, and is regulated by restrictions in the Corvallis Municipal Code; and

g. Maintenance consistent with the City of Corvallis Public Works Department Urban Stream Maintenance Guidelines. However, any maintenance conducted according to these guidelines may only be done if it is consistent with the other applicable provisions of this Chapter 4.5 - Floodplain Provisions, as well as the applicable provisions of Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

4.5.90.05 - Use of Minimum Assured Development Area (MADA) Provisions in the 100-yr. Floodway Fringe -

a. MADA Provisions Cannot be Used to Encroach into the 0.2-ft. Floodway - While Section 4.5.80 does allow for some very limited types of activities into the 0.2-ft. Floodway, encroachments for the specific purpose of achieving a Minimum Assured Development Area per Chapter 4.11 - Minimum Assured

Development Area (MADA) are prohibited in the 0.2-ft. Floodway. This prohibition is consistent with Section 4.11.50.05.

b. Floodway Fringe Development Pursuant to MADA Provisions Requires Adherence to Partial Protection Floodplain Provisions - In cases where encroachment into the Floodway Fringe is allowed per the Minimum Assured Development Area provisions in Chapter 4.11 - Minimum Assured Development Area (MADA), all such Development shall comply with Section 4.5.100 - Standards in Partial Protection Floodway Fringe.

Section 4.5.100 - STANDARDS IN PARTIAL PROTECTION FLOODWAY FRINGE AREAS

The following standards shall apply to activities and Development in Partial Protection Floodway Fringe areas, as identified on the Natural Hazards Map. These areas contain the portions of the Millrace and Willamette and Mary's River 100-yr. Floodplain within the City Limits boundary, as of December 31, 2004; and specific portions of local Streams as noted on the Riparian Corridors and Wetlands Map.

In addition to the requirements of the underlying zone, the following limitations and exceptions shall apply to activities within the Partial Protection Floodway Fringe. Where applicable state or federal regulations provide greater restrictions, such regulations shall apply. All necessary local, state, and federal approvals shall be secured prior to the commencement of earth movement or construction in these areas.

Except as provided in Sections 4.5.100.01 and 2.11.40, the placement of fill is prohibited within Partial Protection Floodway Fringe areas.

4.5.100.01 - Volumetric Exchange

To compensate for the deposition of fill materials or construction of flood-proofed buildings within any portion of the 100-yr. Floodplain, an equal amount of material shall be removed from the same property or Development site to ensure that the available flood volume of the 100-yr. Floodplain is not reduced. Unless permitted in accordance with Section 4.5.50.04, no increase in Base Flood Elevation shall be permitted. In addition, the following provisions shall apply:

a. Volumetric exchange shall be limited to the following areas:

1. Floodway Fringe portions of the Mill Race and Willamette and Marys Rivers; and

2. Floodway Fringe portions of other local streams, provided the area is designated as Partial Protection Floodplain on the Natural Hazards Map and at least one of the following is true:

a) The development is nonresidential construction; or

b) The development is residential construction and the development is less than a Substantial Improvement; or

c) The development is residential on a site where the natural grade is such that, if flow-through design were used and the finished floor elevation were constructed at one ft. above Base Flood Elevation, the resulting Crawlspace would not be deep enough to accommodate the FEMA-required venting which must be installed below Base Flood Elevation; or

d) The development is a garage; or

e) The development is a driveway or building access.

b. Material removed from the site shall not be taken from Significant Natural Resource areas as mapped on the Corvallis Significant Vegetation Map and Riparian Corridors and Wetlands Map, and shall be removed consistent with all requirements of this Code and other applicable City policies;

c. Areas of fill and excavation shall be designed to accommodate floodwater flows and shall not create barriers to the flow of floodwater. Proposals to alter topography in the Floodplain must demonstrate that they will not result in alteration of hydrology or flow regimes that would cause erosion, ponding, new or increased drainage onto neighboring properties, or other problems;

d. Volumetric exchange will not be required of buildings within the Floodway Fringe constructed with Flow-through Design, but will be required of flood-proofed buildings and structures within the Floodway Fringe;

e. Dikes are prohibited in these areas; and

f. The volume of a stormwater detention facility necessary to accommodate the designed-for storm event shall not count as an element of volumetric exchange.

4.5.100.02 - Parking Limitation - to Reduce Impervious Surface Area in the Floodplain

a. Where permitted, no expansion, redevelopment, or Development of a parking lot containing four or more parking spaces within any portion of the Floodway Fringe shall contain more than the minimum amount of parking that would be required per Chapter 4.1 - Parking, Loading, and Access Requirements, unless "1," or "2," below, is true. Parking lots within the Floodway Fringe may be reduced to 80 percent of the minimum parking required by Chapter 4.1. To achieve greater than minimum parking in the Floodway Fringe, parking area shall:

1. Be constructed of pervious materials, such as grass-crete; or

2. Be contained in a multi-story structured parking facility with at least 50 percent of the provided parking located above ground level and utilizing Flow-through Design. If this option is used, the parking lot may contain up to 130 percent of the required parking amount.

b. **Compact Spaces -** Where parking lots are permitted in the Floodway Fringe:

1. 40 percent of the parking spaces within new and redeveloped parking lots shall be compact spaces; and

2. If existing parking lots within the Floodway Fringe are permitted to expand, per the provisions of this Chapter, all additional parking spaces created in the expanded parking lot shall be compact spaces, until the 40 percent threshold in "1," above, is reached for the overall parking lot.

4.5.100.03 - Adherence to Sections 4.5.110, 4.5.120, and 4.5.90.05

a. Development is required to adhere to the Construction standards in Section 4.5.110 and the Subdivision, Land Partition, and Property Line Adjustment standards in Section 4.5.120.

b. **Use of MADA -** In cases where encroachment into the Floodway Fringe is allowed per the Minimum Assured Development Area provisions in Chapter 4.11 - Minimum Assured Development Area (MADA), all such Development shall comply with Section 4.5.90.05.

Section 4.5.110 - CONSTRUCTION STANDARDS WITHIN THE 100-YR. FLOODPLAIN

General Standards for All Construction - Development within the Floodway Fringe (Federal Flood Zones A, AH, A1-A30, AE, AO, and A99 on the Flood Insurance Rate Map), including residential and nonresidential buildings and structures and the public and private facilities serving these buildings and structures, shall adhere to the following standards so as to minimize damage from flooding. Unless permitted in accordance with Section 4.5.50.04, no increase in Base Flood Elevation shall be permitted. Although other types of construction are allowed by this Code, Flow-through Designs are preferable. These standards in Section 4.5.110.01 through Section 4.5.110.05, below, shall apply to all construction within the Floodway Fringe. In addition, the standards in Section 4.5.110.06 through Section 4.5.110.14, below, apply, as applicable.

4.5.110.01 - All necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, as amended. If obtaining such permits is a Condition of Approval for a land use application, such Condition of Approval shall be satisfied prior to issuance of any construction permit.

4.5.110.02 - All Land Division and Building Permit applications, including the placement of mobile and Manufactured Dwellings within Federal Flood Zones A, A1-A30, AE, AH, AO, and A99, shall be reviewed for conformance with these standards. Land Division and mobile or Manufactured Dwelling Facility proposals shall:

a. Be consistent with the need to minimize flood damage;

b. Locate and construct utilities such as sewer, gas, electrical, and water systems to minimize or eliminate flood damage;

c. Provide adequate drainage to reduce exposure to flood hazards;

d. Design new and replacement water systems within flood-prone areas to minimize or eliminate infiltration of flood waters into the systems; and

e. Design new and replacement sanitary sewer systems within flood-prone areas to minimize or eliminate infiltration of flood

waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems are not allowed.

4.5.110.03 - Flood Protection Construction Standards

a. All New Construction and Substantial Improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from Hydrodynamic and Hydrostatic Loads, including the effects of buoyancy;

b. All mobile and Manufactured Dwellings shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors as approved by the Building Official. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces; and

c. All building materials not elevated one ft. above Base Flood Elevation shall be constructed with materials that resist, and methods that minimize, flood damages.

4.5.110.04 - Use of Fill within the Floodway Fringe

Any fill allowed to be placed within the Floodway Fringe shall be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour. This standard shall not be varied.

4.5.110.05 - Below-grade Crawlspaces

Below-grade Crawlspaces are allowed, provided they conform to the following standards as found in FEMA Technical Bulletin 11-01, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas*:

a. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in “b,” below. Because of hydrodynamic loads, Crawlspace construction is not allowed in areas with flood velocities greater than five ft. per second unless the design is reviewed by a qualified design professional,

such as a registered architect or licensed professional engineer. Other types of foundations are recommended for these areas;

b. The Crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, shall have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening shall be no more than one ft. above the lowest adjacent exterior grade;

c. Portions of the building below the Base Flood Elevation (BFE) must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the Crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE;

d. Any building utility systems within the Crawlspace shall be elevated above Base Flood Elevation (BFE) or designed so that flood waters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, shall either be placed above the BFE or sealed from flood waters;

e. The interior grade of a Crawlspace below the Base Flood Elevation (BFE) shall not be more than two ft. below the lowest adjacent exterior grade;

f. The height of the below-grade Crawlspace, measured from the interior grade of the Crawlspace to the top of the Crawlspace foundation wall shall not exceed four ft. at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and Building Code requirements for Special Flood Hazard Areas;

g. There shall be an adequate drainage system that removes flood waters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means; and

h. The velocity of flood waters at the site should not exceed five ft. per second for any Crawlspace. For velocities in excess of five ft. per second, other foundation types should be used (see “a,” above).

4.5.110.06 - Standards for Recreational Vehicles

a. For the purposes of this Section, Recreational Vehicle is defined as a vehicle which includes all the following characteristics:

1. Built on a single chassis;

2. 400 sq. ft. or less in size when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

b. All Recreational Vehicles placed on sites within Federal Flood Zones A, AH, A1-A30, AE, AO, and A99 shall either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect-type utilities and security devices, and have no permanently attached structures or addition; or

3. Meet all standards of Section 4.5.110.03.

4.5.110.07 - Residential Construction

a. New Construction and Substantial Improvement (as defined in Chapter 1.6 - Definitions) of any residential structure, including mobile and Manufactured Dwellings, shall have the Lowest Floor elevated to a minimum of one ft. above Base Flood Elevation. In AO Federal Flood Zones, the Lowest Floor shall be elevated a minimum of one ft. above the flood Depth Number or, in areas where the Depth Number is unknown, the Lowest Floor shall be elevated a minimum of three ft. above the Highest Adjacent Grade. Lowest Floor includes basements and Habitable attached garages, and electrical (except utility meters), heating, ventilation, plumbing, and air conditioning

equipment and other service facilities (including ductwork). See definition for Lowest Floor in Section 1.6.40.

b. Accessory buildings and structures less than 200 sq. ft., and fully enclosed nonhabitable areas below the Lowest Floor that are subject to flooding are prohibited, unless designed to automatically equalize Hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters (fences and walls are not governed by this section, but are subject to the standards in Section 4.5.110.12). These accessory buildings and structures and fully enclosed nonhabitable areas include nonhabitable attached or detached garages, provided they meet the description of an "unfinished or flood-resistant enclosure" in the Section 1.6.40 definition for Lowest Floor. Designs for meeting these requirements shall meet standards outlined in the adopted Oregon Structural Specialty Code and shall meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one sq. in. for every sq. ft. of enclosed area subject to flooding shall be provided;

2. The bottom of all openings shall be no higher than one ft. above grade; and

3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

4.5.110.08 - Nonresidential Construction

a. New Construction and Substantial Improvement of any commercial, industrial, or other nonresidential structure shall either have the Lowest Floor elevated a minimum of one ft. above the level of the Base Flood Elevation, or accomplish the alternative approach in "1," through "3," below. Lowest Floor includes basements and Habitable attached garages, and electrical (except utility meters), heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork). See definition for Lowest Floor in Section 1.6.40. The alternative approach includes:

1. Flood-proofing the Lowest Floor together with attendant utilities and sanitary facilities, so that the structure is watertight a minimum of one ft. above the Base Flood level;

2. Having the structural components of the Lowest Floor capable of resisting Hydrostatic and Hydrodynamic Loads and effects of buoyancy; and

3. Having the alternative design certified by a registered professional engineer or architect, stating that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection, based on his/her Development and/or review of the structural design, specifications, and plans.

b. Designs for meeting the requirements in “a,” above, shall meet standards outlined in the adopted Oregon Structural Specialty Code.

1. Nonresidential buildings and structures that are elevated and not flood-proofed must have structural components capable of resisting Hydrostatic and Hydrodynamic Loads and effects of buoyancy, for space below the Lowest Floor; and

2. Applicants proposing to flood-proof nonresidential buildings shall be notified that the flood insurance premiums shall be based on rates for buildings and structures with a Lowest Floor that is one ft. below the flood-proofed level.

4.5.110.09 - Critical Facilities

Construction of new Critical Facilities, as defined in Section 1.6.40, shall be, to the maximum extent possible, located outside the limits of Special Flood Hazard Areas. Construction of new Critical Facilities shall be permissible within the Special Flood Hazard Area if no feasible alternative site is available. Critical Facilities constructed within Special Flood Hazard Areas shall have the Lowest Floor elevated three feet above Base Flood Elevation (or Depth Number in AO Federal Flood Zones). Access to and from the Critical Facility shall also, to the maximum extent possible, be protected to the height utilized above within the corresponding Special Flood Hazard Area(s). Any grade transition necessary to achieve the access protection requirement shall be achieved outside of the corresponding Special Flood Hazard Area(s). Dry floodproofing and sealing measures must be used to ensure that toxic substances or priority organic pollutants, as defined by the Oregon Department of Environmental Quality, will not be displaced by or released into floodwaters. The Floodplain Administrator or designee shall make the determination as to whether or not the Critical Facility’s siting and access have achieved this provision’s standards of “to the maximum extent possible.”

Some types of facilities may be critical to a community, but require location within or partially within Special Flood Hazard Areas because of the nature of the facilities. The Taylor Water Treatment plant along the Willamette River is an example of such a facility. It is pulling water from the Willamette River. Because of this fact, these types of facilities have purposefully been excluded from the definition of Critical Facility in Section 1.6.40.

4.5.110.10 - **Storage Tanks**

a. Underground tanks in Special Flood Hazard Areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.

b. Above-ground tanks in Special Flood Hazard Areas shall be:

1. Attached to and elevated to or above the Base Flood Elevation (or Depth Number in AO Federal Flood Zones) and attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood; or be

2. Anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.

c. Tank inlets, fill openings, outlets and vents shall be:

1. A minimum of 2 ft. above Base Flood Elevation (BFE) or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood; and

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

4.5.110.11 - On-site Sewage Systems

a. Soil absorption systems shall be located outside of Special Flood Hazard Areas. Where suitable soil absorption sites outside of Special Flood Hazard Areas are not available, the soil absorption site is permitted to be located within an Special Flood Hazard Area, provided the Floodplain Administrator

or designee finds that it is located to minimize the effects of inundation under conditions of the Base Flood; and

b. Mound systems are prohibited in Special Flood Hazard Areas.

4.5.110.12 - Fences and Walls

Unless exempt per Section 2.11.40.b, a Floodplain Development Permit shall be obtained for fences and walls, and the fences and walls shall comply with all of the standards in “a,” and “b,” below:

a. **Applicability -** These provisions apply when fences and walls are not exempt per Section 2.11.40.b, and at least one of the following is true:

1. The velocity of the flood waters where the fence or wall is proposed is equal to or greater than 5 ft. per second. This velocity information shall be obtained from one of the two following sources:

   a) The Flood Insurance Study for Benton County and Incorporated Areas, dated June 2, 2011; or

   b) For sites where no FEMA Flood Insurance Study is available, an independent Floodplain study approved by the Floodplain Administrator or designee and meeting all the requirements as outlined in Section 4.5.50.03.p; or

2. The velocity of flood waters information specified in “1,” above, is not available from one of the two sources in Section 4.5.110.12.a.1. In these instances the velocity of flood waters shall be assumed to be greater than 5 ft. per second.

The purpose of the Floodplain Development Permit for fences and walls in Floodplain areas with unknown flood water velocities or velocities at least 5 ft. per second, even where the fences and walls meet the design parameters in Section 4.5.110.12.b, is to ensure proper documentation and consideration of Floodplain activities for the benefit of the Federal Emergency Management Agency (FEMA) and the Floodplain Administrator or designee.

b. Fencing shall fully comply with Table 4.5-1 Fencing and Wall Parameters for Fences and Walls that Require a Floodplain Development Permit.

Table 4.5-1 Fencing and Wall Parameters for Fences and Walls that Require a Floodplain Development Permit (Those Fences and Walls Meeting Section 4.5.110.12.a)				
	Fencing or Walls Allowed?			
Fence or Wall Type	**Floodway Fringe**	**Floodway**	**Federal Flood Zones AH and AO**	
A	Yes	Yes, provided Section 4.5.80.01 is met.	Yes	
B	Yes	Yes, provided Section 4.5.80.01 is met & there is limited cross channel fencing.	Yes	
C & D	Yes, if fence is completely open below the Base Flood Elevation	Yes, provided Section 4.5.80.01 is met & there is limited cross channel fencing.	AH Federal Flood Zone - Yes, if fence is completely open below the Base Flood Elevation.	AO Federal Flood Zone - Yes, if fence is completely open below the Flood Depth Number where Base Flood Elevation not known.
E & F	Yes, if both of the following are met: **1.** An opening or a flap is provided in the areas at or below the Base Flood Elevation at least once every three fence panels or 24 ft., whichever is less. Fences less than 24 ft. in length shall have at least one flap or opening in the areas at or below Base Flood Elevation.The minimum dimensions of the opening or flap shall not be less than 12 in. x 12 or 8 in. x 18 in. In areas of the Floodway Fringe where Base Flood Elevation data is not available, the opening or flap shall be placed within one ft. of the existing grade along the fence alignment; and **2.** Openings shall not include any screening of any size or type, except for flaps that are capable of self-release and open to the full dimensions when under pressure of no greater than 20 pounds per sq. ft.	Yes, provided Section 4.5.80.01 is met & there is limited cross channel fencing.	Yes, if both of the following are met: **1.** An opening or a flap is provided in the areas at or below the Base Flood Elevation in AH Federal Flood Zone and below Flood Depth Number in AO Federal Flood Zone, at least once every three fence panels or 24 ft., whichever is less. Fences less than 24 ft. in length shall have at least one flap or opening in the areas at or below Base Flood Elevation.The minimum dimensions of the opening or flap shall not be less than 12 in. x 12 or 8 in. x 18 in. In areas of the Floodway Fringe where Base Flood Elevation data is not available, the opening or flap shall be placed within one ft. of the existing grade along the fence alignment; and **2.** Openings shall not include any screening of any size or type, except for flaps that are capable of self-release and open to the full dimensions when under pressure of no greater than 20 pounds per sq. ft.	

Table 4.5-1 Fencing and Wall Parameters for Fences and Walls that Require a Floodplain Development Permit (Those Fences and Walls Meeting Section 4.5.110.12.a)			
	Fencing or Walls Allowed?		
Fence or Wall Type	**Floodway Fringe**	**Floodway**	**Federal Flood Zones AH and AO**
G	Yes for fence only, provided a licensed engineer provides documentation showing that the fence is designed to collapse under anticipated flood Base Flood conditions. The engineering analysis shall consider debris impact, size of posts, and velocity and depth of flood waters.	No	Yes for fence only, provided a licensed engineer provides documentation showing that the fence is designed to collapse under anticipated flood Base Flood conditions. The engineering analysis shall consider debris impact, size of posts, and velocity and depth of flood waters.

A = Open barb or barbless wire. Open means no more than one horizontal strand per one ft. of height.
B = Open pipe or rail fencing (e.g. corrals). Open means rails occupy less than 10 percent of the fence area and posts are spaced no closer than 8 ft. apart.
C = Other wire, pipe, or rail fencing (e.g. field fence, chicken wire, etc.) which does not meet the requirements of "A," or "B," above.
D = Chain link fencing
E = Continuous Wood Fencing
F = Masonry Walls (excluding retaining walls, as retaining walls are required by Section 4.5.110.12 to meet the same standards as other building, paving, and grading activities)
G = Collapsible Fencing

4.5.110.13 - Temporary Structures, Storage, and Bridges

A Floodplain Development Permit is required for construction or placement of temporary structures, temporary storage associated with nonresidential uses, and temporary bridges located in Special Flood Hazard Areas:

a. Temporary structures, not including bridges, shall be limited by the Floodplain Administrator or designee as to time of service, with the intent that the time of service is limited to the minimum time necessary to accomplish the temporary activity, per the provisions in "c," below. This time of service shall not exceed 90 days. The Floodplain Administrator or designee is authorized to grant extensions for demonstrated cause; such cause shall reaffirm the temporary nature of the structure. Temporary structures shall be anchored to prevent flotation, collapse, or lateral movement.

b. Temporary storage of fill shall be limited by the Floodplain Administrator or designee as to time of service, with the intent that the time of service is limited to the minimum time necessary to accomplish the temporary activity, per the provisions in "c," below. This time of service shall not exceed 90 days and the amount of temporary fill shall be limited to no more than 50 cubic yards. The Floodplain Administrator or designee is authorized to grant

extensions for demonstrated cause; such cause shall reaffirm the temporary nature of the storage. Stored material shall be anchored or contained to prevent flotation or release outside the assigned storage area. Hazardous materials priority persistent pollutants identified by the Oregon Department of Environmental Quality shall not be stored in the 0.2-ft. Floodway.

c. Temporary encroachments, including bridges, in the 0.2-ft. Floodway require approval of a Floodplain Development Permit subject to conditions “1" through “7", below. No CLOMR/LOMR is required[1].

1. The Floodplain Development Permit shall stipulate the days and dates the Development will be on site. The Floodplain Administrator or designee shall determine the permissible period of encroachment based on the existing and expected hydrologic conditions of the 0.2-Floodway, as well as the type of and need for the encroachent. The Floodplain Administrator or designee is authorized to grant extensions for demonstrated cause; such cause shall reaffirm the temporary nature of the Development and be based on the hydrologic conditions expected during the period of extension. The Floodplain Administrator or designee is authorized to place limits on the volume of materials placed within the 0.2-ft. Floodway as a temporary encroachment and, when making such a determination, shall consider the existing and expected hydrologic conditions during the period of encroachment, as well as the type of and need for the encroachment;

2. A flood warning plan for the project shall be in place to allow equipment to be evacuated from the site and placed outside the Floodplain prior to inundation by flood waters;

3. Placement of equipment in the Floodway shall be restricted to only that equipment which is absolutely necessary for the purposes of the project. All other accessory equipment and temporary structures (i.e., construction trailers) shall be restricted from the 0.2-ft. Floodway. Structures should be placed on site so that flood damages are minimized. In instances where the Floodplain Administrator or designee believes that evacuation isn’t practical, the Floodplain Administrator or designee is authorized to require anchoring of construction trailers;

[1] No CLOMR/LOMR will be required because there is no need to modify the FIRM due to the temporary condition of the encroachment.

4. Temporary changes to the Floodplain under a one percent chance flood event (100-yr. flood) shall be identified; and

5. The applicant shall be notified in writing that they may be liable for any flood damages resulting from the temporary structure.

4.5.110.14 - Non-conversion of Enclosed Areas Below the Lowest Floor

To ensure that the areas below the Base Flood Elevation (BFE) continue to be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the provisions of this chapter and Chapter 2.11 - Floodplain Development Permit in effect at the time of conversion, the Floodplain Administrator or designee shall:

a. Determine which applicants for New Construction and/or Substantial Improvements have fully enclosed areas below the Lowest Floor that are five ft. or higher;

b. Require the property owner to enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN SPECIAL FLOOD HAZARD AREAS" or equivalent with the City of Corvallis. The agreement shall be recorded with Benton County as a deed restriction. The non-conversion agreement shall be reviewed and approved by the Floodplain Administrator or designee; and

c. Have the authority to inspect any area of a structure below the Base Flood Elevation to ensure compliance upon prior notice of at least 72 hours.

Section 4.5.120 - SUBDIVISIONS, LAND PARTITIONS, AND PROPERTY LINE ADJUSTMENTS

Subdivisions, Property Line Adjustments, and Minor Land Partitions that would create parcels or lots that cannot be developed in conformance with the regulations contained in this Chapter are prohibited, with the exception of lots created for public park purposes. See Section 4.5.90.03.

4.5.130 - MAP REFINEMENTS

4.5.130.01 - Map Refinements Defined

Map Refinements are adjustments made through professional analyses to refine the actual boundaries of some Natural Resources and Natural Hazards. Map

Refinements must be made in accordance with the provisions in Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. The Map Refinements governed by this chapter are specifically allowed to determine the location and extent of the:

a. 0.2-ft. Floodway;

b. 1.0-ft. Floodway, in accordance with FEMA regulations; and

c. 100-yr. Floodplain, in accordance with FEMA regulations.

4.5.130.02 - Map Refinements Provisions

a. Map Refinement provisions for the 0.2-ft. Floodway, the 1.0-ft. Floodway, and the 100-yr. Floodplain are outlined below. Map Refinement provisions for Top-of-bank, Riparian Corridor, and Wetland boundaries are outlined in Chapter 4.13 - Riparian Corridor and Wetland Provisions. Map Refinement provisions for Landslide Hazard areas and slopes are outlined in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Map Refinements are also adjustments to resolve registration issues that may occur between different GIS layers or maps, or adjustments that may be necessary to comply with updates to applicable Flood Insurance Rate Maps, Digital Flood Insurance Rate Maps, and Flood Insurance Studies issued by the Federal Emergency Management Agency.

b. **Floodplain and Floodway Boundaries** - The precise locations of Floodplain and Floodway boundaries are determined as follows:

1. <u>0.2-ft. Floodway</u> - Surveyed and mapped by a licensed surveyor or civil engineer, using two-ft. contour intervals established by the survey, and outlining a river channel or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood (100-yr. Flood) without cumulatively increasing the water surface elevation more than 0.2 ft.

2. <u>1.0-ft. Floodway</u> - Surveyed and mapped by a licensed surveyor or civil engineer, using two-ft. contour intervals established by the survey, and outlining a river channel or other Watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood (100-yr. Flood) without cumulatively increasing the water surface elevation more than one ft.

3. <u>100-Yr. Floodplain</u> -

a) 100-yr. Floodplain in Areas Studied by FEMA and Addressed by Current Federal Insurance Rate Map (FIRM) -

1) Surveyed and mapped by a licensed surveyor or civil engineer, using the Base Flood Elevations established by the Federal Emergency Management Agency (FEMA) and two-ft. contour intervals established by the survey; or

2) FEMA-approved adjustments as specified in “i,” and “ii,” below. However, no adjustments to the FIRM other than those specified in “i,” and “ii,” below may occur through the Map Refinement process.

i) Adjustments needed to comply with updates to applicable Flood Insurance Rate Maps, Digital Flood Insurance Rate Maps, and Flood Insurance Studies issued by the Federal Emergency Management Agency.

ii) Adjustments needed to reflect Letters of Map Amendment (LOMAs) and Letters of Map Revision (LOMRs) approved by the Federal Emergency Management Agency (FEMA). The Director shall only correct the 100-yr. Floodplain portion of the City’s maps to exactly reflect FEMA decisions.

b) 100-Yr. Floodplain in Areas Not Studied by FEMA and Not Addressed by Current Federal Insurance Rate Map (FIRM) - Sections 4.5.20.01.b and 4.5.50.03.p require Floodplain Studies to identify the 100-yr. Floodplain and related information in areas that are unmapped by the current FEMA Flood Insurance Study for Benton County and Incorporated Areas, dated, June 2, 1011, and are, therefore, not shown on the current Federal Insurance Rate Map (FIRM). Provided the information is entirely consistent with Sections 4.5.20.01.b and 4.5.50.03.p, the Map Refinement process can be used to map the 100-yr. Floodplain for these unstudied and unmapped areas. Once identified and approved by the Floodplain

Administrator or designee, these newly mapped areas shall be reflected in the Natural Hazards Overlay on the Comprehensive Plan and Zoning Maps, and graphically depicted as High Protection Floodplain on the Natural Hazards Map.

4.5.130.03 - Map Refinement Procedures

a. Adjustments to maps consistent with the provisions of Sections 4.5.130.01 and 4.5.130.02, above, are considered to be Map Refinements and may be Ministerially adjusted on the relevant maps, with no land use process required other than a demonstrated adherence to the provisions of Sections 4.5.130.01 and 4.5.130.02.

b. Adjustments to maps to address FEMA-approved Letters of Map Amendment (LOMAs) and Letters of Map Revisions (LOMRs) for 100-yr. Floodplain information may be requested following written verification of a LOMA or LOMR approved by the Federal Emergency Management Agency (FEMA). When the FEMA determines that a LOMA or LOMR should be approved, and written documentation of the approval is provided to the Community Development Director, the Director shall ensure that changes reflected in the LOMA or LOMR are reflected in the City's affected maps and databases.

CHAPTER 4.6
SOLAR ACCESS

Section 4.6.10 - PURPOSES

Solar energy can make a significant long-term contribution to the City's energy supply. This Chapter is intended to encourage the use of solar energy by protecting Solar Access in new Residential Subdivisions and residential Planned Developments.

Section 4.6.20 - EXEMPTIONS

Residential buildings constructed or lots developed in locations noted below are exempt from the requirements of this Chapter:

a. On north-facing slopes of 10 percent or more;

b. On portions of sites where Solar Access, as defined in Chapter 1.6 - Definitions, is unavailable due to shading from Natural Resources or Natural Hazards subject to the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

c. On sites where density is concentrated because density is being transferred from an area on the same development site that is simultaneously being rezoned to Conservation - Open Space; or

d. On sites which contain Natural Resources or Natural Hazards subject to the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, and where:

1. The developed portion of the site will exceed minimum required density by at least 50 percent for properties designated as Extra-low, Low, or Medium Density Residential; and

2. The developed portion of the site will exceed minimum required density by by at least 25 percent for properties designated as Medium-high or High Density Residential.

Section 4.6.30 - PERFORMANCE STANDARDS

Residential Subdivisions and Planned Developments on parcels of more than one acre shall be designed so that Solar Access Protection, as defined in Chapter 1.6 - Definitions, is available consistent with the following:

a. No reduction in Solar Access at ground level of the south face of existing residential buildings adjacent to the development;

b. Within Residential Subdivisions, a minimum of 80 percent of lots contain sufficient east/west dimension to allow orientation of the following minimum ground floor lengths of a building to use solar energy:

1. 30 lineal ft. per unit for Single-family Detached dwelling units; and

2. 15 lineal ft. per ground floor unit for dwelling units other than Single-family Detached dwelling units.

c. In Planned Developments, a minimum of 80 percent of the buildings contain:

1. Sufficient east/west dimension to allow the following minimum ground floor lengths of the building to use solar energy:

   a) 30 lineal ft. per unit for Single-family Detached dwelling units; and

   b) 15 lineal ft. per ground floor unit for dwelling units other than Single-family Detached.

2. Additionally, for Single-family Detached dwelling units, a minimum of 100 sq. ft. of roof area, for the dwelling unit and/or the garage, which could allow the utilization of solar energy.

Section 4.6.40 - REDUCTION OR WAIVER OF STANDARD IN SUBDIVISIONS

A reduction or waiver from the requirements of Section 4.6.30 above may be granted by the Planning Commission to the minimum extent necessary to:

a. Reflect development constraints associated with complying with the hillside development provisions of Chapter 4.14 - Landslide Hazard and Hillside Development Provisions or reflect physical land development constraints related to the shape of the site;

b. Meet City design requirements for provision of landscaping and location of buildings consistent with minimum setbacks; or

c. Address sites where site planning to achieve Solar Access is negatively affected by the construction of streets, utilities, bridges, bicycle, and pedestrian facilities that are required by the City of Corvallis Transportation Plan, or other adopted City Plan, or that are necessary in order to maintain an acceptable functional classification of roadways adjacent to the property. It must be shown that no other reasonable location is available for the required infrastructure.

Section 4.6.50 - ADJUSTMENTS TO IMPLEMENT SOLAR STANDARD IN SUBDIVISIONS

For Residential Subdivisions approved by the Planning Commission or City Council, modifications to solar provisions on a lot-by-lot basis may be authorized by the Director without public notice under any of the following conditions:

a. Where the affected property is developed and the change would not affect an existing dwelling;

b. Where the affected property is vacant and the Director finds that the proposed change will still maintain a 1400 sq. ft. building area on the affected lot where the dwelling located in this area would have Solar Access as outlined in Section 4.6.30; or

c. Where the proposed change would not increase shade on the affected dwelling more than that resulting from more than a six-ft.-high fence on the property line; or

d. Where the Director finds that an error in the original solar calculations has been made so that a two-story house cannot be built within the setbacks on the height-restricted lot.

Any other modifications shall be in accordance with Chapter 2.12 - Lot Development Option.

Section 4.6.60 - REDUCTION OR WAIVER OF STANDARD IN PLANNED DEVELOPMENTS

For residential Planned Developments, a reduction or waiver from the requirements of Section 4.6.30 above may be granted by the Planning Commission based on the provisions of Section 4.6.40 above or to the minimum extent necessary to:

a. Meet a broad range of residential needs by encouraging use of innovative site development techniques and a mix of Housing Types;

b. Address future housing needs in the community by encouraging Affordable Housing, as defined in Chapter 1.6 - Definitions, to increase housing choices;

c. Reflect development constraints associated with complying with the hillside development provisions of Chapter 4.14 - Landslide Hazard and Hillside Development Provisions or reflect physical land development constraints related to the shape of the site;

d. Meet City design requirements for provision of landscaping and location of buildings consistent with minimum setbacks; or

e. Address sites where site planning to achieve Solar Access is negatively affected by the construction of streets, roads, utilities, bridges, bicycle, and pedestrian facilities that are required by the City of Corvallis Transportation Plan, or other adopted City Plan, or that are necessary in order to maintain an acceptable functional classification of roadways adjacent to the property. It must be shown that no other reasonable location is available for the required infrastructure.

A reduction or waiver may not be granted under this Section unless the applicant demonstrates that the loss of Solar Access for current and future generations has been mitigated by a substantial increase in energy efficiency of the proposed dwellings over Building Code requirements.

CHAPTER 4.7
SIGN REGULATIONS

Section 4.7.10 - PURPOSES

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

a. Requiring sound construction and maintenance of signs, and by limiting the number of visual images communicated;

b. Providing an equitable opportunity to use signs as a communication medium outside of public rights-of-way;

c. Providing standards for location, size, type, and number of signs; and

d. Providing reasonable limits on the magnitude and extent of graphic communication presented to the public.

Section 4.7.20 - OFFENSES

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

Section 4.7.30 - SIGN MAINTENANCE REQUIRED

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

a. A permit is not required for normal maintenance and repair of a sign or sign structure, such as painting, repainting, and cleaning.

b. A permit is required for structural and electrical modifications, including changes of sign size, shape, and location.

Section 4.7.40 - NONCONFORMING SIGNS

a. The following shall be considered nonconforming signs:

1. Signs that existed when these regulations were adopted, that have an approved City, County, or State Sign Permit, and that conformed to the provisions of Ordinance 72-57 as amended, but do not conform to sign regulations in this Chapter; and

2. Signs on lands annexed to the City and that have an approved County or State Sign Permit.

b. Nonconforming signs may continue to be used until altered, replaced, or moved, at which time the sign shall be brought into conformance with all provisions of this Code.

c. Abandoned nonconforming signs shall be removed within 180 days. A new Sign Permit at the same address shall not be issued until the abandoned nonconforming sign is removed. Where a new business fails to remove nonconforming signs from the premises, the property owner shall be responsible for their removal.

Section 4.7.50 - PROHIBITED SIGNS

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

a. Signs that obstruct the Vision Clearance Area, as defined by the City Engineer, of a street or driveway intersection in zones that have a front-yard setback requirement;

b. Signs that obstruct ingress or egress through any door, window, fire escape, standpipe, or like facility required or designated for safety or emergency use;

c. Signs that may be confused with public traffic signs or highway identification signs, or appear graphically similar to these types of signs;

d. Signs that use words such as STOP, SLOW, CAUTION, LOOK, DANGER, or any other word, phrase, symbol, or character that may mislead or confuse motorists;

e. Signs or sign structures determined by the Building Official to constitute a hazard to the public safety or health by reason of poor structural design or construction, inadequate maintenance, lack of repair, or dilapidation;

f. Signs located on or above public rights-of-way without written consent of the applicable jurisdiction, unless permitted by Sections 4.7.70 through 4.7.90, below. This includes, but is not limited to: sandwich boards (unless permitted by Section 4.7.90.04.c), posters on utility poles, political signs in parking strips, and signs on sidewalks;

g. Signs that flash, blink, fluctuate, or have chaser, scintillating, or speller effects, including search lights. The interval of change specified in Section 4.7.80.07 shall be used to inform the meaning of these terms for all sign types;

h. Signs that move or have any moving part. This includes movement by mechanical, electrical, or kinetic means, wind currents, or any other means;

i. Signs that inflate, including balloons and blimps;

j. Pennants, flags, and banners (unless permitted by Section 4.7.90.04.c). See Section 4.7.70.b regarding official national, state, and local flags, Section 4.7.80.05 regarding temporary banners, Section 4.7.90.04.c regarding Portable Signs in the Central Business and Riverfront Zones, and the Portable Sign definition in Chapter 1.6 - Definitions;

k. Roof signs including those projecting more than four ft. above an eave on sloped roofs, or four ft. above the parapets on flat roofs;

l. Signs with visible A-frames, trusses, or guy wires as part of the sign or sign structure (unless permitted by Section 4.7.90.04.c);

m. Signs placed on, affixed to, or painted on any motor vehicle, trailer, or other mobile structure not registered, licensed, and insured for use on public highways; and

n. Handbills, including any notice, placard, poster, showbill, dodger, circular, pamphlet, booklet, letter, folder, sheet, sticker, or banner, except as permitted by the Corvallis Criminal Code.

[Section 4.7.50 amended by Ordinance 2012-17, effective December 13, 2012]

Section 4.7.60 - SIGN PERMIT PROCEDURE

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

a. A completed Sign Permit application accompanied by the appropriate fee shall be submitted for review to the Development Services Division.

b. The Director shall review the Sign Permit application to ensure it is complete and accompanied by the appropriate fee, and that the proposed sign complies with the requirements of this Code and other City ordinances. A Permit shall be issued only when all of these criteria have been met. Additionally, unless exempt per Section 2.11.40.e, signs in Special Flood Hazard Areas shall obtain a Flood Development Permit per Chapter 2.11 - Floodplain Development Permit.

c. An approved Sign Permit does not replace, supersede, or waive structural or electrical standards and permits required by the Corvallis Building Code. These other permits must also be obtained prior to work on the installation of a sign.

d. The applicable Permit review fee shall be doubled if sign installation is begun before the Permit is obtained. Payment of the double fee shall not relieve any person from full compliance with these regulations.

e. The Permit shall expire if a sign is not installed within 180 days from the date of a Sign Permit application approval. Re-application shall include a new, fully completed application form and a new Permit review fee. The application must comply with the findings in "b," above, including any amendments to these regulations adopted since the previous Permit approval.

f. An approved Sign Permit may be revoked by the Director if the sign is not constructed and installed as approved, if incorrect information was provided on the application, or if the City approved the Permit in error. A decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

g. All signs shall be subject to inspection and reinspection by the Director. Footing inspections may be required for all signs having footings.

[Section 4.7.60 amended by Ordinance 2012-17, effective December 13, 2012]

Section 4.7.70 - EXEMPTIONS FROM SPECIFIC REQUIREMENTS OF REGULATIONS

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

a. Signs erected in a public right-of-way by an agent of the City, Benton County, the State of Oregon, the U.S. Government, or a public utility are exempt from the provisions of these regulation. Exempt signs include:

1. Street identification signs; and

2. Traffic control, safety, warning, hazard, construction, and related signs.

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

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

c. Campaign signs related to local, state, or national elections shall be exempt from the permit requirements and allocation limitations, provided they comply with the following: campaign signs shall be limited to the time period between 60 days preceding the election date to 15 days following the election date; and campaign signs shall be located only on private property and outside of Vision Clearance Areas.

d. Signs required by City ordinance, County ordinance, or state or federal law are exempt from the provisions of these regulations. Examples include address numbers, street names, public notices, restaurant health inspection ratings, handicapped access signs, and Civil Defense Shelter signs.

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

f. Permanent signs directing and guiding traffic and parking on private property, not to exceed six sq. ft. and limited to one sign per driveway entrance or street frontage are exempt from the provisions of these regulations. Other signs that designate reserved parking spaces or are related to traffic or parking regulations, if limited to two sq. ft., are also exempt.

g. One non-illuminated blade sign per entrance to a building, placed above a walkway and under weather-protecting awnings, marquees, and parapets, is exempt from the Sign Area limits of sections 4.7.80 and 4.7.90 below and from the limitation of two attached signs per occupant or business. An approved Permit is required prior to installation. See Section 4.7.80.06 below for additional blade sign standards.

h. Signs that communicate only to persons inside buildings or building complexes or on private property shall be exempt from the provisions of these regulations.

i. Signs, decorations, and displays inside of windows or attached to the inside of a window are exempt from these requirements, except those signs prohibited by Section 4.7.50.

j. Temporary Signs and Portable Signs conforming with this Chapter shall be exempt from the Permit requirements. See definitions for Temporary Signs and Portable Signs in Chapter 1.6 - Definitions.

[Section 4.7.70 amended by Ordinance 2012-17, effective December 13, 2012]

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

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

4.7.80.01 - General Sign Standards

a. All signs and sign structures shall comply with the standards of these regulations and with the provisions of the Building Code. Unless otherwise permitted by these regulations, no sign shall exceed 200 sq. ft. in area.

b. Sign allocation for a given frontage may be apportioned to attached signs and, if permitted by these regulations, to free-standing and temporary signs. That portion of the sign allocation used by a business or tenant for attached signage on a given frontage shall be used in not more than two signs. If property frontage allocation for attached signs exceeds the maximum Sign Area size of the zone, additional allocation may be used in additional sign(s), provided that an eight ft. separation is maintained between signs. Portable Signs, as defined in Chapter 1.6 - Definitions, are exempt from sign allocation requirements.

c. Sign Area allocation for a primary frontage may be used for attached sign(s) that face a secondary frontage, limited to one sign per establishment. The amount of allocation used for secondary frontage signs shall be subtracted from and shall not exceed the total sign allocation for the property.

d. The maximum projection of attached signs facing secondary frontages shall be six in., except no sign shall project over a public alley.

e. Minimum setback from the curb face where signs are permitted over a public street right-of-way shall be two ft.

f. Where illuminated signs are permitted, illumination may be provided by internal lighting or external spot lighting unless otherwise specified. In no case shall this illumination cause direct glare on adjacent properties or streets.

g. Up to two poles, each with a maximum diameter of six in., may be placed within the Vision Clearance Area as defined by the City Engineer, and used to support a sign above a Vision Clearance Area. Any other intrusion into the Vision Clearance Area by a sign or its supporting structure is prohibited without written approval of the City Engineer.

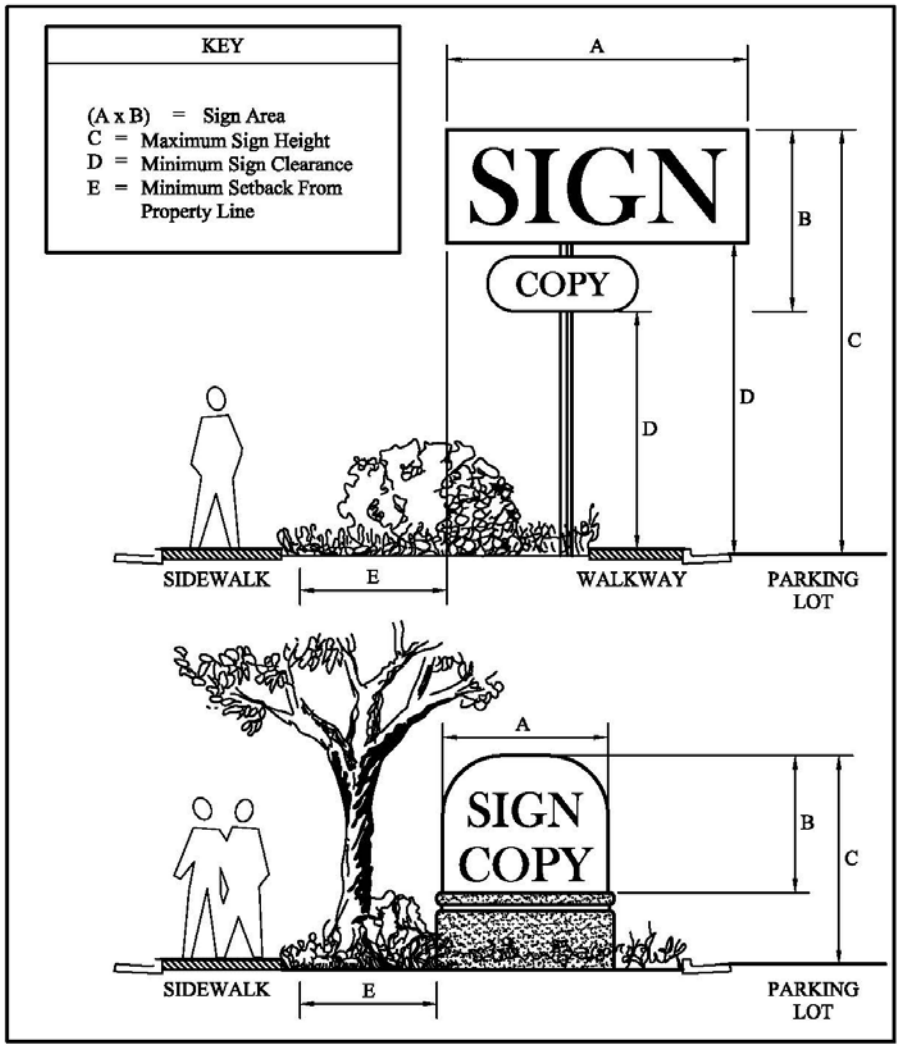

Figure 4.7-1 - Illustration of Terminology Used for Free-standing Signs

4.7.80.02 - General Requirements for Free-standing Signs

a. Monument signs are free-standing signs that are roughly rectilinear in shape, generally with a consistent width down to or no more than two ft. from the ground surface, and are limited to maximum heights as specified in Section 4.7.90.

b. Pole signs are free-standing signs that have more than two ft. of support elements that attach the sign to the ground surface, and are limited to maximum heights as specified in Section 4.7.90. Pole signs are prohibited in gateway areas.

c. Minimum separation between free-standing signs on the same side of a public right-of-way shall be 100 ft., unless specified differently by the applicable zone.

d. Minimum clearance for pole signs above a pedestrian walkway shall be 10 ft.

e. Figure 4.7-1 - Illustration of Terminology Used for Free-standing Signs illustrates the terms applicable to free-standing signs under this Section and Section 4.7.90.

f. Portable Signs are defined in Chapter 1.6 - Definitions and are regulated by Section 4.7.90.04.c.

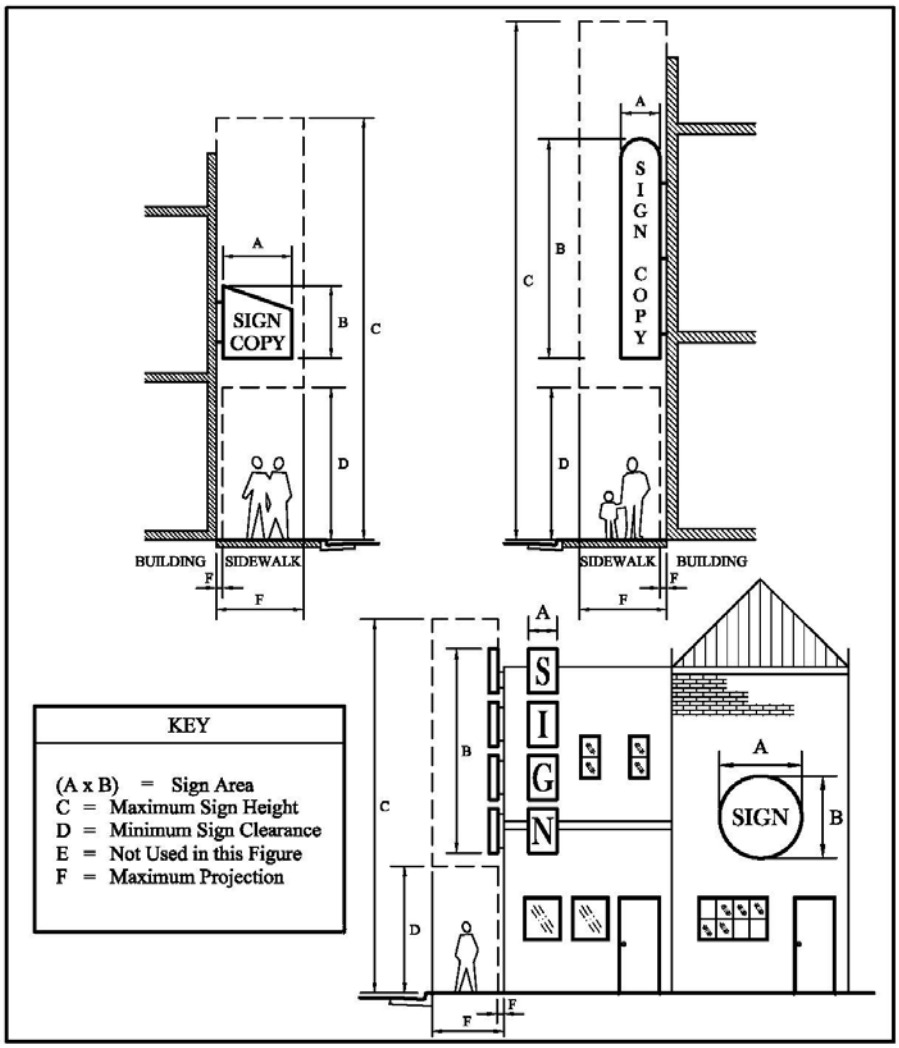

Figure 4.7-2 - Illustration of Terminology Used for Attached Signs

4.7.80.03 - General Requirements for Attached Signs

a. Where an attached sign projects more than six in., minimum clearance above a pedestrian walkway shall be 7.5 ft.

b. In residential zones, an attached sign shall not extend above the top of a wall, eave, or parapet. In other zones, an attached sign may extend up to four ft. above a wall, eave, or parapet on the exterior of the building face.

c. Where an attached sign projects more than one ft., the edge of the sign face closest to the building shall not project more than six in.

d. For attached signs (other than awnings and marquees) that project more than one ft., a minimum separation of five ft. for each foot of projection shall be maintained between signs to facilitate visibility. No attached sign shall project more than eight ft. from the building face.

e. Figure 4.7-2 - Illustration of Terminology Used for Attached Signs illustrates the terms applicable to attached signs under this Section and Section 4.7.90.

4.7.80.04 - General Requirements for Temporary Signs Other Than Banner Signs and Other Than Portable Signs

One temporary sign per property, other than banner signs and Portable Signs, maintained in sound condition, appearance, and repair, shall be allowed. Maximum Sign Area and height for a temporary sign shall be as specified for each zone in Section 4.7.90 below. Total Sign Area of temporary signs shall reduce, and shall not exceed, total sign allocation of a property. A temporary sign installed and used in compliance with these regulations is exempt from permit requirements.

4.7.80.05 - General Requirements for the Use of Banner Signs

Banner signs are allowed in all office, OSU, commercial and industrial zones, and in residential zones for properties with a primary frontage measuring greater than 200 ft. In accordance with the Portable Sign definition in Chapter 1.6 - Definitions, Vertically-oriented, Pole-mounted Banner Signs are classified as Portable Signs. Portable Signs are governed by Section 4.7.90.04.c and are not subject to the provisions of this Section 4.7.80.05.

a. Banner signs require an approved Sign Permit. Banners shall be used consistent with either option provided below in a calendar year. The first

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

1. Each property is limited to three Sign Permits for banners per year. The maximum Sign Area for a banner shall be 16 sq. ft. Each Sign Permit for a banner shall be valid for 30 consecutive days, after which time the banner shall be removed; or

2. Each property is limited to two Sign Permits for banners per year. The maximum Sign Area for a banner shall be 100 sq. ft. Each Sign Permit for a banner shall be valid for seven consecutive days, after which time the banner shall be removed.

b. All banners shall be securely attached flush with a building face and comply with the maximum sign height provisions for attached signs in the applicable zone. The Sign Area of a banner sign shall not reduce a property's sign allocation.

4.7.80.06 - General Requirements for Blade Signs

a. One non-illuminated blade sign above the walkway shall be allowed under weather protecting awnings, marquees, and parapets, placed at each entrance to a building. An approved Sign Permit is required prior to installation. Blade signs are exempt from the limitation of two attached signs per occupant or business, as discussed in Section 4.7.80.01.b above.

b. Vertical dimension of a blade sign shall not exceed one ft. and the width shall not exceed 90 percent of the width of the weather protection, for a maximum Sign Area per sign of four sq. ft.

4.7.80.07 - General Requirements for Variable Message Signs

a. The interval of change in the message or copy of a variable message sign, whether manual or automated, may not be less than twenty minutes. In no case shall the sign exhibit characteristics of those signs prohibited in Section 4.7.50.g.

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

[Section 4.7.80.07 amended by Ordinance 2012-17, effective December 13, 2012]

Section 4.7.90 - ALLOCATION PROVISIONS AND SIGN STANDARDS BY ZONE

The following provisions and design standards, organized by zone designation, specify how a property's total sign allocation may be used. Unless specified elsewhere in these regulations, total sign allocation shall be determined by multiplying the length of the property's primary frontage by the primary frontage multiple, which varies from zone to zone as described below.

4.7.90.01 - Sign Standards for All Residential Zones Except MUR

a. Table 4.7-1 - Residential Zones Except MUR, and its associated special instructions in "b," below, outline the sign standards for all residential zones except the Mixed Use Residential (MUR) Zone. The zones subject to this Section include:

1. RS-1;
2. RS-3.5;
3. RS-5;
4. RS-6;
5. RS-9;
6. RS-9(U);
7. RS-12;
8. RS-12(U); and
9. RS-20.

Table 4.7-1 - Residential Zones Except MUR

Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	0.10 sq. ft.	5 sq. ft.	16 ft.	6 in.	NA
Temporary	0.10 sq. ft.	5 sq. ft.	4 ft.	NA	NA

b. Special Instructions -

1. Attached signs shall not extend above eaves.

2. Unless specified below, signs shall be limited to one frontage.

3. Where a primary frontage exceeds 100 ft.:

a) Permanent monument signs are allowed - minimum setback is five ft.;

b) Maximum height for temporary and monument signs is six ft.;

c) Maximum Sign Area is 16 sq. ft.; and

d) Illuminated signs are permitted.

4. Banner signs that comply with Section 4.7.80.05 shall be permitted on properties with more than 200 ft. of primary sign frontage.

4.7.90.02 - Sign Standards for the MUR Zone and the Monroe Avenue Minor NC

a. Table 4.7-2 MUR and Monroe Avenue Minor NC Zones, and its associated special instructions in "b," below, outline the sign standards for the:

1. Mixed Use Residential (MUR) Zone; and
2. Minor Neighborhood Center (Minor NC) elements of the Neighborhood Center (NC) Zone on the north side of Monroe Avenue, between 14th and 26th streets.

Table 4.7-2 - MUR and Monroe Avenue Minor NC Zones

Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	32 sq. ft.	20 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	32 sq. ft.	6 ft. for MUR; 8 ft. for Minor NC on Monroe Ave.	See 4.7.80	5 ft.
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	5 ft.

b. Special Instructions -

1. Attached signs may project over the right-of-way.

2. Height of attached signs shall not exceed four ft. above the eave or parapet.

3. Banner signs that comply with Section 4.7.80.05 are permitted.

4. Illuminated signs are permitted.

4.7.90.03 - Sign Standards for the Minor NC (Except Monroe Avenue), PA-O, and RTC Zones

a. Table 4.7-3 - Minor NC (Except Monroe Avenue), P-AO, and RTC Zones, and its associated special instructions in "b," below, outline the sign standards for the:

1. Minor Neighborhood Center (Minor NC) elements of the Neighborhood Center Zone, except the one along Monroe Avenue which is addressed in Section 4.7.90.02;

2. Professional and Administrative Office (P-AO) Zone; and

3. Research Technology Center (RTC) Zone.

Table 4.7-3 - Minor NC (Except Monroe Avenue), P-AO, and RTC Zones

Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	100 sq. ft.	25 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	100 sq. ft.	8 ft. for Minor NC; 12 ft. for PA-O and RTC	See 4.7.80	5 ft.
Pole	1.5 sq. ft.	100 sq. ft.	20 ft.; Prohibited in Minor NC	See 4.7.80	5 ft.
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	NA

b. Special Instructions -

1. Height of attached signs shall not exceed four ft. above the eave or parapet.

2. Banner signs that comply with Section 4.7.80.05 shall be permitted.

3. Illuminated signs are permitted.

4.7.90.04 - Sign Standards for the Major NC, MUCS, MUGC, CB, CBF, RF, LI-O, LI, GI, II, MUT, and MUE Zones

a. Table 4.7-4 - Major NC, MUCS, MUGC, CB, CBF, RF, LI-O, LI, GI, II, MUT, and MUE Zones, and its associated special instructions in "b," below, outline the sign standards for the:

1. Major Neighborhood Center (Major NC) element of the Neighborhood Center Zone;

2. Mixed Used Community Shopping (MUCS) Zone;

3. Mixed Use General Commercial (MUGC) Zone;

4. Central Business (CB) Zone;

5. Central Business Fringe (CBF) Zone;

6. Riverfront (RF) Zone. Further restrictions on the Riverfront (RF) Zone are contained in Section 3.15.80 of Chapter 3.15 - Riverfront (RF) Zone;

7. Limited Industrial - Office (LI-O) Zone;

8. Limited Industrial (LI) Zone;

9. General Industrial (GI) Zone;

10. Intensive Industrial (II) Zone;

11. Mixed Use Transitional (MUT) Zone; and

12. Mixed Use Employment (MUE) Zone.

Table 4.7-4 - Major NC, MUCS, MUGC, CB, CBF, RF, LI-O, LI, GI, II, MUT, and MUE Zones					
Sign Type	**Primary Frontage Multiple**	**Maximum Sign Area**	**Maximum Sign Height**	**Maximum Sign Projection**	**Setback**
Attached	1.5 sq. ft.	200 sq. ft.	25 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	200 sq. ft.	12 ft. unless specified differently per zone or gateway standards	See 4.7.80	NA
Pole	1.5 sq. ft.	200 sq. ft.	25 ft. unless specified differently per zone. Prohibited in gateways and Major NC	See 4.7.80	NA
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	NA

b. Special Instructions -

1. Attached signs may project over the right-of-way only in the Central Business (CB) Zone and the Riverfront (RF) Zone.

2. Height of attached signs shall not exceed four ft. above the eave or parapet.

3. Illuminated signs are permitted.

4. Banner signs that comply with Section 4.7.80.05 shall be permitted.

c. Portable Signs within the Central Business (CB) and Riverfront (RF) Zones -

Portable Signs are permitted in the Central Business (CB) and Riverfront (RF) Zones, subject to all of the following provisions, as applicable (See Sign, Portable in Chapter 1.6 - Definitions.):

1. All Portable Signs along street frontages shall adhere to “a,” through “d,” below, as applicable. However, in no case shall an individual business on a property have more than two Portable Signs per street frontage:

    a) A minimum of four-ft. spacing shall be provided between signs, as well as between signs and abutting bicycle racks.

    b) For properties containing less than 25 ft. of street frontage, up to two Portable Signs are permitted.

    c) For properties with 25 ft. or more of street frontage, up to two Portable Signs are permitted for every 25 ft. of street frontage.

    d) For corner properties, Portable Signs are permitted on each street frontage, per “a,” through “c,” above.

2. Portable Signs are allowed on public sidewalks, either directly adjacent to the building or in the area of sidewalk immediately adjacent to the street curb where bicycle racks, newspaper dispensers, and trash bins are commonly located. However, at least four ft. of clear, continuous, and unobstructed sidewalk width shall be maintained for passage along the sidewalk. For properties with buildings setback five ft. or more from the public sidewalk, Portable Signs shall be placed on private property.

3. Portable Signs are prohibited within the following areas:

    a) Vision Clearance Areas, as defined by Chapter 1.6 - Definitions and the Off-street Parking and Access Standards. While the Off-street Parking and Access Standards exempt development within the Central Business Zone from Vision Clearance Area requirements, Portable Signs shall be subject to them for the purposes of this provision. Street intersections shall use the Vision Clearance triangle noted in Figure 2 of the Off-Street Parking and Access Standards; and

    b) Standard and bulbed sidewalk intersections.

4. Portable Signs may only be displayed during business hours and shall be placed indoors overnight.

5. A-frame and Pedestal Signs - Portable Signs referred to as A-frame Signs and Pedestal Signs shall be constructed of wood, metal, plastic, or other similar material. They shall be no larger than six sq. ft. per sign face and no taller than four ft., including the frame. (See subsections “a,” and “b,” of the definition for Sign, Portable in Chapter 1.6 - Definitions.)

6. Easel Signs - Portable Signs referred to as Easel Signs shall be limited to no more than one sign per building entrance. Easel Signs shall be placed at the building entrance immediately abutting the building. They shall be no larger than six sq. ft. per sign face and no taller than six ft. in total height. (See subsection “c,” of the definition for Sign, Portable in Chapter 1.6 - Definitions.)

7. Vertically-oriented, Pole-mounted Banner Signs - Portable Signs referred to as Vertically-oriented, Pole-mounted Banner Signs are permitted within the area of sidewalk immediately adjacent to the street curb where bicycle racks, newspaper dispensers, and trash bins are commonly located (See Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign). They shall be no larger than six sq. ft., shall be mounted on a pole or pedestal secured into the sidewalk in a flush-mounted fashion that does not create a trip hazard, and shall be secured at the top and bottom where the sign attaches to the pole or pedestal. They shall be constructed of canvas, nylon, vinyl, or other flexible, weather-resistant fabric. (See subsection “d,” of the definition for Sign, Portable in Chapter 1.6 - Definitions.)

8. No sign permit, or permit fee, is required for Portable Signs and the Sign Area of a Portable Sign shall not reduce a property’s sign allocation.

9. Sign owners shall be responsible for all liability issues related to their Portable Signs.

4.7.90.05 - Sign Standards for Oregon State University (OSU) Zone

Sign regulations for the OSU Zone vary, depending on the location and visual impact of the sign in relation to properties surrounding the zone. The following part of the OSU Zone is called the exemption area: the area east of 30th Street, south of Johnson Street and Monroe Avenue, west of the east boundary of the OSU Zone, and north of Western Boulevard and Oak Creek.

a. Any sign inside the exemption area shall be exempt from these regulations, provided that:

1. The sign is more than 100 ft. inside the exemption area;

2. The sign has a Sign Area of less than 32 sq. ft.; or

3. The sign doesn't function as a graphic communication to people outside the exemption area.

b. Any sign located in the OSU Zone but outside the exemption area shall be exempt from these regulations, provided the sign does not function as a graphic communication to people on adjacent streets or private property. See Figure 4.7-3 - OSU Sign Exemption Area.

c. All other signs in the OSU Zone outside the exemption area shall have a Sign Area not greater than 32 sq. ft. Monument signs shall not exceed six ft. in height, and attached signs shall not vertically or horizontally project more than six in. from a building. Pole signs are prohibited. Unless otherwise exempt, signs along the boundary shall have a minimum separation of 100 ft. An approved Corvallis Sign Permit is required prior to installation of any sign not exempt by the provisions of Section 4.7.70, Section 4.7.80.03, Section 4.7.80.05.a, Section 4.7.80.05.b, and Section 4.7.80.06, above.

d. In cases where OSU believes that graphic communication needs exceed allocation provisions or the specified Sign Area and height, OSU may request a variation(s) using the procedures in Section 4.7.110 - Variance to Standards.

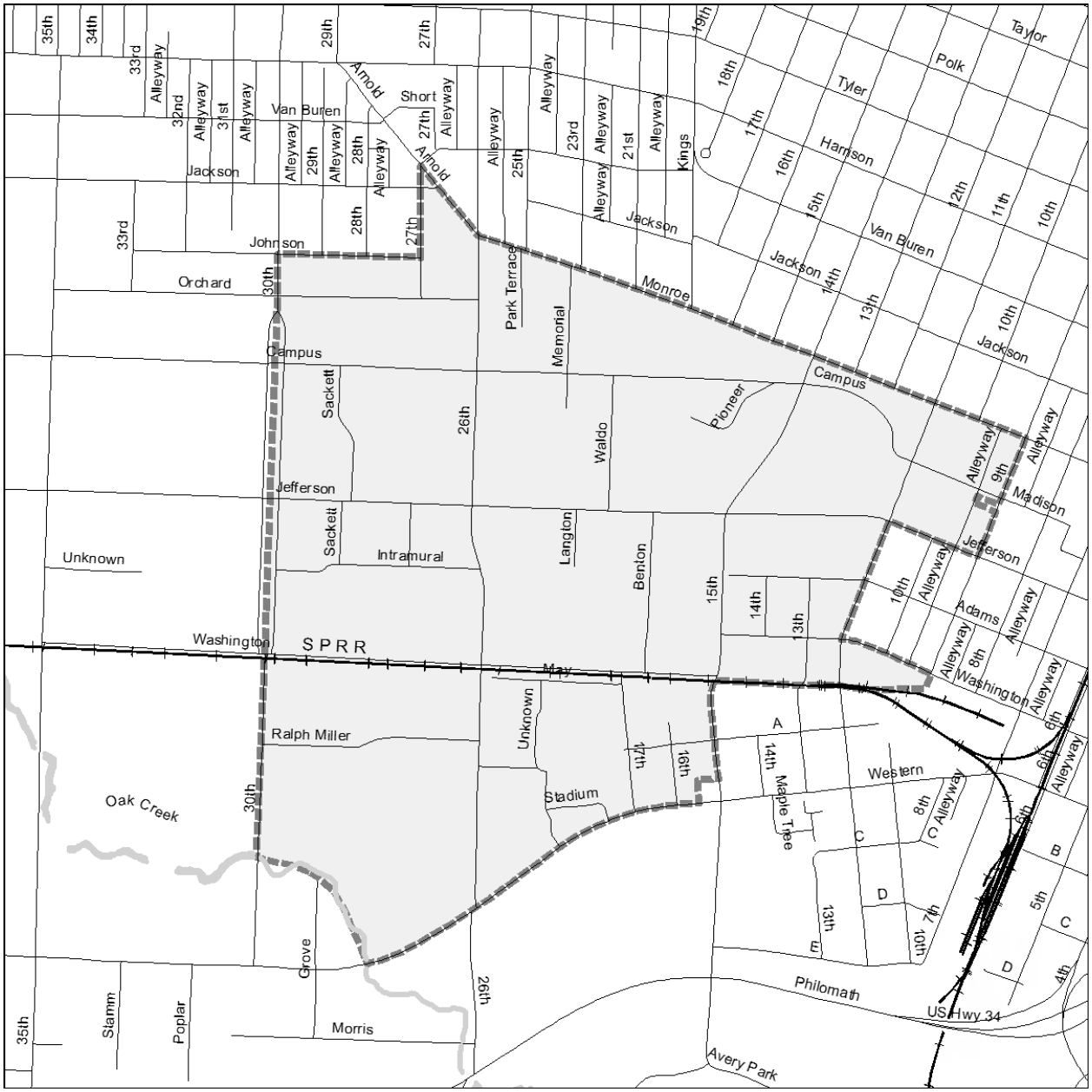

Figure 4.7-3 - OSU Sign Exemption Area

4.7.90.06 - Sign Standards for Designated Historic Resources

A proposed sign for a Designated Historic Resource shall comply with the provisions in this Chapter and in Chapter 2.9 - Historic Preservation Provisions.

4.7.90.07 - Sign Standards for the Willamette River Greenway (WRG) Zone

A sign to be placed on property in the Willamette River Greenway Overlay and visible from the Willamette River shall be consistent with the purposes of the Greenway, as stated in Chapter 3.30 - Willamette River Greenway (WRG) Overlay.

4.7.90.08 - Sign Standards for the Agriculture-Open Space (AG-OS) and Conservation-Open Space (C-OS) Zones

A sign to be placed on property in the Agriculture-Open Space Zone or the Conservation-Open Space Zone shall comply with the standards for uses in residential zones.

4.7.90.09 - Signs in Planned Developments

A sign plan shall be required for all Planned Developments consistent with Chapter 2.5 - Planned Development, whether or not variations from the requirements of this Chapter are requested. The plan shall establish the location and allocation guidelines for signs in a way that ensures all parties in the development have an equitable opportunity to communicate through signs without creating undue negative effects on surrounding properties. The sign plan shall be reviewed as follows:

a. The sign plan shall be reviewed by the Planning Commission concurrently with the Detailed Development Plan.

b. Before approving the sign plan, the Commission shall find that the signs in the proposed sign plan comply with this Code and/or are compatible with the types of development, existing and future, surrounding the Planned Development.

c. A Sign Permit for each sign in a Planned Development shall be obtained prior to construction or installation. A proposed sign shall comply with these regulations and any additional guidelines or conditions specified in the approved sign plan before a Permit may be issued for the sign.

d. Modifications of a Planned Development sign plan shall follow the provisions for a Major Planned Development Modification outlined in Chapter 2.5 - Planned Development.

Section 4.7.100 - SIGN CONSTRUCTION STANDARDS

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

4.7.100.01 - Materials for Permanent Signs

Materials for construction of permanent signs or sign structures shall be of the quality and grade specified in Chapter 4 of the Sign Code as published by the International Conference of Building Officials.

4.7.100.02 - Materials for Temporary Signs

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

4.7.100.03 - Design and Construction of Signs

Signs and sign structures shall be designed and constructed as specified in the Building Code.

4.7.100.04 - Clearances For Signs

a. Signs shall not be placed close to electrical conductors or in other unsafe locations.

b. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.

c. No sign shall obstruct any building openings to the extent that light or ventilation is reduced to a point below that required by the Building Code.

d. Signs erected within five ft. of exterior wall openings shall be constructed of noncombustible material or approved plastics.

Section 4.7.110 - VARIANCE TO STANDARDS

There may be rare instances where a combination of strict application of the standards in this Chapter and/or public safety concerns may preclude signs as a communication

medium for a primary frontage. In these cases, it may be appropriate to vary a particular standard to enable a property owner to use signage in a manner similar to other properties in the zone.

a. To request a variance, an applicant shall submit a completed Sign Variance application and appropriate review fee.

b. The Land Development Hearings Board shall hold a public hearing and provide notice on the application in accordance with Chapter 2.0 - Public Hearings.

c. A Sign Variance request shall not be granted for any of the following:

1. Size of a proposed sign;

2. Limitations on visibility resulting from required landscaping;

3. Location of buildings or other structures;

4. Lack of exposure on a primary sign frontage;

5. Convenience or economic hardship to the applicant; or

6. Inclusion of signs otherwise prohibited by these regulations.

d. To approve a Sign Variance request, the Land Development Hearings Board must find that the application meets all of the following criteria:

1. The proposed sign is not of a type prohibited by these regulations;

2. The Sign Variance is the minimum remedy necessary to eliminate the hardship;

3. The Sign Variance does not substantially subvert the basic regulating formula relating the amount of Sign Area to the amount of sign frontage; and

4. No alternative solution that complies with these regulations is available to the applicant.

e. The Land Development Hearings Board shall impose such conditions on the approval as necessary to achieve the purposes of these regulations.

f. The decision of the Land Development Hearings Board shall be final unless appealed to the City Council in accordance with Chapter 2.19 - Appeals.

g. Where a sign approved through Sign Variance procedures is not installed within one year, the Sign Variance approval shall expire and all work must fully comply with this Code.

Section 4.7.120 - ADMINISTRATIVE

4.7.120.01 - Enforcement

The Director shall administer and enforce sign regulations and is authorized to issue citations for violations in accordance with Chapter 1.3 - Enforcement.

4.7.120.02 - Violations

Violations of these regulations shall be considered a Class B infraction and are subject to the procedures provided in ORS 153.110 through 153.310, as now constituted, and as amended over time.

a. A person cited for a violation shall be fined up to $100.00.

b. Each day a sign is in violation shall be considered a new violation.

4.7.120.03 - Ordered Removal

The Director may order removal of any sign erected or maintained in violation of these regulations.

a. The Director shall deliver a warning notice that the sign is in violation of these regulations. The notice shall be provided to individuals using the sign, to the owner of the sign or enterprise, and/or to the property owner.

b. The notice shall allow three working days for removal of temporary signs and 14 working days for removal of permanent signs.

c. If the owner or permittee fails to remove the sign as directed in the warning notice, the Director may issue a citation and may remove the sign. Any expense related to removal shall be paid by the owner or permittee of the sign. If such persons cannot be found, the expense shall be paid by the owner of the building, structure, or property to which the sign is affixed.

d. If the condition of the sign presents an immediate threat to public safety, the Director may order immediate removal of the sign, without prior notice. Any expenses related to removal shall be paid by the owner or permittee of the sign. If such persons cannot be found, the expense shall be paid by the owner of the building, structure, or property.

4.7.120.04 - Limitation of Liability

The City shall not be held responsible for any damage to persons or property by reason of approval, disapproval, or the issuance of a Sign Permit authorized herein, or inspection or reinspection of a sign as authorized by this Chapter.

CHAPTER 4.8
MANUFACTURED DWELLING FACILITY STANDARDS

Section 4.8.10 - PURPOSES

The provisions in this Chapter are established to ensure a safe and healthful living environment for residents of Manufactured Dwelling Facilities and to ensure that Manufactured Dwelling Facilities can provide affordable quality housing compatible with adjacent land uses. In addition, these provisions are intended to ensure compliance with State regulations governing review of Manufactured Dwelling Facility development.

Section 4.8.20 - AREA REQUIREMENTS

a. The minimum size for a Manufactured Dwelling Facility, as defined in Chapter 1.6 - Definitions, is five acres.

b. The minimum size for a Manufactured Dwelling space is 3,000 sq. ft. ORS 446.100(c), as amended, requires that the space be at least 30 ft. wide and 40 ft. long.

Section 4.8.30 - PERMITTED STRUCTURES

a. Manufactured Dwellings and Mobile Homes, as defined in Chapter 1.6 - Definitions.

b. Accessory Structures - Structures customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations.

Section 4.8.40 - SETBACK AND SEPARATION FOR THE FACILITY PERIMETER

a. **Setback between Facility Structures and Abutting Properties** - Between the abutting property and any Dwelling or Accessory facility structure or facility road a minimum setback shall be required equal to the rear yard setback specified by the zone of the abutting property, but not less than five ft.

b. **Setback between Facility Structures and a Public Street Right-of-Way** - Between the public right-of-way and any Dwelling or Accessory facility structure, an average setback of 25 ft. shall be required along the public street, with a minimum setback equal to the front yard setback of the zone.

Section 4.8.50 - FACILITY PERIMETER TREATMENT

a. **Perimeter Treatment Adjacent to Abutting Properties** - A sight-obscuring fence or wall six ft. in height shall surround each Manufactured Dwelling Facility, except as specified below for lands adjacent to public streets. Plantings in the required setback area shall be used to reinforce this Buffer.

b. **Perimeter Treatment Adjacent to Public Streets** - An applicant can choose one of two options for perimeter treatment adjacent to public streets:

1. Option I - A six ft.-high sight-obscuring screen shall be provided through the use of fencing and vegetation and/or earth sculpting and vegetation.

   a) Fencing - Fences shall have an average 15 ft. setback from the public right-of-way and shall meet Vision Clearance Area requirements as specified by the City Engineer. Fencing closer than 15 ft. to the public right-of-way shall be subject to the zone's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of off-sets, landscaping, and change in materials.

   b) Earth Sculpting - See Figure 4.8-1 - Earth Sculpting for Buffering. Earth sculpting shall be used in conjunction with plant materials and, when combined, the screen shall be six ft. high in two years. This combination of earth sculpting and plant materials is subject to the following standards:

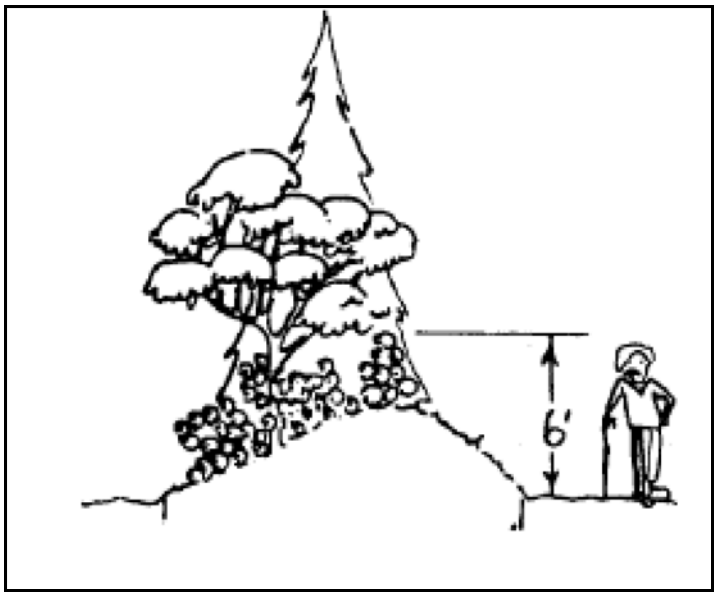

Figure 4.8-1 Earth Sculpting for Buffering

1) At a minimum, the earth sculpting shall include a berm with a slope grade not exceeding 40 percent, 1:2.5, on the side facing the street. The slope for the side facing the facility may vary.

2) At least one row of deciduous and/or evergreen shrubs spaced not more than five ft. apart shall be planted on this berm.

3) Lawn, low-growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

2. <u>Option II</u> -

a) A Manufactured Dwelling space that abuts the perimeter setback shall be a minimum of 5,000 sq. ft.

b) Manufactured Dwellings abutting a public street shall have staggered setbacks and a variety of living unit orientations such as indicated below in Figure 4.8-2 Staggered Setbacks and Variable Orientations. The required off-sets between adjacent Dwellings shall be at least eight ft. as measured perpendicular from the street; or

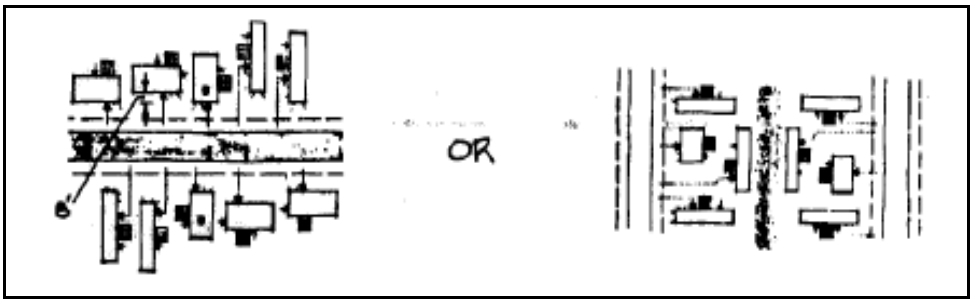

Figure 4.8-2 Staggered Setbacks and Variable Orientations

c) An alternative to the above is to use a uniform setback but provide a substantial acute or obtuse angle from the street, such as indicated below. See Figure 4.8-3 Angled Orientation with Uniform Setbacks. As used in this provision, a substantial acute or obtuse angle is greater than 30 degrees; or

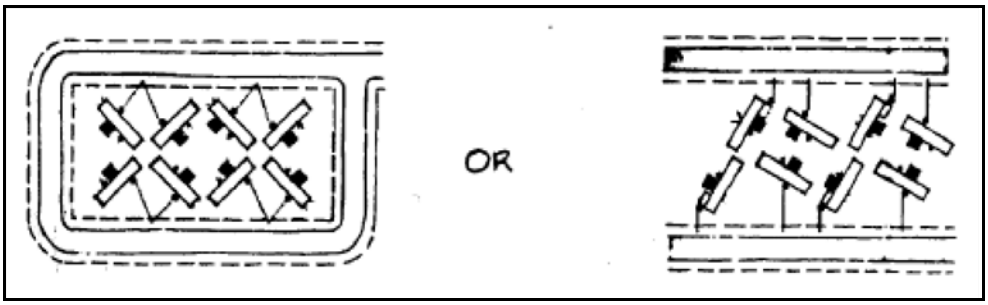

Figure 4.8-3 Angled Orientation with Uniform Setbacks

d) A third alternative is to establish an eight ft. minimum building off-set by using attached garages or triple-wide expansions such as indicated below in Figure 4.8-4 Attached Garages and Triple-wide Expansions.

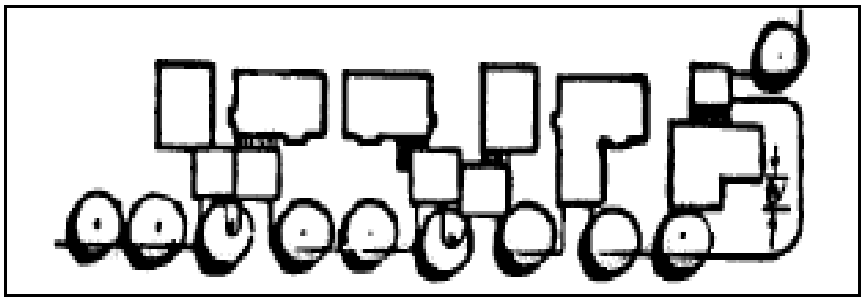

Figure 4.8-4 Attached Garages and Triple-wide Expansions

e) Driveway access on local public streets shall occur at the maximum frequency of one access for every two Dwellings. Access from individual Dwellings shall not be permitted on Arterial Streets. Access to Collector Streets shall be subject to review by the City Engineer.

Section 4.8.60 - SETBACK AND SEPARATION FOR STRUCTURES WITHIN THE FACILITY

a. Dwellings shall be separated by at least 10 ft. on all sides. See Figure 4.8-5 Structure Separation.

b. Dwellings shall be placed at least 14 ft. apart if a flammable or combustible fuel storage vessel is located on or between units.

c. Dwellings shall be separated from facility buildings by at least 10 ft.

d. Any Structure and a facility street or any Structure and a sidewalk intended for public use shall be separated by at least five ft.

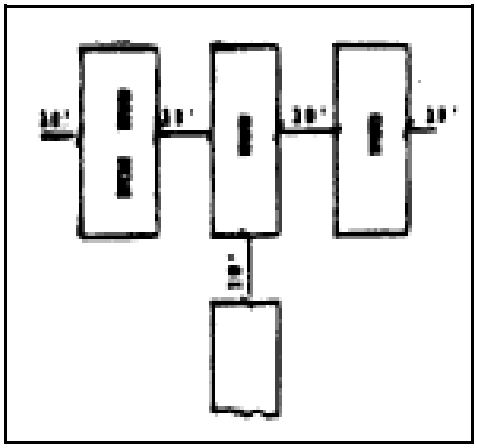

Figure 4.8-5 Structure Separation

e. Accessory Structures and Dwellings Shall Be Separated as Follows -

1. An Accessory building shall be separated at least six ft. from any Dwelling or other Accessory building on adjacent space, except in the case of Section 4.8.70.b below.

2. When a double carport or garage is built to serve two adjacent Dwellings, a minimum three-ft. separation shall be provided between the double carport and any adjacent structure, Dwelling, or Accessory facility structure. As an alternative, a one-hour fire wall separation may be provided through the center of a double carport serving an adjacent Dwelling.

Section 4.8.70 - SITE DEVELOPMENT STANDARDS

a. Parking and Accessways -

1. Parking - Off-street parking facilities shall be provided onsite in accordance with Chapters 4.1 - Parking, Loading, and Access Requirements and 4.2 - Landscaping, Buffering, Screening, and Lighting.

2. Street Widths - Facility streets shall be a minimum width of 20 ft. If on-street parking is permitted, ORS 446.095(1), as amended, requires a minimum width of 30 ft. Streets serving more than 12 Dwelling spaces shall be a minimum width of 24 ft. Streets serving more than 30 Dwelling spaces shall be a minimum width of 28 ft.

3. Street Standards - Streets shall be paved to standards adopted by the City Engineer.

4. Dead End Streets - Dead end streets over 400 ft. in length shall have a standard Cul-de-sac bulb with a 38-ft. curb-side radius. Shorter dead end streets shall have a turnaround approved by the City Engineer.

5. Walkways - Paved walkways, at least five ft. wide and accessible to wheelchairs, shall be provided to connect facility buildings to a facility street or public street. In addition, for an area with more than 25 Dwelling spaces, a street sidewalk or equivalent pedestrian walkway shall be provided to connect the area to a public sidewalk.

6. Lighting - Private facility roadways shall be lighted at intersections and pedestrian crossings and all site lighting shall be consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

7. Street Signs - Street identification signs shall be provided according to applicable City requirements if 50 or more Manufactured Dwelling spaces are on the site.

8. Fire Access - Access for fire protection services shall permit fire apparatus to approach within 100 ft. of each Dwelling. In addition, each Manufactured Dwelling space shall have direct access to a street to permit emergency escape. This access shall be an unobstructed area not less than 14 ft. wide.

b. Siting of Dwellings within the Facility -

1. Dwellings shall have staggered setbacks and a variety of Dwelling Unit orientations such as indicated below in Figure 4.8-6 Dwelling Unit Orientation and Setbacks. The required off-sets between adjacent Dwellings shall be at least eight ft. as measured perpendicular from the street; or

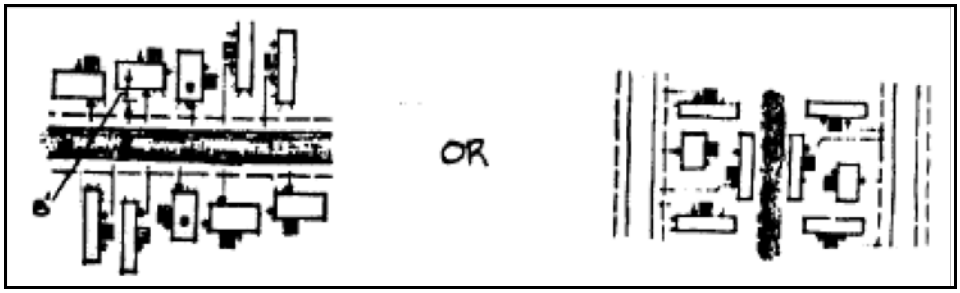

Figure 4.8-6 Dwelling Unit Orientation and Setbacks

2. An alternative to the above is to use a uniform setback but provide a substantial acute or obtuse angle from the facility street, such as indicated below in Figure 4.8-7 Obtuse Angle Orientation. As used in this provision, a substantial acute or obtuse angle is greater than 30 degrees.

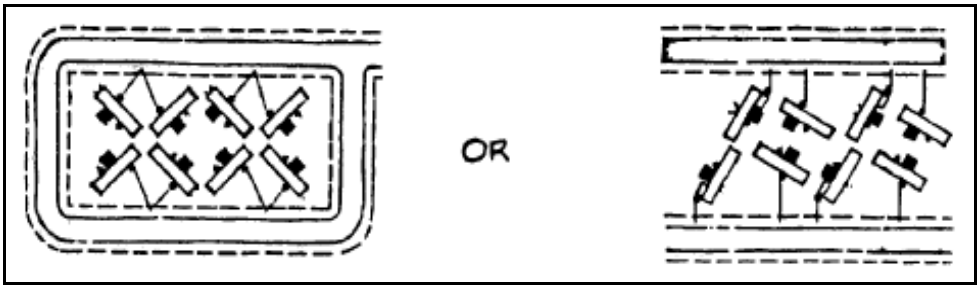

Figure 4.8-7 Obtuse Angle Orientation

c. Public and Private Facilities

1. Each Manufactured Dwelling Facility space shall be provided with water, sanitary sewer, storm drainage, and street facilities; and electrical power, telecommunication, cable television, and natural gas services in accordance with Chapter 4.0 - Improvements Required with Development.

2. Applications for Manufactured Dwelling Facilities that would adjoin an open, natural drainageway or would be located in a Floodway Fringe shall be reviewed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

d. Play Areas - A separate play area shall be provided in all Manufactured Dwelling Facilities that accommodate children unless each Manufactured Dwelling Space has a minimum size of 4,000 sq. ft. A required play area shall be at least 2,500 sq. ft. in area with no dimension less than 30 ft. At least 100 sq. ft. of play area shall be provided for each Manufactured Dwelling space less than 4,000 sq. ft.

e. Space Coverage - Not more than 60 percent of a Manufactured Dwelling space shall be occupied by a Dwelling and any other attached or detached structure used in conjunction with such Dwelling.

f. Decks - Each Manufactured Dwelling space shall have at least one private or semi-private outdoor space adjacent to the Dwelling, constructed of concrete, asphalt, flagstone, wood, or other equivalent surface material totaling at least 120 sq. ft. of area and not less than eight ft. wide in any dimension.

g. Skirting - Each Mobile Home or Manufactured Dwelling located in a Manufactured Dwelling Facility shall have continuous skirting that, in design, color, and texture, appears to be an integral part of the exterior walls or the foundation of the Dwelling.

Section 4.8.80 - LANDSCAPE PLAN

A landscape plan is required prior to issuance of Building Permits. This plan shall be drawn to scale and shall show the location of existing trees and vegetation proposed to be removed or to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, contour lines indicating any proposed earth sculpting, and other pertinent landscape information. The plan shall also be consistent with the provisions outlined in Section 4.8.90.

a. Plant Coverage and Maintenance

Required landscape areas shall be covered by living plant materials capable of attaining 90 percent ground coverage within three years. The plant materials shall be continuously maintained and irrigated with permanent facilities.

b. Plantings in Perimeter Area

In addition to the requirements specified in Section 4.8.50, above, and in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, landscaping shall be used to screen decks and storage areas from the public roadway. Plant masses shall also be established between perimeter Dwellings to reduce negative visual effects of roads and vehicle storage areas located within the facility.

c. Plantings along Facility Streets -

1. Street Trees - Street trees shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

2. Planting Continuity - To provide continuity, trees of the same or similar species shall be planted along facility streets. The consistent use of lighting fixtures, fencing styles, and carports can complement this street tree pattern. See Figure 4.8-8 Planting Continuity below.

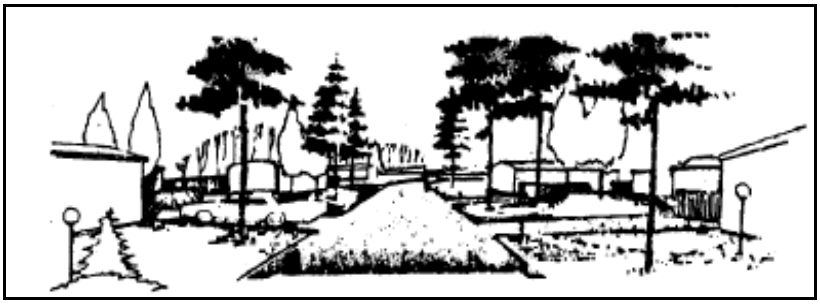

Figure 4.8-8 Planting Continuity

3. <u>Street Focal Points</u> - The real or visually apparent end of a street shall be planted heavily either with foreground plants or with background plants. See Figure 4.8-9 Street Focal Point.

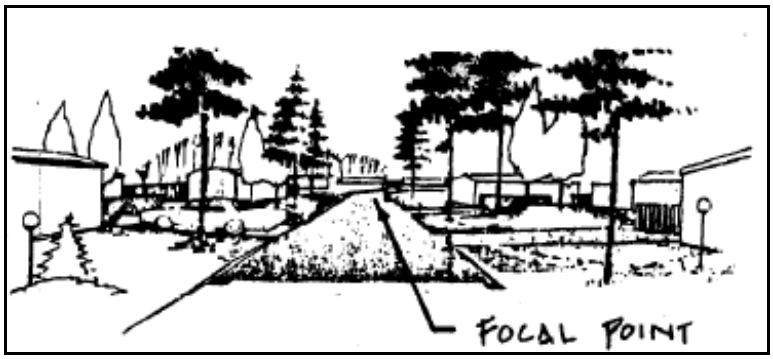

Figure 4.8-9 Street Focal Point

d. **Planting for Energy Efficiency** - Appropriate plant materials shall be used to cool Dwellings in the summer and help insulate them in the winter. Possible applications are illustrated below in Figure 4.8-10 Planting for Energy Efficiency

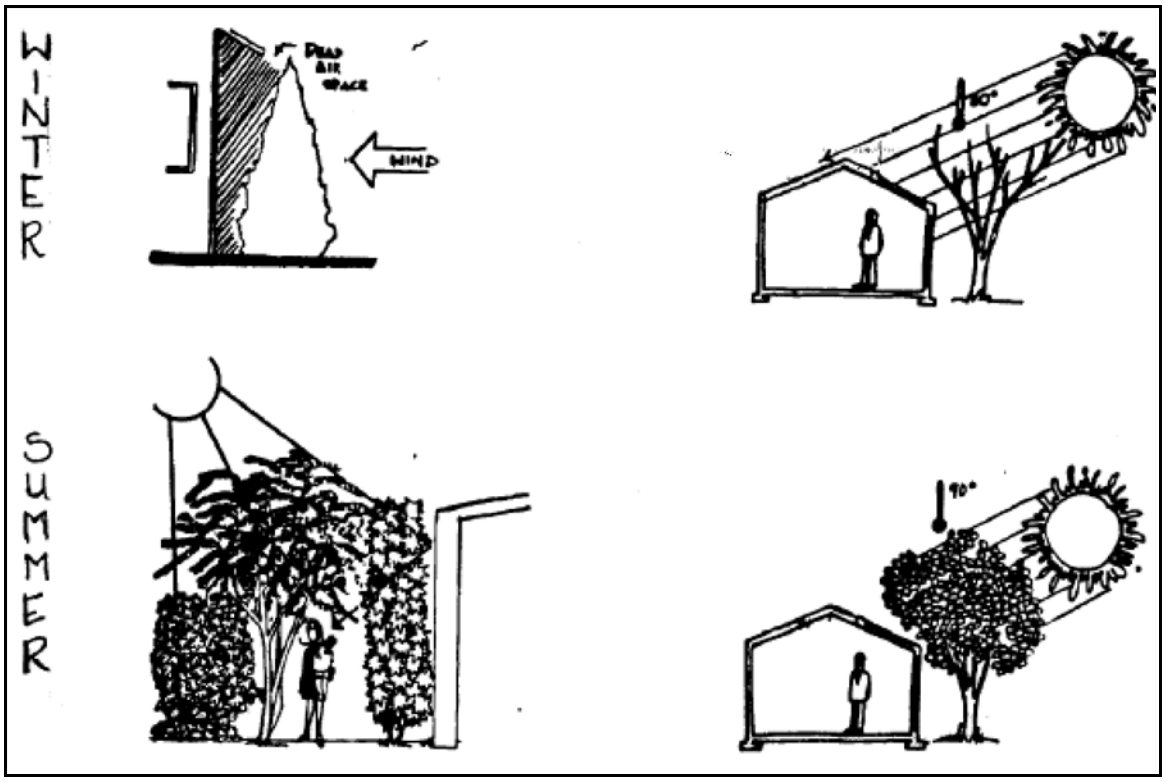

Figure 4.8-10 Planting for Energy Efficiency

Section 4.8.90 - LANDSCAPING, NATURAL HAZARDS, MINIMUM ASSURED DEVELOPMENT AREA (MADA), AND NATURAL RESOURCES

Unless specified more strictly in this Chapter, landscaping shall be consistent with the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, and Chapter 4.5 - Floodplain Provisions. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

CHAPTER 4.9
ADDITIONAL PROVISIONS

Section 4.9.10 - PURPOSES

Some types of Uses have special development standards to improve their compatibility with surrounding land uses. In certain other situations, there are exceptions to the regulations not addressed elsewhere in the Code. This Chapter includes special development standards for Manufactured Dwellings on individual lots, Minor Utilities, Accessory Dwelling Units in residential zones, Wireless Telecommunication Facilities, and Commercial Day Care and School facilities. The Chapter also includes exceptions to building heights and projections, and Housing Type variation requirements per residential zone.

Section 4.9.20 - MANUFACTURED DWELLING DESIGN STANDARDS

Manufactured Dwellings as defined in Chapter 1.6 - Definitions are allowed in all residential zones. Manufactured Dwellings placed on individual lots shall meet the following criteria:

a. Multi-sectional structure, such as a double-wide, two-story, or L-shaped structure, and enclosing a floor area of not less than 1,000 sq. ft.;

b. Backfill style foundation or skirting of pressure-treated wood, masonry, or continuous concrete footing wall construction, complying with the minimum set-up standards of the adopted Manufactured Dwelling Administrative Rules, Chapter 918, as amended;

c. Pitched roof with a minimum three ft. in height for each 12 ft. in width;

d. Non-reflective siding and roofing;

e. Manufacturer's certification that exterior thermal envelopes meet performance standards specified by state law. The applicable Oregon Revised Statutes that pertain to Manufactured Dwellings and facilities are ORS 446.155 through ORS 446.285, and ORS 455.010, as amended. The Oregon Administrative Rule pertaining to Manufactured Dwellings is OAR Chapter 918, Division 500-520, as amended. The State of Oregon Manufactured Dwelling and Park Specialty Code, which is a min/max code, governs construction requirements for Manufactured Dwellings and Mobile Homes.;

f. Garage or carport with exterior materials the same as the main unit; and

g. Compliance with the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards.

Section 4.9.30 - MINOR UTILITIES

Minor Utilities as defined in Chapter 3.0 - Use Classifications, require Conditional Development approval in accordance with Chapter 2.3 - Conditional Development when placed in a residential zone, or Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review when located in a commercial zone. In addition to complying with these review criteria, Minor Utilities shall meet the following siting standards:

a. The setback from the base of a Minor Utility structure to any lot in an adjoining residential zone shall be at least 20 percent of the structure height.

b. If scientifically validated evidence demonstrates the level of electric magnetic fields (EMFs) produced by the Minor Utility poses a health hazard based on nationally accepted standards, the City Council may require removal of the Minor Utility after conducting a public hearing in accordance with Chapter 2.0 - Public Hearings.

Section 4.9.40 - ACCESSORY DWELLING UNITS IN THE RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), AND RS-20 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, 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, 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.

[Section 4.9.40 revised by Ordinance 2012-16, effective December 13, 2012]

Section 4.9.50 - EXCEPTIONS TO BUILDING HEIGHTS AND PROJECTIONS

4.9.50.01 - General Exceptions to the Building Height Limitations -

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, and other similar objects not used for human occupancy are subject to the height limitations specified in each zone. Such structures exceeding a zone's height limitations may be permitted subject to Chapter 2.13 - Plan Compatibility Review, and upon a finding by the State of Oregon Aeronautics Division that the proposed structure does not pose a hazard to air traffic.

Flagpoles are subject to Section 4.7.70.b of Chapter 4.7 - Sign Regulations, which limits their height to 20 ft. or 110 percent of the maximum height of a primary structure, whichever is greater. Wireless Telecommunication Facilities are subject to Section 4.9.60 below.

4.9.50.02 - Projections from Buildings -

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues may project up to three ft. into a required yard, provided that a minimum 30 in. setback is maintained from any property line. Larger encroachments into front yard areas are allowed in residential zones, as specified in those zoning chapters of this Code. However, no architectural features shall be located within a Vision Clearance Area as defined by the City Engineer. For the purposes of this Section, Architectural Features shall not include any portion of a

structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.

Section 4.9.60 - WIRELESS TELECOMMUNICATION FACILITIES

4.9.60.01 - Siting Criteria and Review Procedures -

Wireless Telecommunication Facilities, as defined in Chapter 3.0 - Use Classifications, may be permitted outright, may require Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review, or may require Conditional Development approval in accordance with Chapter 2.3 - Conditional Development, depending on the type of facility, such as Colocated/attached or Freestanding, and its proposed location. Uses that are permitted outright require Building Permits only.

All facilities that have a Willamette River Greenway Overlay are subject to the provisions of Chapter 3.30 - Willamette River Greenway (WRG) Overlay. All facilities located on Designated Historic Resources are subject to the provisions of Chapter 2.9 - Historic Preservation Provisions. All Wireless Telecommunication Facilities and their related appurtenances located in areas with a Planned Development Overlay, except those within residential zones, are exempt from the requirements to have an approved Conceptual Development Plan and/or Detailed Development Plan in accordance with sections 2.5.40 and 2.5.50 of Chapter 2.5 - Planned Development. Facilities proposed for location in residential zones with a Planned Development Overlay shall be treated as a Minor Modification to the approved Conceptual and/or Detailed Development Plan, and processed accordingly.

4.9.60.02 - Standard Requirements -

All Wireless Telecommunication Facilities must demonstrate compliance with the following standard requirements prior to a City-required final inspection. Only alternative setbacks and spacing requirements are allowed, provided they are approved under the Conditional Development process in accordance with Chapter 2.3 - Conditional Development.

a. **Height** - No Wireless Telecommunication Facility shall exceed 150 ft. in height except where attached to an existing structure that exceeds 150 ft. in height and the attached antennas do not increase the total height of that structure. All Wireless Telecommunication Facilities are exempt from the provisions in Section 4.9.50. Additional height limitations are defined under allowed uses for individual development zones - Chapter 3.1 - RS-3.5 (Low

Density) Zone through Chapter 3.38 - Conservation-Open Space (C-OS) Zone.

b. Setbacks -

1. Setbacks for Freestanding Wireless Telecommunication Facilities, including associated ground-level equipment, are as follows:

   a) A facility shall be set back by a distance greater than or equal to two times the height of the facility structure, including attached antennas, from the nearest property line of any property that either contains an existing Residential Use or is located in a residential development zone.

   b) A facility located on a site adjacent to the Corvallis Gateway Corridor, defined as the rights-of-way of highways 99W and 20/34 that are within the Corvallis City limits, shall be set back from the right-of-way by a distance greater than or equal to three times the height of the facility structure, including attached antennas.

   c) All said facilities shall comply with the setback requirements of the underlying development zone.

2. Ground-level equipment associated with colocated/attached Wireless Telecommunication Facilities shall meet the setback requirements of the underlying development zone. When the ground-level equipment is on a site abutting a residential zone or an existing Residential Use, this equipment shall be set back from the nearby residential property line(s) by at least 25 ft.

c. Spacing -

1. A facility greater than or equal to 100 ft. in height, including attached antennas, must be separated from other Freestanding Wireless Telecommunication Facilities by at least 3,000 ft.

2. A facility between 51 and 99 ft. in height, including attached antennas, must be separated from other Freestanding Wireless Telecommunication Facilities by at least 1,500 ft.

3. A facility under 51 ft. in height, including attached antennas, must be separated from other Freestanding Wireless Telecommunication Facilities by at least the height of the facility's structure.

d. Colocation -

1. A Freestanding Wireless Telecommunication Facility shall be approved only if the applicant demonstrates that it is not feasible to site the facility on an existing structure. The application shall document that alternative sites within a radius of least 2,000 ft. have been considered and are technologically unfeasible or unavailable. The application also must document why colocation is impractical on existing structures for one or more of the following reasons: structural support limitations, safety considerations, lack of available space, failure to meet service coverage area needs, or unreasonable economic constraints.

2. Freestanding Wireless Telecommunication Facilities shall be designed to accommodate future colocation, as follows:

   a) Facilities up to 120 ft. in height shall accommodate at least two facilities/providers.

   b) Facilities between 120 ft. and 150 ft. in height shall be designed to accommodate at least three facilities/providers.

e. Compliance with Emission Standards - All facility applications shall contain documentation showing that the emissions of the proposed facility, and the cumulative emissions of the facility and any colocated or nearby facilities, will meet the occupational/controlled and general population/uncontrolled electromagnetic radiation emission standards established by the Federal Communications Commission, 47 CFR **§**1.1310. as amended.

f. Painting - All facilities shall be painted in a non-reflective color to match the existing or attached structure and/or to blend into the surrounding environment. Alternative neutral colors may be approved by the Director.

g. Landscaping/Screening - All ground-level facilities shall be screened in accordance with the provisions in Section 4.2.50 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

h. **Noise Reduction** - All applications shall contain documentation showing that the noise levels from the proposed facility will meet the following standards:

1. A facility located on a site adjacent to a residential development zone or existing Residential Uses must limit noise levels to 35 DBA or less, as measured at the residential property line(s).

2. A facility located on any other site must comply with the industrial and commercial quiet-area noise standards established by the Oregon State Department of Environmental Quality, OAR 340-35-035, Table 9, as amended.

i. **Lighting** - No lighting of Wireless Telecommunication Facilities is allowed, except as required by the Federal Aviation Administration (FAA). Required lighting shall be shielded from the ground, to the extent practicable. The application for a facility subject to FAA requirements shall document compliance with FAA requirements.

j. **Signage** - Warning and safety signs, up to three sq. ft. in area, are allowed. All other signs are prohibited.

k. **Site Access** - Site access is subject to the provisions in Section 4.1.40 of Chapter 4.1 - Parking, Loading, and Access Requirements. The facility operator shall implement measures to prohibit unauthorized site access.

l. **Decommissioning** - A facility shall be removed by the facility owner or operator within six months from the date the facility ceases to be operational. The Director may grant a six-month extension to this requirement. Requests for extensions must be in writing and must be received by the Director within the initial six-month period. The property owner shall bear the ultimate responsibility for removal of decommissioned facilities.

m. **Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources -** Landscaping, Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

Section 4.9.70 - COMMERCIAL DAY CARE AND SCHOOL FACILITY REGULATIONS

Area Per Child - A minimum of 2,500 sq. ft. of outdoor play area shall be provided for 15 or fewer children, with 75 additional sq. ft. provided for each additional child. Any such play area within or abutting a residential zone or residential land uses shall be enclosed by a decorative wood fence or masonry wall, and shall have a minimum width of five ft. of landscape screening in accordance with the landscape screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. The height of such fencing and landscape screening shall be a minimum of six ft. Where access to Commercial Day Care facilities is provided by other than local streets, an off-street vehicular bay or driveway shall be provided for the purpose of loading and unloading children. There shall be an indoor floor space reserved for play and/or school purposes of 40 sq. ft. per child.

Section 4.9.80 - HOUSING TYPE VARIATION REQUIREMENTS PER RESIDENTIAL ZONE

A variety of Housing Types shall be provided for residential developments, in accordance with the provisions this Section, including the provisions in Table 4.9-1 - Options A and B for Developments Five - 10 Acres, Table 4.9-2 - Options A and B for Developments Greater than 10 acres, and Table 4.9-3 - Allowed Housing Types by Zone.

a. **RS-1, RS-3.5, RS-5, RS-6, RS-9, and RS-9(U) Zones** - The darker shading in the columns for these zones in Table 4.9-3 - Allowed Housing Types by Zone indicates permitted Housing and Building Types.

1. Developments Less Than Five Acres - No Housing or Building Type variation is required, although Housing Type variations are encouraged.

2. Developments Five - 10 Acres - At least two Housing or Building Types are required. Each required Housing or Building Type shall be at least 20 percent of the total units.

3. Developments Greater Than 10 Acres - At least three Housing or Building Types are required. Each required Housing or Building Type shall be at least 20 percent of the total units.

b. **RS-12, RS-12(U), RS-20, and MUR Zones** - The lighter shading in the columns for these zones in Table 4.9-3 - Allowed Housing Types by Zone indicates permitted Housing and Building Types. The darker shading in the

columns for these zones indicates “Option B” discussed in “2,” and “3,” below.

1. Developments Less Than Five Acres - No Housing or Building Type variation is required, although Housing Type variations are encouraged.

2. Developments Five - 10 Acres - Compliance is required with either Option A or Option B in Table 4.9-1 - Options A and B for Developments Five - 10 Acres.

Table 4.9-1 - Options A and B for Developments Five - 10 Acres	
Option A	**Option B**
Provide at least two Housing or Building Types from the lightly shaded choices in Table 4.9-3 - Allowed Housing Types by Zone.	Comply with both the apartment building and the bedroom requirements in the darkly shaded areas in Table 4.9-3 - Allowed Housing Types by Zone.
Each required Housing or Building Type shall be at least 20 percent of the total units.	

3. Developments Greater Than 10 Acres - Compliance is required with either Option A or Option B in Table 4.9-2 - Options A and B for Developments Greater Than 10 Acres.

Table 4.9-2 - Options A and B for Developments Greater Than 10 Acres	
Option A	**Option B**
Provide at least three Housing or Building Types from the lightly shaded choices in Table 4.9-3 - Allowed Housing Types by Zone.	Comply with both apartment building and bedroom requirements in the darkly shaded areas in Table 4.9-3 - Allowed Housing Types by Zone.
Each required Housing or Building Type shall be at least 20 percent of the total units.	Additionally, add a second Housing or Building Type that is at least 20 percent of the total units and that is chosen from the lightly shaded choices areas in Table 4.9-3 - Allowed Housing Types by Zone.

Table 4.9-3
ALLOWED HOUSING TYPES BY ZONE

BUILDING TYPES, PER CHAPTER 1.6 - DEFINITIONS	ALLOWED HOUSING TYPES BY ZONE							HOUSING TYPE CHOICES TO SATISFY HOUSING VARIATION REQUIREMENTS
	RS-1 & RS-3.5	RS-5	RS-6	RS-9 & RS-9(U)	RS-12 & RS-12(U)	RS-20	MUR	
Detached Single-family								**1.** Detached Single-family ≤ 1,200 sq. ft.
								2. Detached Single-family 〉 1,200 sq. ft.
Detached Single-family (Zero Lot Line)								**3.** Detached Single-family ≤ 1,200 sq. ft.
								4. Detached Single-family 〉 1,200 sq. ft.
Accessory Dwelling Unit								**5.** Accessory Dwelling
Attached Single-family (Zero Lot Line, two units)								**6.** Attached Single-family (two units) (each unit on an individual lot)
Duplex								**7.** Duplex units
Attached (more than two units)								**8.** Dwellings with three-five units (each unit on an individual lot or each unit individually owned within a multi-unit structure)*. Includes Townhouses, Rowhouses, Flats, Condominiums. * RS-5 Zone limited to a maximum of three attached units per structure.
								9. Dwellings with 〉 five units (each unit on an individual lot or each unit with an individual ownership within a multi-unit structure). Includes Townhouses, Rowhouses, Flats, Condominiums.

Table 4.9-3 ALLOWED HOUSING TYPES BY ZONE								
BUILDING TYPES, PER CHAPTER 1.6 - DEFINITIONS	**ALLOWED HOUSING TYPES BY ZONE**							**HOUSING TYPE CHOICES TO SATISFY HOUSING VARIATION REQUIREMENTS**
	RS-1 & RS-3.5	**RS-5**	**RS-6**	**RS-9 & RS-9(U)**	**RS-12 & RS-12(U)**	**RS-20**	**MUR**	
Multi-dwelling								**10.** Triplexes and fourplexes (each unit not individually owned)* * RS-5 Zone limited to triplexes
Multi-dwelling, continued								**11.** Apartment buildings with 〉four units (each unit not individually owned)
OPTION B for RS-12, RS-12(U), and RS-20 Zones								Minimum of three types of apartment buildings in terms of number of units per building (must vary by at least two units). Each type shall comprise at least 10 percent of the buildings (e.g., may have a combination of buildings with 8, 10, and 12 units/building, etc.)
								Minimum of two types of units in terms of number of bedrooms and each type shall comprise at least 25 percent of the total number of units: Dwelling units with ≤ one bedroom Dwelling units with two bedrooms Dwelling units with ≥ three bedrooms

Section 4.9.90 - Urban Agriculture Standards

a. Market Gardens

1. Market Garden activities shall be conducted by members of the family occupying the associated dwelling, with up to one additional employee, or full-time-equivalent, whose work on the site shall not exceed 40 hours per work week.

2. No display shall indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling, except that signage consistent with Section 4.7.90.01 of Chapter 4.7 - Sign Regulations is allowed.

3. The amount of commercial activity is less intensive than activities permitted in a commercial zone.

4. The use will not cause excessive or unusual traffic in the vicinity because of deliveries, pick-ups, parking, sales, or other activities.

5. Noise, smoke, or odors do not exceed those created by normal residential use, for more than 24 hours per year.

6. Retail activities shall occur only within the home, garage, permanent outbuildings, or stands or kiosks as described in “7", below.

7. Temporary stands or kiosks used to sell products may be placed within required yard areas abutting streets, but shall be removed from the required yard, and shall cease operations, by 8:00 PM each day. Stands and kiosks shall not be permitted in the public right-of-way.

b. Community Gardens

1. Gardens shall be at least 5-ft from all property lines.

2. Items such as tools, equipment, and fuel, shall be stored within enclosed buildings or screened per Section 4.2.50.02 - Service Facilities and Outdoor Storage Areas.

3. Sales and donation of products grown in the community garden may occur on-site. Temporary stands or kiosks used to sell products may be placed within

required yard areas abutting streets, but shall be removed from the required yard by 8:00 PM each day.

[Section 4.9.90 added by Ordinance 2012-19, effective December 13, 2012]

CHAPTER 4.10
PEDESTRIAN ORIENTED DESIGN STANDARDS

Section 4.10.10 - PURPOSE

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

a. Implement applicable policies of the Comprehensive Plan;

b. Foster human-scale development that emphasizes pedestrian rather than vehicular features;

c. Promote pedestrian oriented buildings, pedestrian amenities, and landscaping that contribute positively to an appealing streetscape;

d. Promote an environment where developed areas, recreational areas, and multi-use paths are accessible to all;

e. Promote pedestrian safety by increasing the visibility and vitality of pedestrian areas;

f. Ensure direct and convenient access and connections for pedestrians and bicyclists;

g. Augment the sidewalk and multi-use path system for pedestrians;

h. Provide a connected network of sidewalks and multi-use paths;

i. Encourage street activity to support livable neighborhoods and vital commercial areas;

j. Ensure that developments contribute to the logical continuation of the City's street and block form and/or establish block patterns in parts of the City where they do not exist;

k. Provide a sense of diversity and architectural variety, especially in residential areas, through the use of varied site design layouts and building types and varied densities, sizes, styles, and materials;

l. Encourage development and building designs that promote crime prevention and personal and community safety; and

m. Encourage development and building designs that maintain some level of privacy for individual dwelling units.

Section 4.10.20 - APPLICABILITY

The Pedestrian Oriented Design Standards shall apply to those chapters in this Code that reference compliance with this Chapter.

Section 4.10.30 - OPTIONS FOR REVIEW

Three options are available for review of a development's compliance with the Pedestrian Oriented Design Standards. These options include:

a. **Clear and Objective Review** - Applications shall demonstrate compliance with the standards in this Chapter. Compliance allows applications to proceed with ministerial review when they consist of outright permitted uses or when they have already obtained the necessary discretionary review approvals.

b. **Lot Development Option** - Adjustments to the standards may be requested through the Lot Development Option procedures outlined in Chapter 2.12 - Lot Development Option.

c. **Discretionary Reviews Involving Public Hearings** - Flexibility beyond the allowances described in "b," above may be requested in accordance with the procedures in Chapter 2.5 - Planned Development.

Section 4.10.40 - APPLICATION OF STANDARDS

a. **Residential Uses** - For all Residential Uses, the applicable residential standards shall apply.

b. **Commercial, Industrial, and Civic Uses** - For all Commercial, Industrial, and Civic Uses, the applicable commercial, industrial, and civic standards shall apply.

c. **Mixed Use Buildings** - For mixed use buildings, the applicable provisions for each use component shall apply to that portion of the building. For example, if a mixed use building has ground floor retail and residential above, the standards for Commercial, Industrial, and Civic Uses shall apply to the commercial portion, and

the Residential Use standards shall apply to the remainder of the building. If a conflict exists between standards, the standard that provides more pedestrian amenities applies.

d. **Orientation to Streets** - Where a lot or parcel fronts on three or more streets, the requirements of this Chapter, such as building orientation, location of parking, etc., apply to only two of these streets. For Through Lots in low density residential zones, and/or on a site where there is an existing Through Lot Easement, the requirements of this Chapter, such as building orientation, location of parking, etc., apply to only one street.

[Section 4.10.40 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.10.50 - STANDARDS FOR DETACHED SINGLE-FAMILY, TWO-UNIT ATTACHED SINGLE-FAMILY, AND DUPLEX RESIDENTIAL BUILDING TYPES

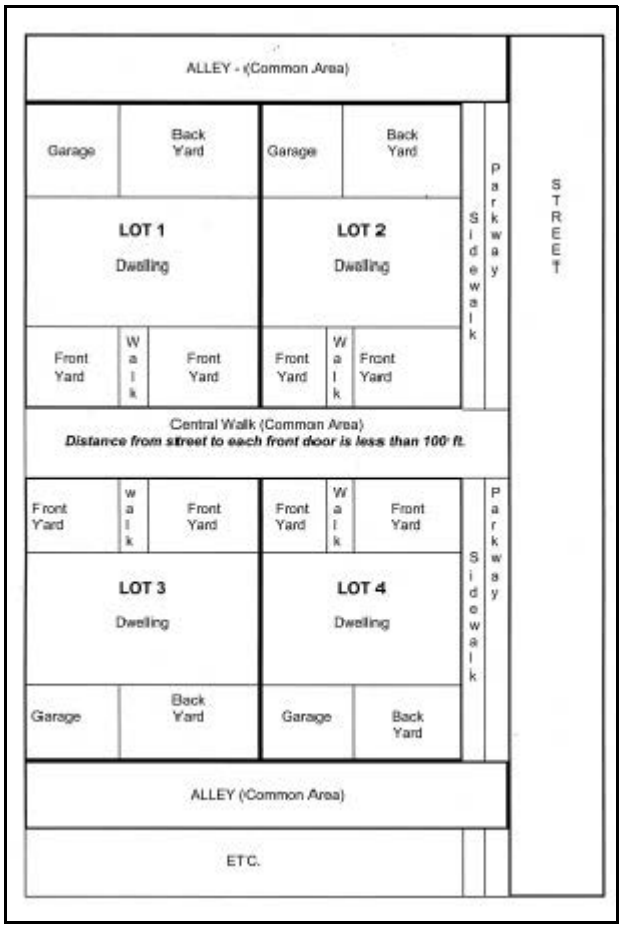

Figure 4.10-1 - Allowed Access to Single-family Development When Lots Do Not Front Directly on a Street

4.10.50.01 - Building Orientation, Privacy, and Facades Adjacent to Pedestrian Areas

a. **Orientation of Dwellings** - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

The orientation standard of this Section is satisfied when the provisions in "1," or "2," below, are met. See Figure 4.10-1 - Allowed Access to Single-family Development When Lots Do Not Front Directly on a Street.

1. Primary building entrances face the streets or are directly accessed from a public street right-of-way or private street tract by a sidewalk or multi-use path less than 100 ft. long (distance measured along the centerline of the path from a public street right-of-way or private street tract), and primary dwelling unit entrances open directly to the outside and do not require passage through a garage or carport to gain access to the dwelling; or

2. Exceptions:

   a) For a Flag Lot, as defined in Chapter 1.6- Definitions (or a flag parcel), the primary building entrance is located within 100 ft. of the lot's (or parcel's) accessway.

b. **Privacy** - If the side wall of a dwelling or accessory dwelling is on or within three ft. of the property line, ground floor windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

c. **Windows and Doors** - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. Facades referenced in this provision include garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

d. **Grading (Cuts and Fills)** - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

4.10.50.02 - Maximum Widths of Street-facing Garages/Carports, Placement, and Materials

a. Maximum Widths of Street-facing Garages/Carports

1. Lots ≥ 50 Ft. in Width - For dwellings with front-loaded garages/carports, the width of the garage wall or carport facing the street shall be no more than 50 percent of the width of the dwelling's street-facing facade. Front-loaded garages/carports are attached garages/carports with entrances facing the same street as the dwelling's entrance. Additionally, the term garage wall pertains to the whole wall and not just the doors. See Figure 4.10-2A - Unacceptable Width of Street-facing Garage on a Lot ≥50 ft. and Figure 4.10-2B - Acceptable Width of Street-facing Garage on a Lot ≥50 ft.

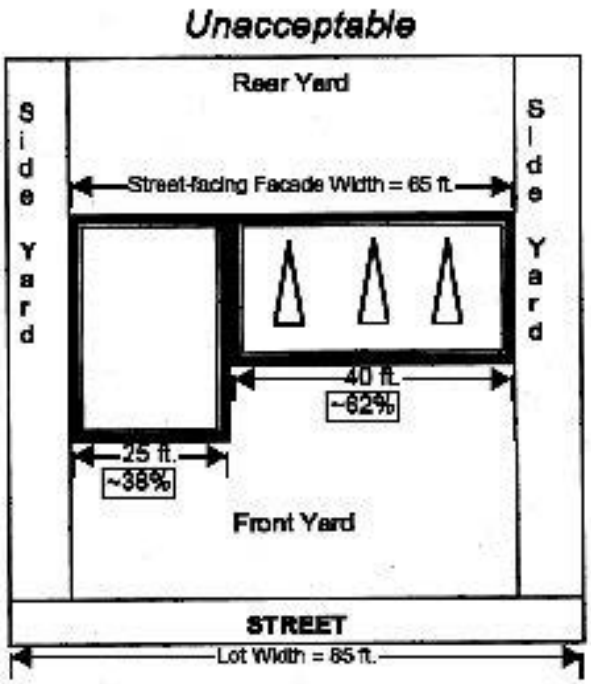

Figure 4.10-2A - Unacceptable Width of Street-facing Garage on a Lot >50 ft. Wide

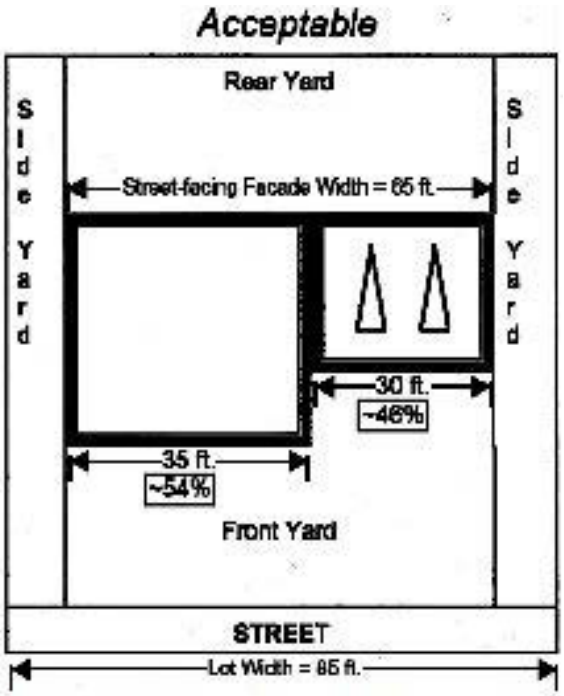

Figure 4.10-2B - Acceptable Width of Street-facing Garage on a Lot >50 ft. Wide

2. Lots < 50 Ft. in Width - For dwellings with front-loaded garages, the area of the garage wall facing the street shall be no more than 50 percent of the area of the dwelling's street-facing facade. Front-loaded garages/carports are attached garages/carports with entrances facing the same street as the dwelling's entrance. The

area shall be measured in sq. ft. and, with the exception of gabled areas and second stories, the entire facade of the garage shall be measured. The interior of the garage determines the width of the garage facade, not just the garage doors. See Figure 4.10-3A - Unacceptable Street-facing Garage Area and Figure 4.10-3B - Acceptable Street-facing Garage Area. Both of these figures are located on the next page. For dwellings with front-loaded carports, the carports shall be subject to the same restrictions outlined in “1," above.

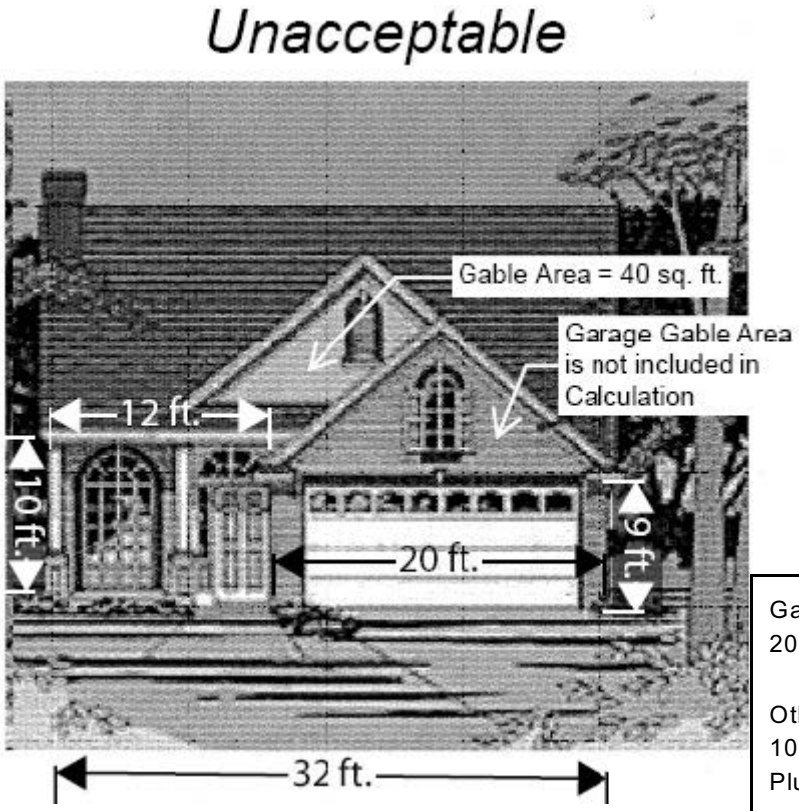

Figure 4.10-3A - Unacceptable Street-facing Garage Facade Area

Garage Facade Area =
20 ft. X 9 ft. = **180 sq. ft.**

Other Facade Area =
10 ft. X 12 ft. = 120 sq. ft.
Plus 40 sq. ft.
= **160 sq. ft.**

Garage Facade Area of 180 sq. ft. is GREATER than the Other Facade Area of 160 sq. ft.

Garage Facade Area =
20 ft. X 11 ft. = **220 sq. ft.**

Other Facade Area =
18 ft. X 11 ft. = 198 sq. ft.
Plus 164 sq. ft.
= **362 sq. ft.**

Garage Facade Area of 220 sq. ft. is LESS than the Other Facade Area of 362 sq. ft.

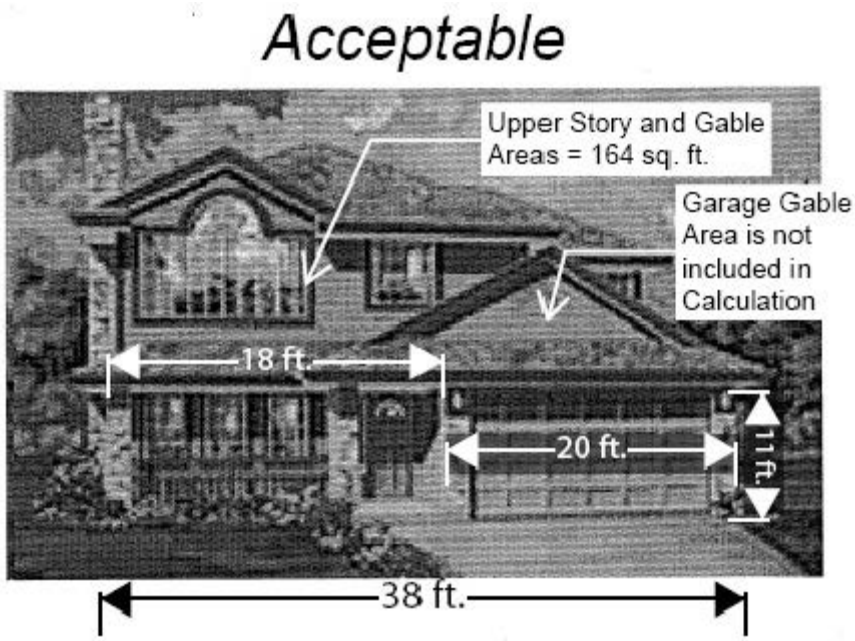

Figure 4.10-3B - Acceptable Street-facing Garage Facade Area

3. Exception - Where the street-facing facade of a dwelling is less than 24 ft. wide, the garage wall facing the street may be up to 12 ft. wide if the garage meets one of the following:

   a) Interior Living Area above the Garage - The living area is not set back more than four ft. from the street-facing garage wall; or

   b) Covered Balcony - A covered balcony above the garage is:

      1) At least the same width as the street-facing garage wall;

      2) At least six ft. deep; and

      3) Accessible from the interior living area of the dwelling unit.

b. Garage and Carport Placement - Garages and carports shall be placed only as indicated in the options below. The applicant shall indicate the proposed option(s) on plans submitted for building permits. Additionally,

measurements may be taken from the second floor of homes, provided the second floor spans across the entire garage/carport.

Garage/Carport Placement Options -

1. Rear Garage Accessed From the Street - Vehicular entrances are at the rear of a dwelling unit and accessed from the street, as shown in Figure 4.10-4 - Rear Garage Accessed from the Street, below. The garage may be attached to or detached from the dwelling unit. Where two adjacent dwelling units use this option, a shared driveway is encouraged.

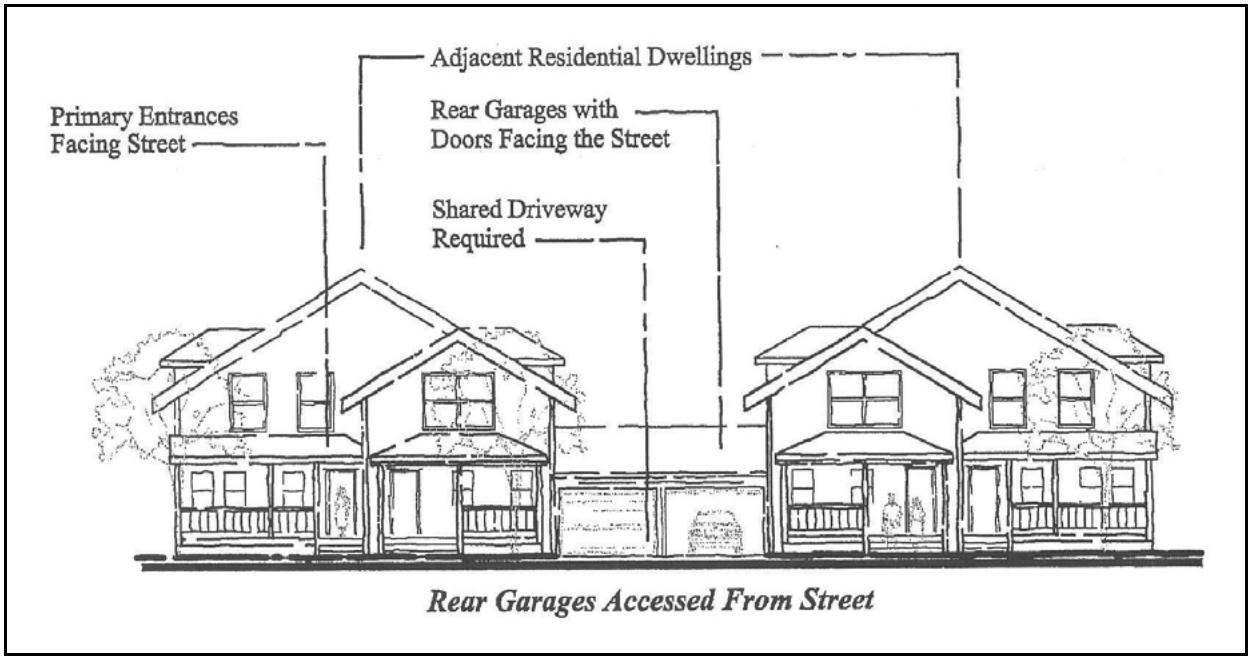

Figure 4.10 - 4 - Rear Garage Accessed from the Street

2. Front Accessed Garage with Four-ft. Recess - Vehicular entrances face the street and are recessed at least four ft. from the front wall of the dwelling as shown in Figure 4.10-5 - Garage Facing Street and Recessed at Least Four Ft., on the next page. The recess from the front wall of the dwelling shall be measured from the front wall of the living space area, not from the front porch, a bay window, or other projection or architectural feature.

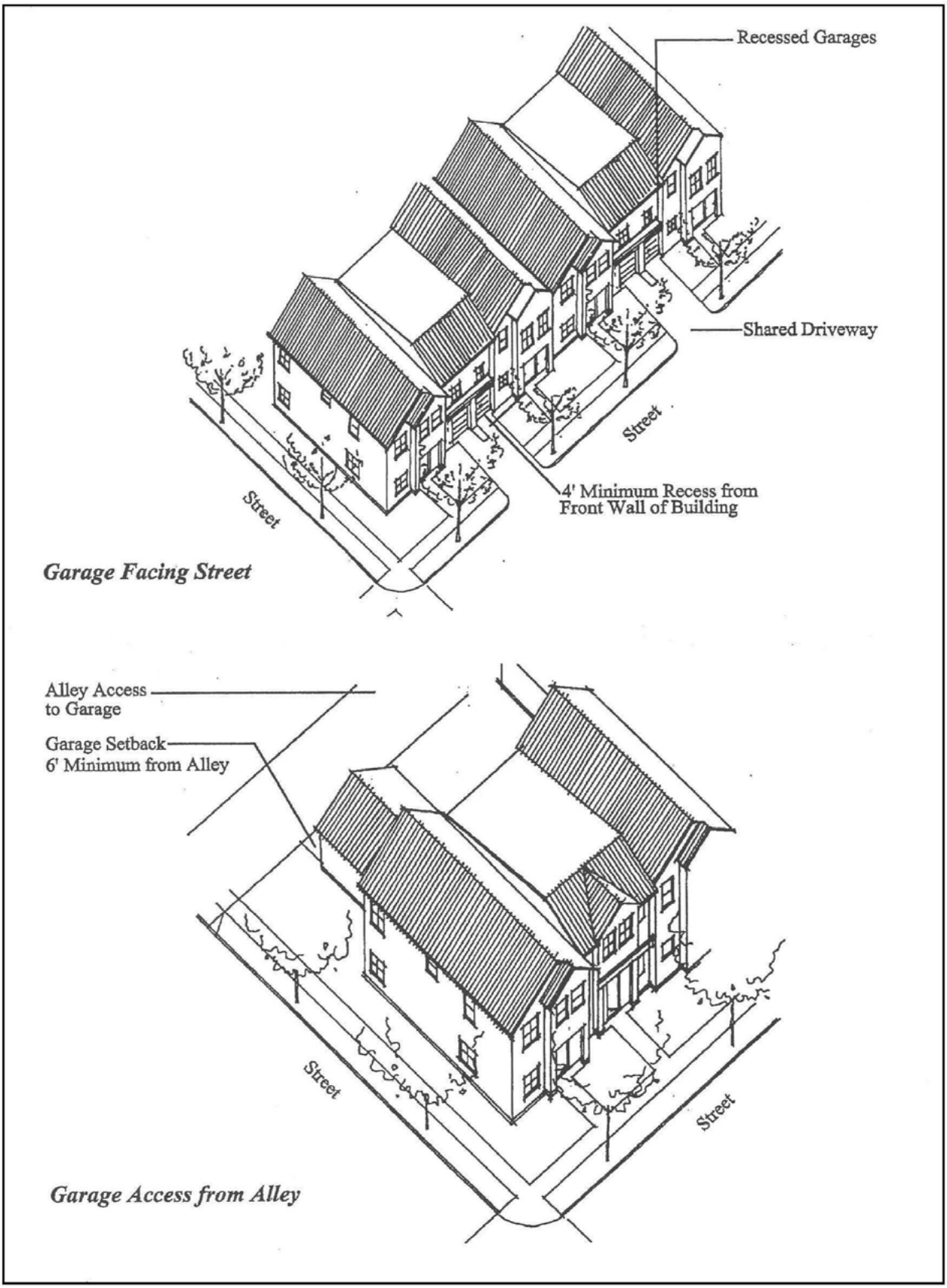

Figure 4.10-5 - Garage Facing Street and Recessed at Least Four Ft.; and
Figure 4.10-6 - Garage with Alley Access

3. Garage Accessed From an Alley - Vehicular entrances are accessed from an alley, as shown in Figure 4.10-6 - Garage with Alley Access. Garage/carport setbacks from alleys are outlined in Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garage/carport entrances may be located parallel to (facing) an alley, perpendicular to (not facing) an alley, or angled up to 45 degrees to an alley.

4. Garage Entrance Perpendicular to Street - Vehicular entrances are perpendicular to the street, as shown in Figure 4.10-7 - Garages Perpendicular to the Street, below. This option pertains to the situation where the garage/carport is sideways. The garage wall facing the street shall provide a minimum area of 15 percent windows and/or doors.

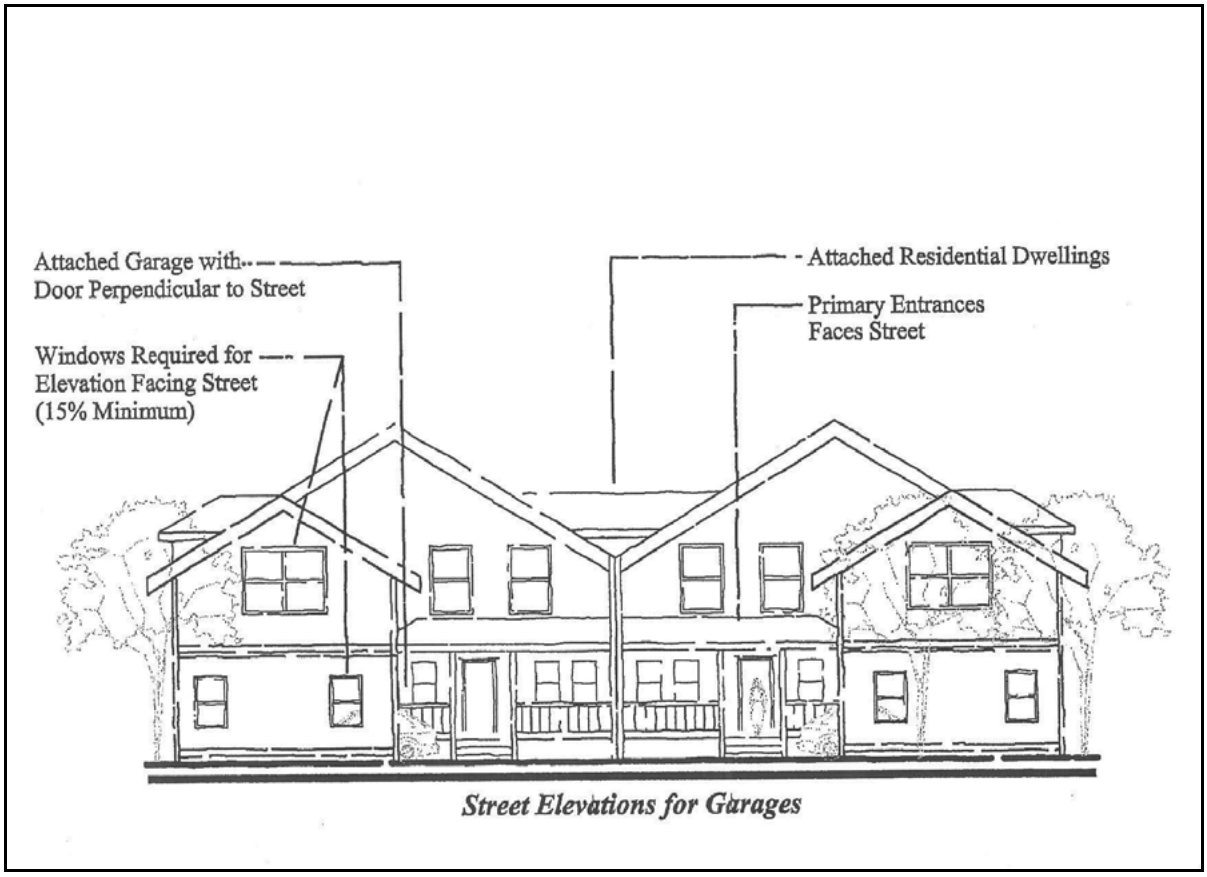

Figure 4.10-7 - Garages Perpendicular to the Street

5. Garage Access Diagonal to the Street - Vehicular entrances are oriented diagonally to the street, as shown in Figure 4.10-8 - Garage Access Diagonal to the Street, below. The garage wall facing the street shall provide a minimum area of 15 percent windows and/or doors. To determine whether the portion of the garage that faces the street complies with Section 4.10.50.2.a, the width of the front garage wall shall be measured as the length of the leg of a right triangle parallel to the street, where the hypotenuse of the triangle is the front of the garage.

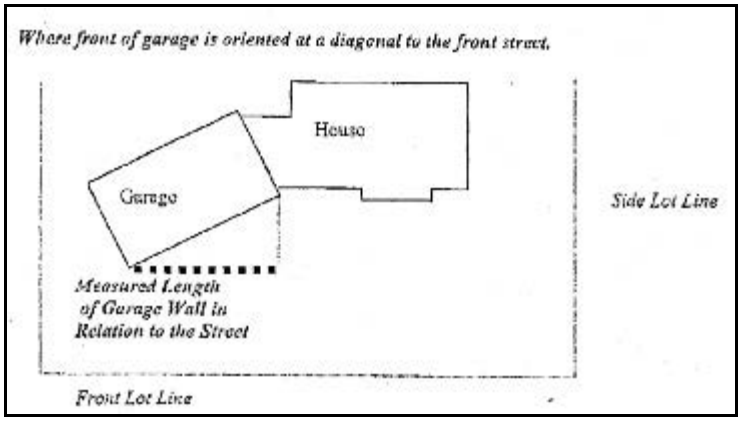

Figure 4.10-8 - Garage Access Diagonal to the Street

6. Basement Garage - Vehicular entrances face the street and garages are located beneath the main floor and front door entrance to the dwelling unit, provided the garage/carport entrances are flush with or set behind the front wall of the dwelling unit, as shown in Figure 4.10-9A - Flush Basement Garage and Figure 4.10-9B - Recessed Basement Garage, below. This option addresses the basement garage scenario in hillside areas.

Figure 4.10-9A - Flush Basement Garage

Figure 4.10-9B - Recessed Basement Garage

7. Flush Garage with Porch - Vehicular entrances face the street and are flush with or recessed up to four ft. from the front wall of the dwelling, and a front porch is provided with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.). A minimum of 60 percent of the porch shall be covered to provide weather protection.

8. Flush or Recessed Single Car Garage - Vehicular entrances face the street and are flush with or recessed up to four ft. from the front wall of the dwelling, and the garage/carport is a single-car garage/carport that is a maximum of 12 ft. wide. These options are shown below in Figure 4.10-10 - Single Car Garage Access Recessed from Front Wall of Dwelling and in Figure 4.10-11 - Single Car Garage Flush from Front Wall of Dwelling.

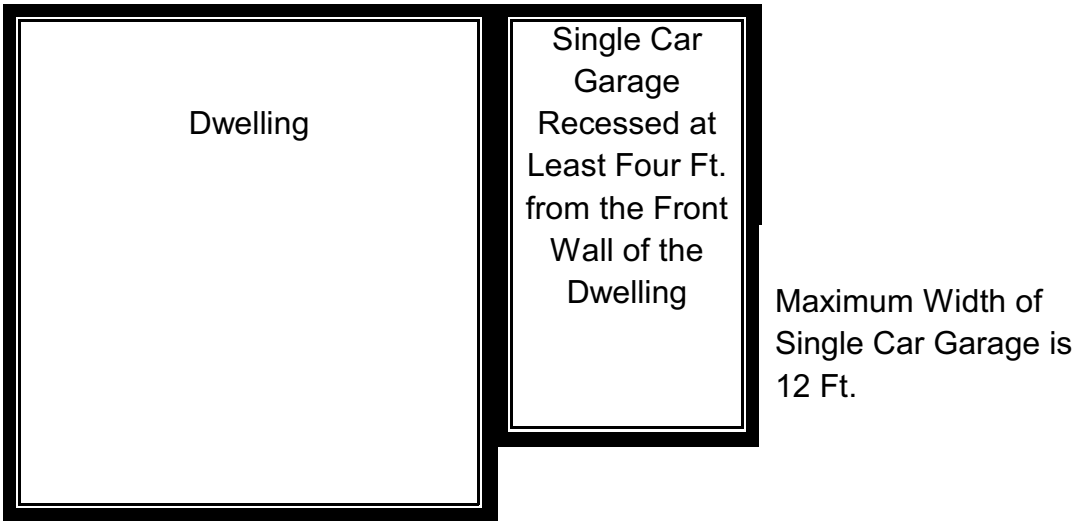

Figure 4.10-10 - Single Car Garage Recessed from Front Wall of Dwelling

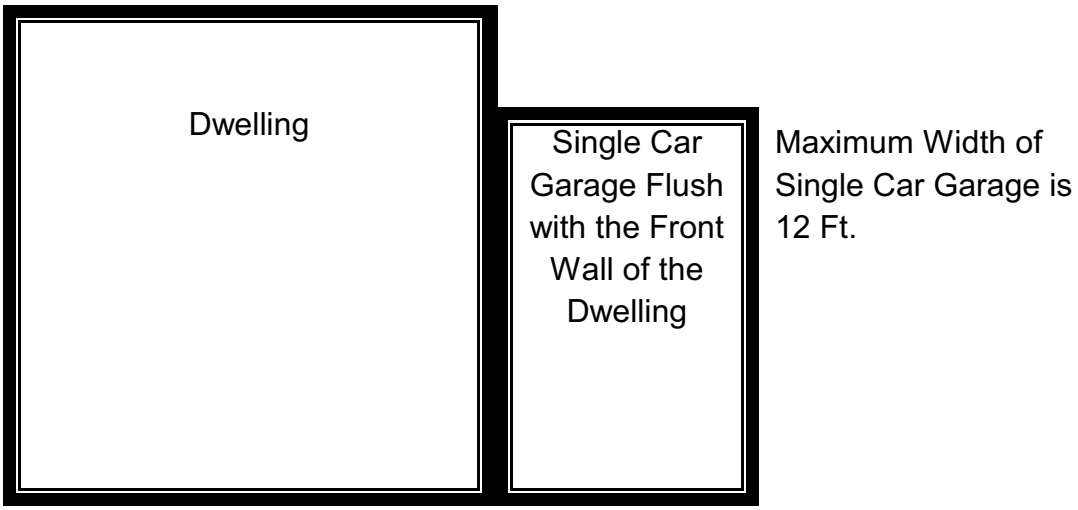

Figure 4.10-11 - Single Car Garage Flush with Front Wall of Dwelling

9. Recessed Garage with Cantilevered Second Story - Vehicular entrances face the street and are recessed at least two ft. from the front wall of the dwelling, and the dwelling includes a second floor that cantilevers over the garage/carport at least two ft. This option is shown in Figure 4.10-12 - Garage Recessed and Upper Floor Cantilevers Over It, below. The recess from the front wall of the dwelling shall be measured from the front wall of the living space area, not from the front porch, a bay window, or other projection or architectural feature. Additionally, the second floor that cantilevers over the garage/carport shall run the full length of the garage/carport.

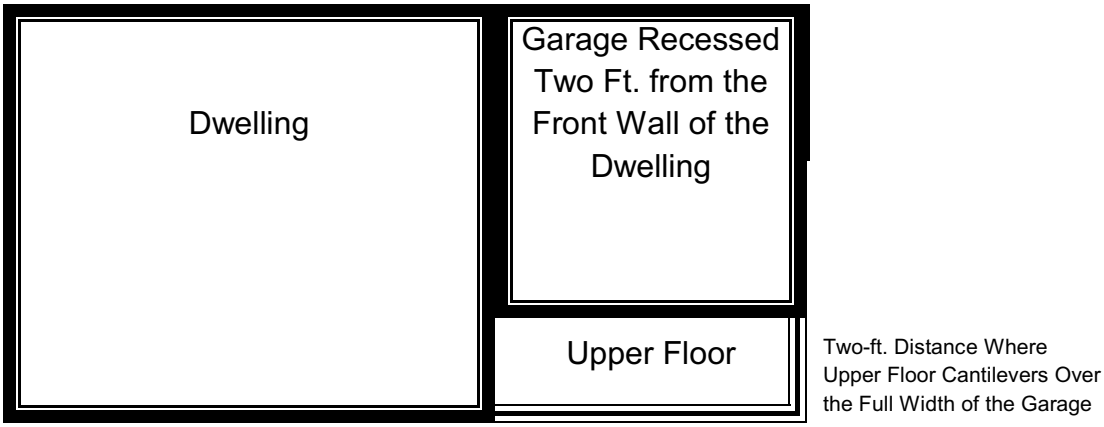

Figure 4.10-12 - Garage Recessed and Upper Floor Cantilevers Over It

10. Narrow Lot (less than 40 ft. width) Facing Street - Vehicular entrances face the street and the garage portion of the building shall be recessed a minimum of 2 feet from the portion of the building nearest the street that is designed for human occupancy (includes enclosed rooms, porches, balconies, etc.) and the width of the garage portion of the building is equal to or less than 50% of the lot width.

c. **Garage and Carport Materials** - Garages and carports, when provided, shall be constructed of the same building materials as the dwelling.

4.10.50.03 - Menus for Pedestrian Features and Design Variety

a. **Pedestrian Features Menu** - Each home shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate the proposed options on plans submitted for building permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. Elevated Finished Floor - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multi-use path.

2. Front Porches/Patios - A front porch or front patio a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and covered by a minimum of 60 percent to provide weather protection.

3. Sidewalk/Walkway to Front Door - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

b. **Design Variety Menu** - Each home shall incorporate a minimum of four of the following seven building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. Roof Pitch - A minimum 6:12 roof pitch.

2. Eaves - Eaves with a minimum 18-in. overhang.

3. Building Materials - At least two different types of building materials including but not limited to stucco and wood, brick and stone, etc.. Alternatively, a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc., on facades facing streets. These requirements are exclusive of foundations and roofs and pertain only to the walls of a structure.

4. Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.

5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.

6. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are

defined as bay windows, covered porches greater than 60 sq. ft. in size, balconies above the 1st floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which contains the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

7. Architectural Details - Architectural details used consistently on dwelling facades. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or divided lights, or pergolas/trellis work integrated into building facades. If a dwelling is oriented such that its front facade, which contains the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

[Section 4.10.50 amended by Ordinances 2012-16 and 2012-18, effective December 13, 2012]

Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS THREE UNITS OR GREATER, TOWNHOME, TRIPLEX, FOURPLEX, AND APARTMENT RESIDENTIAL BUILDING TYPES

4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas

All building orientations, facades, and entrances shall comply with the following standards.

a. Orientation of Buildings - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

1. Primary building entrances shall face the streets or be directly accessed from a public street right-of-way or private street tract by a sidewalk or multi-use path less than 200 ft. long (distance measured along the centerline of the path from a public street right-of-way or private street tract), as shown in Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street, below. Primary entrances may

provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the doorway. This provision shall apply to development of attached single-family dwelling units (three or more) and to development of three or more units on a single lot in any configuration of building types as allowed by the associated zone.

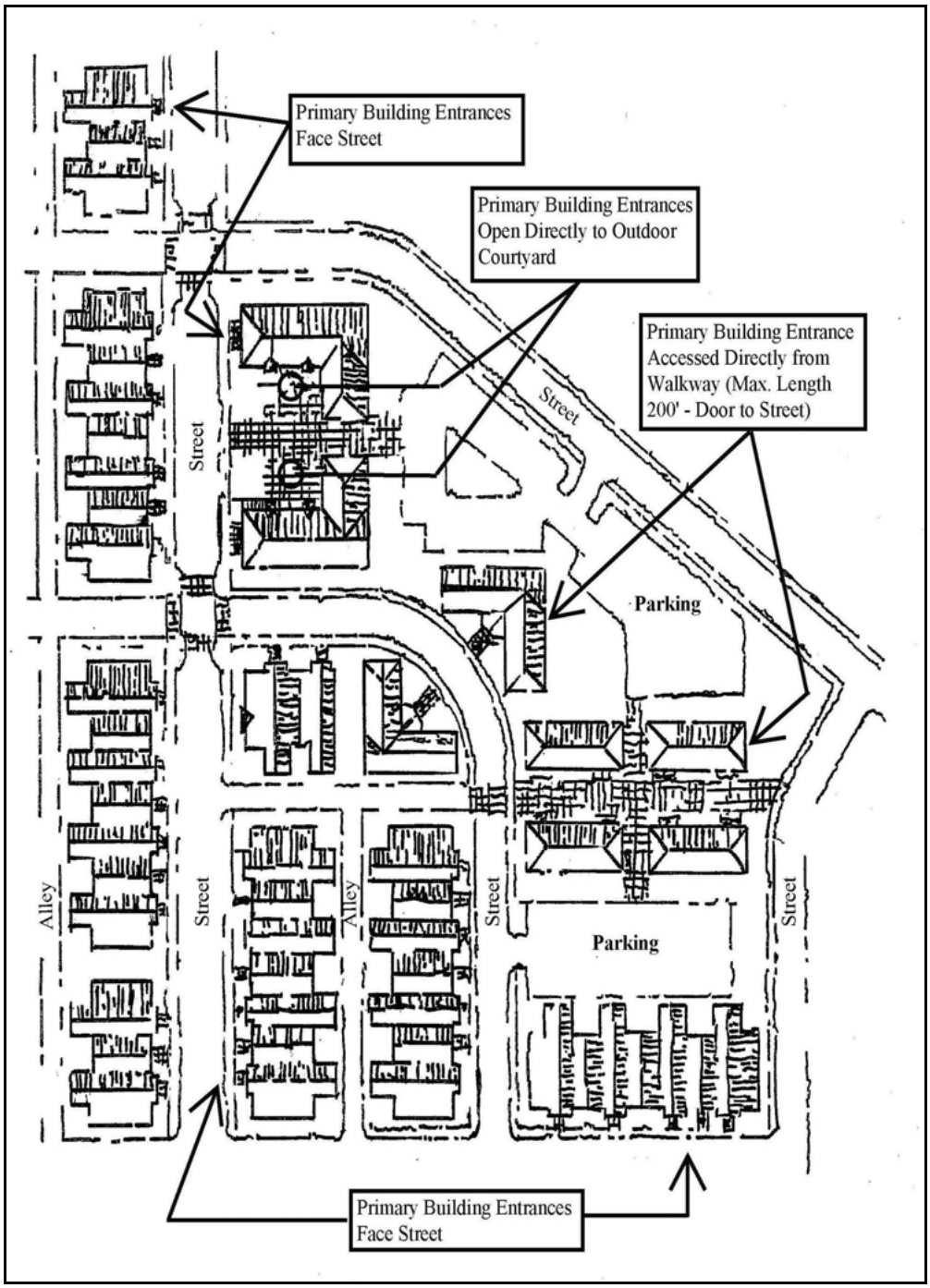

Figure 4.10-13 - Primary Building Entrances Within 200 Ft. of the Street

2. Open courtyard space may increase up to 50 percent of the building front beyond the maximum setback, as shown in Figure 4.10-14 - Open Courtyards, below. Open courtyard space is usable space that shall include pedestrian amenities such as benches, seating walls, or similar furnishings, and shall include landscaping. For example, an apartment building in a Mixed Use Residential Zone is required to have a front yard setback of no more than 15 ft. If a developer desires to construct a u-shaped building with a pedestrian courtyard in the center, then one half the width of the building, based upon the lineal footage of the building's street frontage, could be located farther back than the maximum setback of 15 ft.

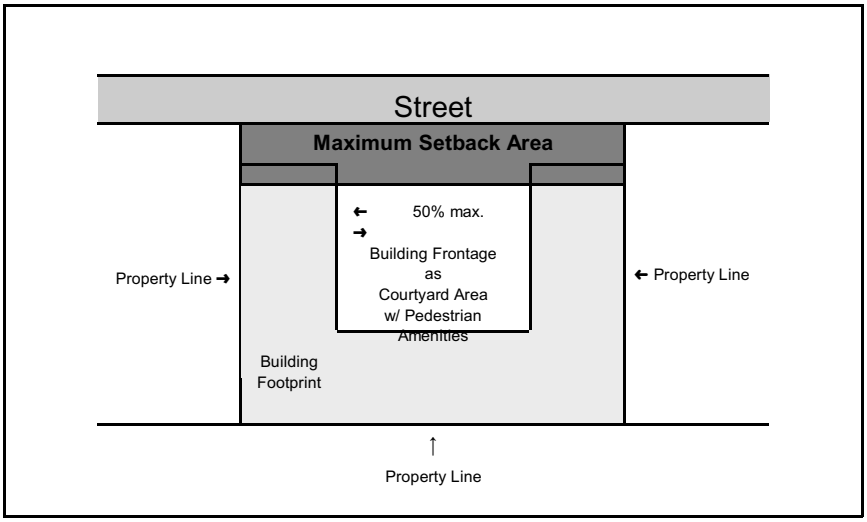

Figure 4.10-14- Open Courtyards

3. Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, with the following exceptions:

   a) For driveway parking associated with single-family development. See Figure 4.10-13- Primary Building Entrances Within 200 Ft. of the Street for compliant locations of parking and circulation.

   b) For up to two parking spaces per dwelling unit for Duplexes and Triplexes, provided these spaces are within driveway areas designed to serve individual units within the Duplexes or Triplexes, as shown in Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes, on the next page.

c) Where multiple buildings are located on the same site, and Section 4.10.60.01.b is met by a building(s) located within the required maximum setback, parking and vehicle circulation areas may be located between the street and additional buildings located elsewhere on the site.

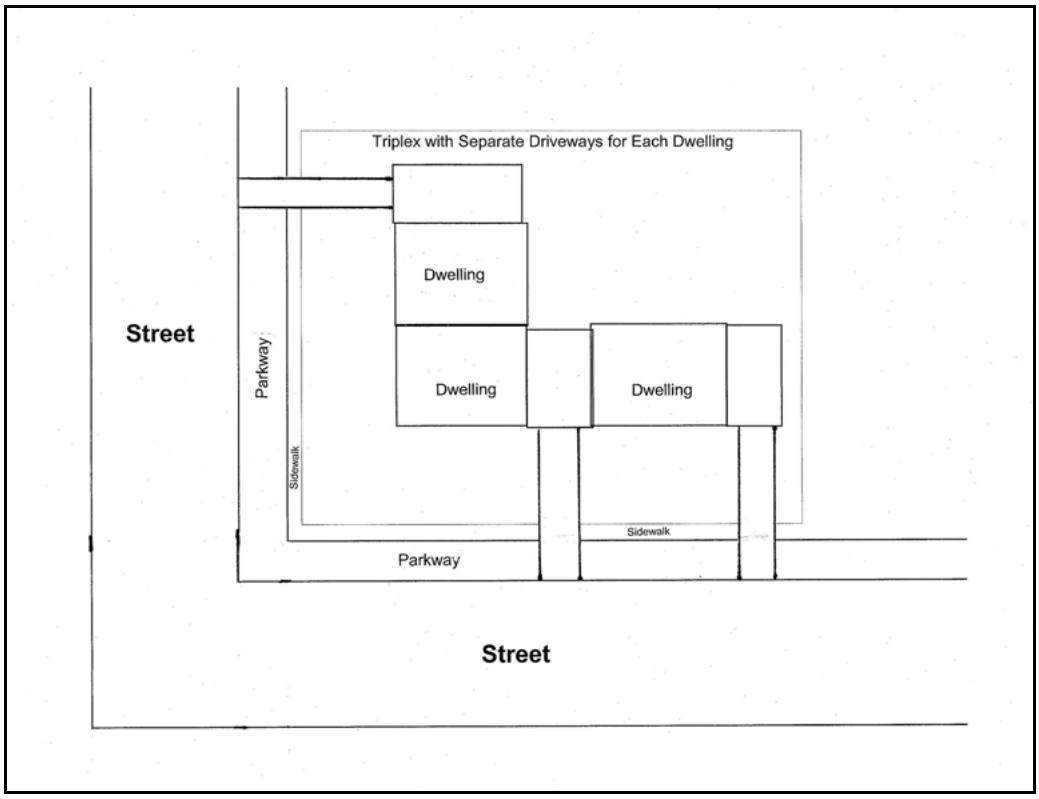

Figure 4.10-15 - Driveway Exception for Duplexes and Triplexes

4. Exception:

a) For Flag Lots, as defined in *Chapter 1.6- Definitions* (or flag parcels), the primary building entrance must be within 100 feet of the lot's accessway.

b. **Percentage of Frontage** - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the street frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Street Frontage. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the street frontage width shall be occupied by buildings placed

within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in Section 4.10.60.01.a.2, above. See Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Street Frontage.

1. Exceptions:

   a) Buildings on lots whose rear lot line length is 50 percent or less of the length of the front lot line shall not be required to comply with subsection B, above.

   b) Where multiple buildings are located on the same site, and subsection b is met by a building(s) located within the required maximum setback, additional buildings located elsewhere on the site are not required to comply with subsection b, above.

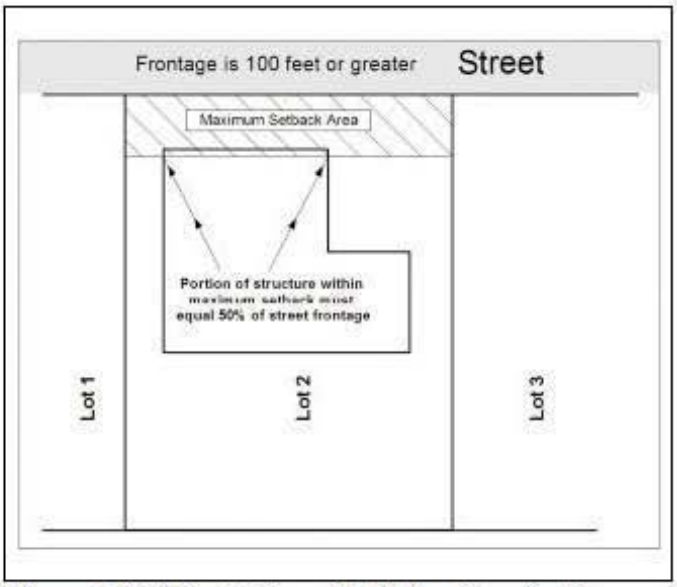

Figure 4.10-16 - Portion of Building Required in Setback Area on Sites with At Least 100 ft. of Street Frontage

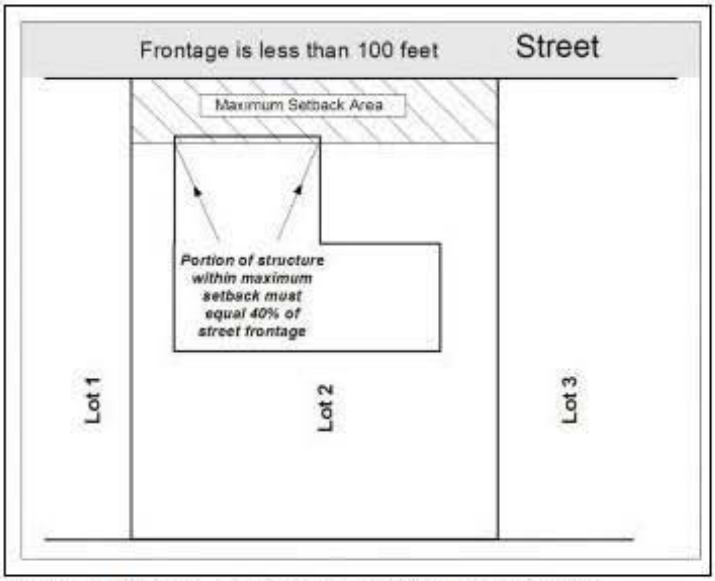

Figure 4.10-17 - Portion of Building Required in Setback Area on Sites with Less Than 100 ft. of Street Frontage

c. **Windows and Doors** - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

d. **Grading (Cuts and Fills)** - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

4.10.60.02 - Parking Location

a. Standards

1. Parking lots shall be placed to the rear of buildings. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:

   a) Where lot depth is less than 75 ft.;

   b) Where parking on the side would preserve Natural Hazards or Natural Resources that exist to the rear of a site, and that would be disturbed by the creation of parking to the rear of structures on a site;

   c) Where a common outdoor space at least 200 sq. ft. is proposed to the rear of a site, and parking in the rear would prohibit the provision of this common outdoor space area for residents of a development site; and/or

   d) Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.

2. On corner lots, parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.

4.10.60.03 - Ratio of Garage/Carport Facade to Street, Placement, and Materials

Provisions for the ratio of garage and carport facades to the street, placement, and materials shall be as outlined in Section 4.10.50.02.

4.10.60.04 - Menus for Pedestrian Features and Design Variety

a. Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes - Each Triplex, Fourplex, or Townhome shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate proposed options on plans submitted for Building Permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. Elevated Finished Floor - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multi-use path.

2. Front Porches/Patios - A front porch or front patio for each ground floor dwelling unit, with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and with a minimum of 60 percent of the porch or patio covered to provide weather protection.

3. Sidewalk/Walkway to Front Door - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

b. Design Variety Menu - Each structure shall incorporate a minimum of five of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.

2. Building and Roof Articulation - Exterior building elevations that incorporate design features such as off-sets, balconies, projections,

window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:

a) Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft. or more in height, or at least two-ft. eaves;

b) Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or

c) Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.

3. Building Materials - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

4. Increased Eaves Width - Eaves with a minimum 18-in. overhang.

5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.

6. Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.

7. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front

facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

8. Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

4.10.60.05 - Service Areas and Roof-Mounted Equipment

a. **Service Areas** - When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within five-10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only, provided it is in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of 15 ft. from habitable floor area of both on-site and off-site residential buildings. An exception to locate service areas inside buildings may be granted consistent with the Oregon Fire Code. Transformers shall also be screened with landscaping. When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.

b. **Roof-Mounted Equipment** - Roof-mounted equipment, such as heating, ventilation, air conditioning equipment, etc., shall be screened by providing screening features at least equal in height to the equipment and constructed of materials used in the building's exterior construction. Screening features

include features such as a parapet, wall, or other sight-blocking feature. The roof-mounted equipment shall be painted to match the roof.

4.10.60.06 - Pedestrian Circulation

a. Applicability

These additional pedestrian circulation standards apply to all residential developments with eight or more units.

b. Standards

1. Continuous Internal Sidewalks - Continuous internal sidewalks shall be provided throughout the site. Discontinuous internal sidewalks shall be permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the property, or abutting recreation areas and pedestrian connections.

2. Separation from Buildings - Internal sidewalks shall be separated a minimum of five ft. from dwellings, measured from the sidewalk edge closest to any dwelling unit. This standard does not apply to the following:

   a) Sidewalks along public or private streets used to meet building orientation standard; or

   b) Mixed use buildings and multi-family densities exceeding 30 units per acre.

c. Connectivity - The internal sidewalk system shall connect all abutting streets to primary building entrances. The internal sidewalk system shall connect all buildings on the site and shall connect the dwelling units to parking areas, bicycle parking, storage areas, all recreational facility and common areas, and abutting public sidewalks and multi-use paths.

d. Sidewalk and Multi-use Path Surface Treatment - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete, or masonry; and shall be at least five ft. wide. Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks,

or asphalt, and shall be at least 12 ft. wide. All materials used for sidewalks and multi-use paths shall meet City Engineering standards.

e. **Crossings** - Where internal sidewalks cross a vehicular circulation area or parking aisle, they shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping is encouraged.

f. **Safety Adjacent to Vehicular Areas** - Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of six in., or shall be separated from the vehicular circulation area by a minimum six-in. raised curb. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, shall be provided to enhance the separation of vehicular from pedestrian facilities.

g. **Lighting** - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

[Section 4.10.60 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.10.70 - STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND CIVIC DEVELOPMENT

4.10.70.01 - Applicability

a. All new commercial, industrial, and civic building types and associated features, such as parking lots, within all zones that refer to Section 4.10.70 shall comply with Sections 4.10.70.02 through 4.10.70.05. Buildings associated with stand alone Automotive and Equipment - Car Wash, Fuel Sales, and Wholesale, Storage, and Distribution - Mini Warehouses use types are not required to comply with these Sections.

b. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall not be required to comply with this section provided that:

1. The expansion adds floor area of 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

c. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006, pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the requirements of Sections 4.10.70.02 through 4.10.70.05, subject to the provisions in “d,” below, that allow choices among some standards, provided that:

1. The expansion adds floor area of more than 3,000 sq. ft.; or

2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

d. Pedestrian oriented design requirements for commercial, industrial, or civic structure expansions identified in Section 4.10.70.01.c, above, are as follows:

1. Applicants shall choose at least four standards from Sections 4.10.70.02 - Building Orientation and 4.10.70.03 - Pedestrian Circulation Standards, with a minimum of one standard from each. This criterion does not apply if the expansion/enlargement is an upper story addition only. If the expansion/enlargement is for space not open to customers or to the public, applicants must choose only one standard from Section 4.10.70.02 and two standards from Section 4.10.70.03.

2. New parking shall comply with the Vehicle Circulation and Design Standards in Sections 4.10.70.04.a.2, 4.10.70.04.b through 4.10.70.04.d. For new drive-throughs, 4.10.70.04.e shall apply. Site improvements and expansions shall comply with the grading requirements of Section 4.10.70.02.f.

3. Applicants shall choose the option in Section 4.10.70.05.b.6.a or the option in Section 4.10.70.05.b.6.b and, if in the Neighborhood Center (NC) Zone, applicants shall also comply with Section 4.10.70.05.b.6.c.

4. Applicants shall choose at least two of the five standards from Section 4.10.70.05.b.7.a through 4.10.70.05.b.7.e. If the expansion/enlargement is for space not open to customers or to the public, applicants must choose only one standard from Section 4.10.70.05.b.7.a through 4.10.70.05.b.7.e.

e. The required standards applicable to expansions shall be applied either to the portion of the building being expanded, or in equal proportion to portions of the original building not in compliance with respect to the standard. For example, where windows may be required, but the security of a proposed storage room is needed, the applicant may install windows on other portions of the building not in compliance with the window provisions to satisfy the requirements.

f. Expansions proposed for sites containing existing parking lots not in compliance with the parking lot design standards in this Chapter and in Chapter 4.1 - Parking, Loading, and Access Requirements, and containing parking spaces in excess of the minimum required for the existing development on the site, shall first use the excess parking spaces to satisfy the parking requirements of the expansion, and shall modify those portions of the parking lot(s) associated with the proposed expansion in accordance with the design standards in this Chapter and in Chapter 4.1. The modifications shall comply with the parking lot design standards to the maximum extent that they can be accommodated by the existing site development.

g. Accessory Structures not open to customers or the public, and modular classroom buildings on school grounds, shall not be required to comply with this section provided that:

1. The Accessory Structure is not located between the primary building and the street to which that building is oriented; and either

2. The building is 500 sq. ft. or less in size; or

3. The building is 3,000 sq. ft. or less in size and is equivalent to 20 percent or less of the primary structure's gross floor area.

4.10.70.02 - Building Orientation

All buildings shall be oriented, as outlined in this Section, to existing or proposed public or private streets. See Chapter 4.0 - Improvements Required with

Development for public and private street standards. Buildings on corner parcels shall be oriented to both streets bordering the property. Private streets used to meet this standard must include the elements in Chapter 4.0.

The building orientation standard is met when all of the following criteria are met:

a. **Street Frontage Setback** - At least 50 percent of the building's linear frontage is located within the maximum setback established for the zone for structures that have street frontage, as shown below in Figure 4.10-18 - Percent of Building Frontage Within Maximum Setback Area. An exception to this requirement pertains to provisions elsewhere in this Chapter for development in the Neighborhood Center (NC) Zone. Expansion of a structure existing prior to December 31, 2006, and in conformance with the Code on that date is deemed to meet this criterion, provided the area of expansion is between the street and the existing building frontage.

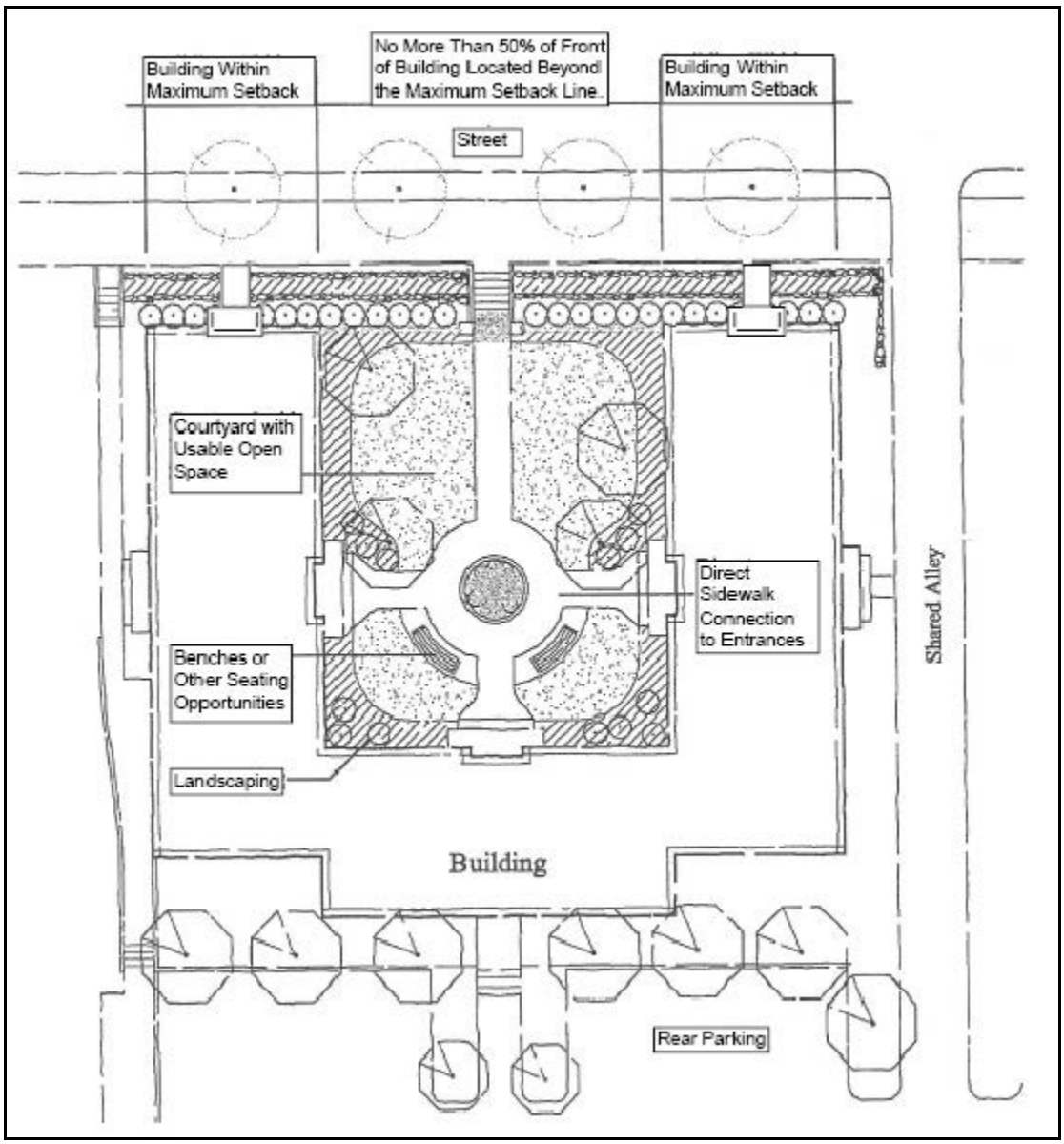

Figure 4.10-18 - Percent of Building Frontage within Maximum Setback Area

b. **Entrances** - All building sides that face an adjacent public or private street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees, from the largest of the two adjacent streets, may be substituted for separate entrances on adjacent streets. If the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no farther than 100 ft. from the building's pedestrian entrance (distance measured along the centerline of the sidewalk or over the "hard-surfaced" portion of the courtyard from a public street right-of-way or private street tract). Examples of these requirements are shown below in Figure 4.10-19 - Site Development Element Locations. Buildings of less than 3,000 sq. ft. fronting on only one street may

provide the customer entrance on the side of the building in lieu of the front, if a sidewalk or courtyard provides a direct, “hard-surfaced” pedestrian connection of less than 50 ft. between the entrance and the street (distance measured along the centerline of the sidewalk or over the “hard-surfaced” portion of the courtyard from a public street right-of-way or private street tract).

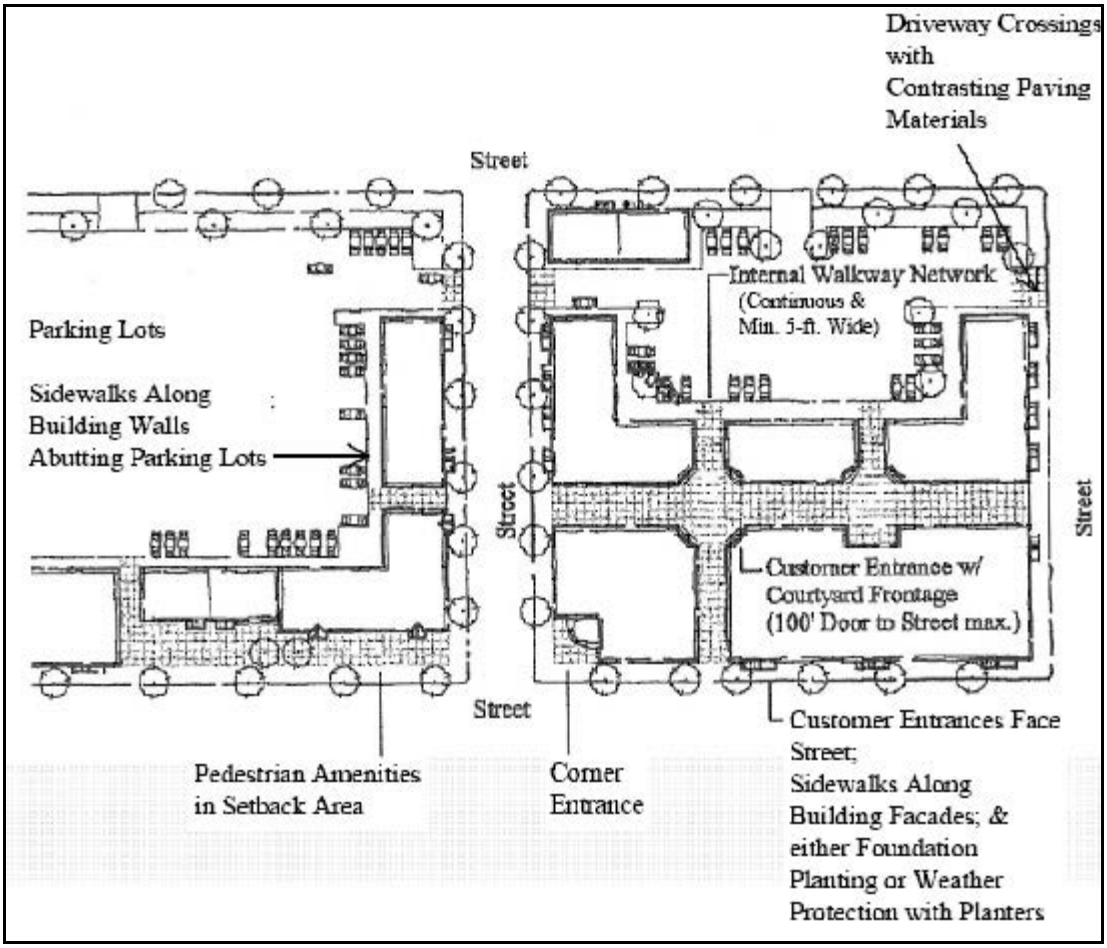

Figure 4.10-19 - Site Development Element Locations

c. **Parking and Vehicle Circulation** - Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard, as shown above in Figure 4.10-19 - Site Development Element Locations. Where allowed by the underlying zone, outdoor vehicle display lots for sale of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes, and boats may be located adjacent to streets. The parking lot perimeter landscaping requirements of Section 4.2.40 of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting shall be met.

d. **Neighborhood Center (NC) Zone Special Provisions** - Buildings in the Neighborhood Center (NC) Zone shall comply with the following additional standards. See Figure 4.10-20 - Shopping Streets for context:

1. Buildings shall be oriented to designated Shopping Streets, public open space, or a public park; and

2. On designated Shopping Streets in the Neighborhood Center (NC) Zone, 80 percent of the building front shall be within the maximum setback. The maximum setback may be waived if pedestrian amenities occupy the extended setback area, as shown in Figure 4.10-19 - Site Development Element Locations. Pedestrian amenities are defined in Section 4.10.70.05.

e. **Exception for Enhanced Pedestrian Environment** - Within a Minor Neighborhood Center, an exception to the requirement that all buildings on corner parcels front both streets may be granted through the process identified in Chapter 2.16 - Request for Interpretation if the proposed Shopping Street's design and layout can be shown to provide a pedestrian environment that is clearly superior to the environment that would result from the corner orientation. An example of a design and layout with a clearly superior pedestrian environment is one where the Shopping Street is enclosed, etc. For Major Neighborhood Centers, such exceptions may be granted, based on the same standard, through the process identified in Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.

f. **Grading (Cuts and Fills)** - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

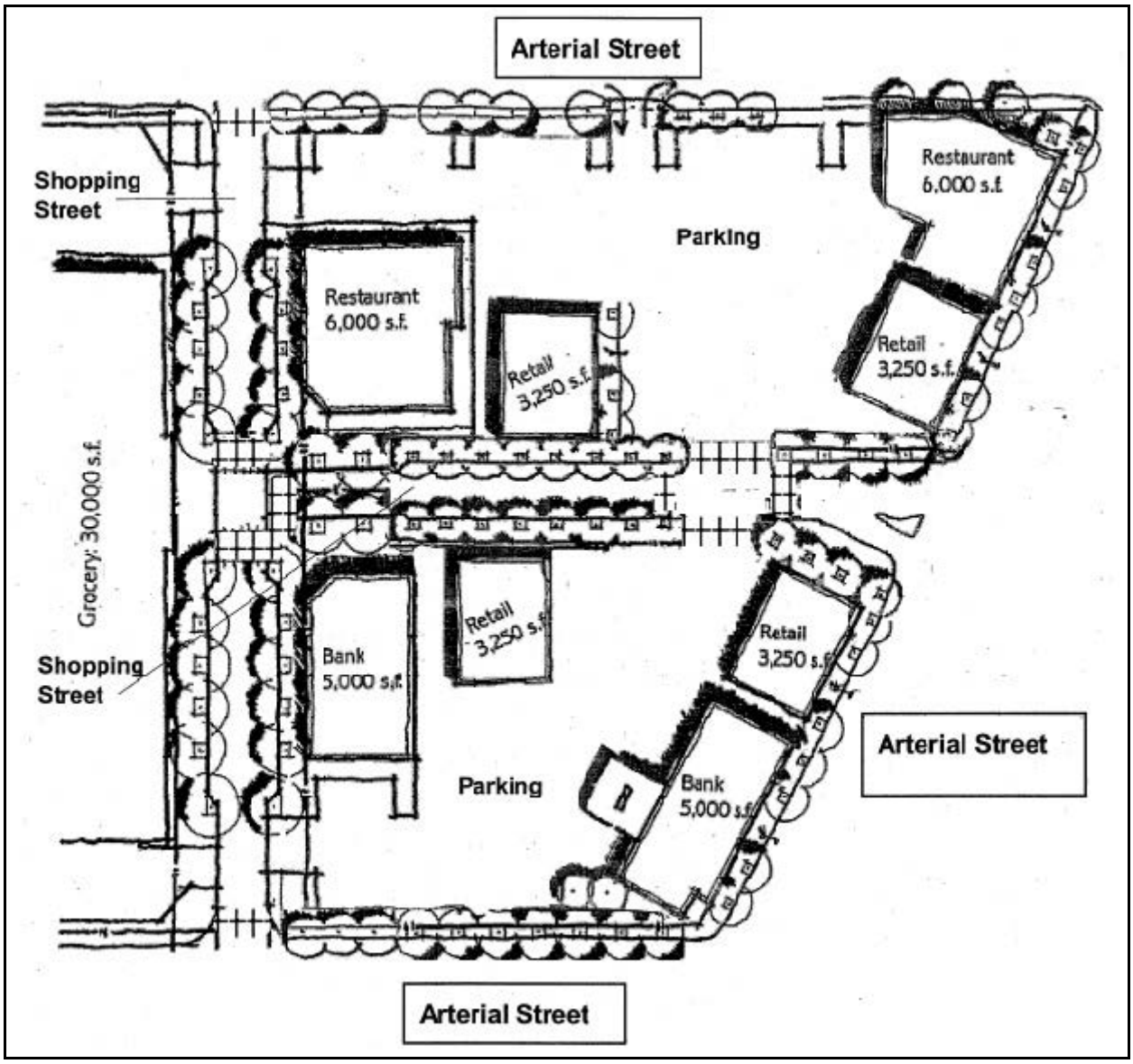

Figure 4.10-20 - Shopping Streets

4.10.70.03 - Pedestrian Circulation Standards

a. Requirements for New Development and Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.c -

1. Continuous Internal Sidewalks and Multi-use Paths - A continuous internal sidewalk, including associated necessary sidewalk crossings, no less than five ft. wide, shall be provided from public sidewalks or rights-of-way to all customer entrances, and between customer entrances of all buildings, as shown in Figure 4.10-19 - Site

Development Element Locations. Sidewalks shall be direct and convenient and form a network of walking routes. Internal multi-use paths shall be no less than 12 ft. wide.

2. Sidewalks along Building Walls - Sidewalks no less than five ft. wide shall be provided along the full length of building walls featuring a customer entrance and along any wall parallel to and abutting parking areas larger than eight parking spaces, except in situations where the sidewalk would not provide connectivity between an entrance and parking area. Where sidewalks are adjacent to buildings, except along Shopping Streets, a five-ft.-wide foundation landscape strip and/or weather protection with planters shall be provided. These elements are noted in Figure 4.10-19 - Site Development Element Locations.

3. Separation and Distinction from Driving Surfaces - Where any internal sidewalk is parallel to and abuts a vehicular circulation or parking area, the sidewalk shall be raised and separated from the vehicular circulation or parking area by a raised curb at least six in. in height. In addition to this requirement, a landscaping strip at least five ft. wide, or wheel stops with landscaping strips at least four ft. wide, are strongly encouraged to enhance the separation of vehicular from pedestrian facilities.

4. Sidewalk and Multi-use Path Surface Treatment - Public internal sidewalks shall be concrete and shall be at least five ft. wide. Private internal sidewalks shall be concrete or masonry pavers, and shall be at least five ft. wide. Public multi-use paths, such as paths for bicycles, pedestrians, and emergency vehicles, shall be concrete, and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for public sidewalks and multi-use paths shall meet City Engineering standards.

5. Crossings - Where any internal sidewalk crosses an internal street, driveway, or parking aisle, the sidewalk shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping, is encouraged.

6. Connection to Adjacent Properties or Streets - In addition to the sidewalk connections required by the block development standards

in Chapter 4.0 - Improvements Required with Development, sidewalk connections shall be provided between internal sidewalk networks and all adjacent planned streets, sidewalks, and multi-use paths. Multi-use paths shall be connected with adjacent multi-use paths, sidewalks, and/or bike lanes. Where appropriate, such connections shall also be provided to adjacent residential properties.

7. Planting Strips - For lots abutting existing streetside sidewalks, sidewalks shall be reconstructed with a planting strip consistent with the requirements in Chapter 4.0 - Improvements Required with Development.

b. Additional Requirement for New Development and Additional List of Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.d.1 - New development shall comply with one of the following five options. Expansions in accordance with Section 4.10.70.01.c shall add this list of choices to those presented in Section 4.10.70.03.a to obtain a larger list of options to comply with the requirements of Section 4.10.70.01.d.1.

Options:

1. Driveway Consolidation - Removal of at least one driveway through outright removal or access consolidation, such that the net number of driveways for the site is at least one less than prior existing conditions for the site.

2. Landscape Buffer - Construction or expansion of a landscape buffer between the back of a sidewalk and existing vehicle parking or circulation areas. The constructed or expanded landscape buffer shall, when completed, be a minimum of 20 ft. wide.

3. Reduced Parking - Establishment of an agreement that shares parking between the subject site and an abutting site and results in a reduction of total parking spaces for the subject site to 90 percent or less of the required minimum. Such shared parking agreements may be used, provided the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods, or surplus capacity provided due to off-peak use, are methods of demonstrating this adequacy.

4. Covered Walkways - Installation of weather protection resulting in covered pedestrian walkways between and around all buildings and between the primary building and adjacent public pedestrian facilities.

5. Notarized Letter - Where development is proposed on property adjacent to existing five-lane arterial streets or highways, recording a signed and notarized letter with the Benton County Clerk from the owner of the development site agreeing not to oppose construction of a future median or pedestrian refuge.

4.10.70.04 - Vehicle Circulation and Design Standards

a. Parking Lots -

1. Parking lots shall be placed to the rear of buildings in accordance with Section 4.10.70.02. Administrative exceptions to this standard are allowed based on the following provisions. To the extent that required parking cannot be located to the rear of the building due to other requirements of this Code or unusual site constraints, both of which are defined in the following paragraph, the amount of parking and vehicle circulation that cannot be accommodated to the rear of the building may be provided only to the side of the building.

2. Other requirements of this Code may include, but are not necessarily limited to, significant Natural Resource and Natural Hazard provisions in Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; and Chapter 4.1 - Parking, Loading, and Access Requirements. Unusual site constraints may include parcels fronting more than two streets, irregular lot configuration, weak foundation soils, or other physical site factors that constrain development when considered with Building Code requirements.

b. Corner Parcels - Parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area's curb or wheel stop.

c. Parking Lot Access - Commercial driveway approaches shall be used to access parking lots from public streets. Parking lot approaches shall be

located no closer than 50 ft. from local street intersections, as measured from the intersection of two rights-of-way lines. Approaches on collector and arterial streets shall comply with parking lot approach standards provided in Chapter 4.1 - Parking, Loading, and Access Requirements.

d. Neighborhood Center (NC) Zone Special Provisions - Parking in the Neighborhood Center (NC) Zone shall comply with the following additional standards:

1. Off-street parking shall be located behind new buildings and building expansions for buildings constructed after adoption of this Code;

2. Exceptions to this standard for new buildings may be requested only in association with a Planned Development application in accordance with Chapter 2.5 - Planned Development;

3. Exceptions to this standard for expansion of a building in existence prior to December 31, 2006, may allow parking on the side of a building to the extent that required parking cannot be located to the rear due to other requirements of this Code or unusual site constraints, identified in Section 4.10.70.04.a above, and provided that the parking at the side of the building does not exceed 20 percent of the total minimum parking for the building.

4. On-street parking along the property's frontage may count toward minimum parking requirements in the Neighborhood Center (NC) Zone.

e. Drive-through Facilities

1. Internal driveways are prohibited between buildings and streets to which the building entrances are oriented. Examples of correct and incorrect locations of these facilities are shown on the next page in Figure 4.10-21 - Drive-through Facilities.

2. Drive-through Facilities Uses are prohibited in the Minor Neighborhood Center (NC) Zone. In other commercial zones, Drive-through Facilities are allowed provided "1," above is met. Pedestrian areas shall be buffered from drive-through vehicles in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

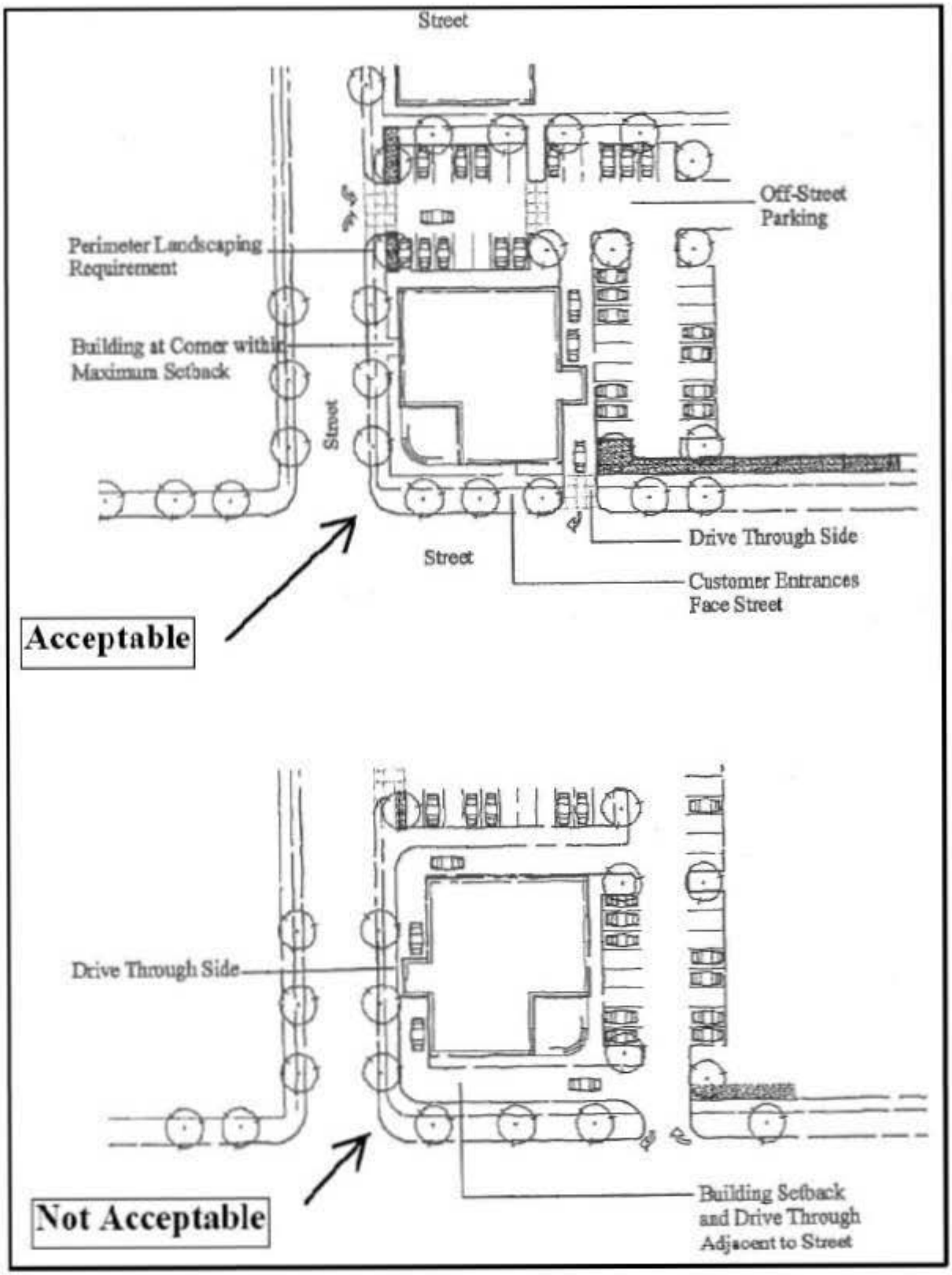

Figure 4.10-21 Drive-through Facilities

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

a. Pedestrian Amenities Standards

1. Weather Protection -

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

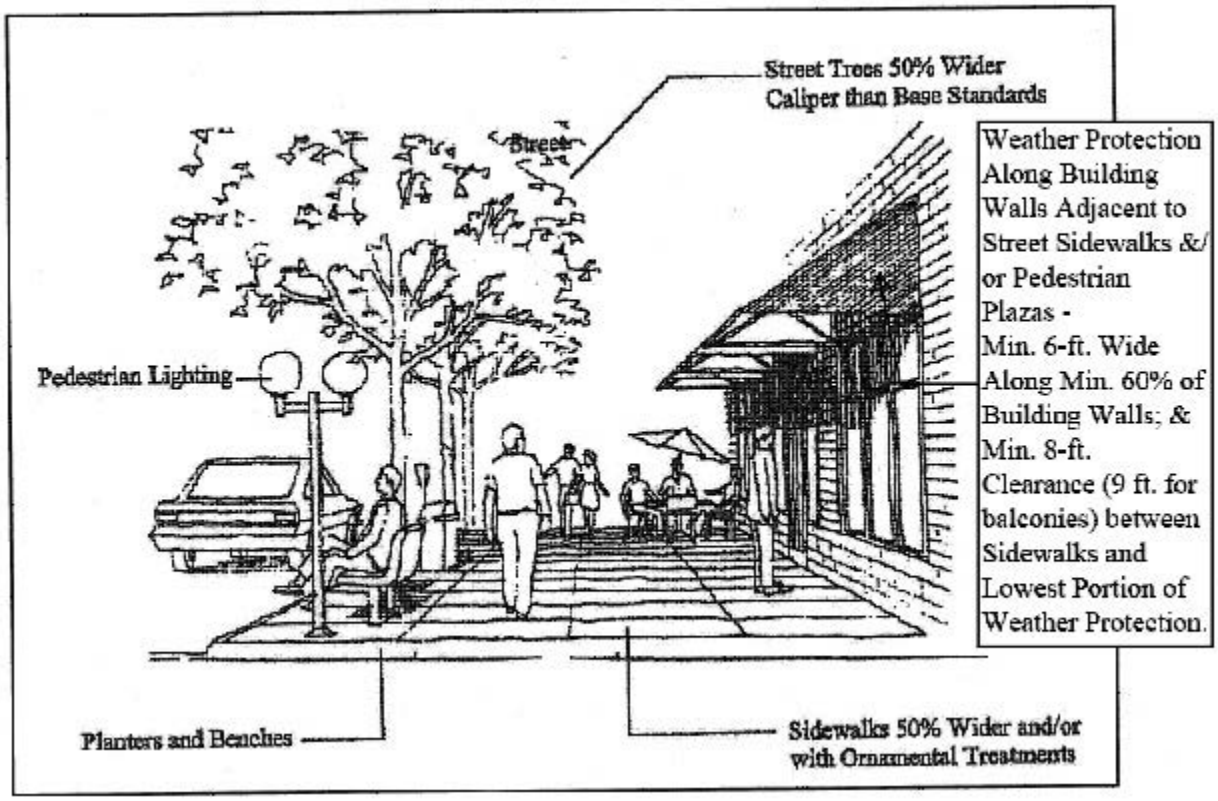

Figure 4.10-22 - Weather Protection

b) Riverfront and Central Business Zones - When subject to the standards in this chapter per Section 4.10.70.01, development on buildings abutting street sidewalks and pedestrian plazas in the Central Business (CB) Zone and the Riverfront (RF) Zone shall provide weather protection consistent with the locational and dimensional standards in "a," above, when:

1) Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor's office; and

2) The building does not meet the exemption provisions in "c," below.

Additionally, consistent with Section 3.16.30.03, weather protection in the Downtown Pedestrian Core Area shall be provided along the entire frontage of buildings over street sidewalk and pedestrian plazas, instead of the 60 percent noted in "a," above. Consistent with Section 3.15.40.03, development in the Riverfront Zone, but outside the Downtown Pedestrian Core Area, shall provide a minimum 60 percent weather protection along building frontages over street sidewalks and pedestrian plazas, with no uncovered areas longer than 20 ft. Back-lit plastic awnings are prohibited in the Riverfront Zone.

c) Designated Historic Resources in the Riverfront and Central Business Zones - Development on Designated Historic Resources in the Central Business (CB) and Riverfront (RF) Zones shall be subject to the provisions in Chapter 2.9 - Historic Preservation Provisions and exempt from the requirements in "a," and "b," above. This default to Chapter 2.9 and exemption from "a," and "b," above, applies whether or not weather protection such as awnings or canopies is proposed.

2. Pedestrian Amenity Requirements - All new development and substantial improvements shall provide pedestrian amenities as defined by this Section. The number of pedestrian amenities provided shall comply with the following sliding scale:

Size of Structure or Substantial Improvement	Number of Amenities
< 5,000 sq. ft.	1
5,001 - 10,000 sq. ft.	2
10,001 - 50,000 sq. ft.	3
> 50,000 sq. ft.	4

3. Acceptable Pedestrian Amenities - Acceptable pedestrian amenities include the items listed below, some of which are shown in Figure 4.10-23 - Pedestrian Amenities:

   a) Sidewalks with ornamental treatments, such as brick pavers, or sidewalks 50 percent wider than required by this Code;

   b) Sidewalk planters with benches and public outdoor seating;

   c) Significant public art, such as sculpture, fountain, clock, mural, etc.;

   d) Mini parks or plazas that provide a minimum usable area of 300 sq. ft.); and

   e) Street trees of a caliper 50 percent wider than required by this Code. This approach may include preservation of healthy mature trees adjacent to the street sidewalk.

4. Accessibility of Pedestrian Amenities - Pedestrian amenities shall be visible and accessible to the general public from an improved street. Access to mini parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.

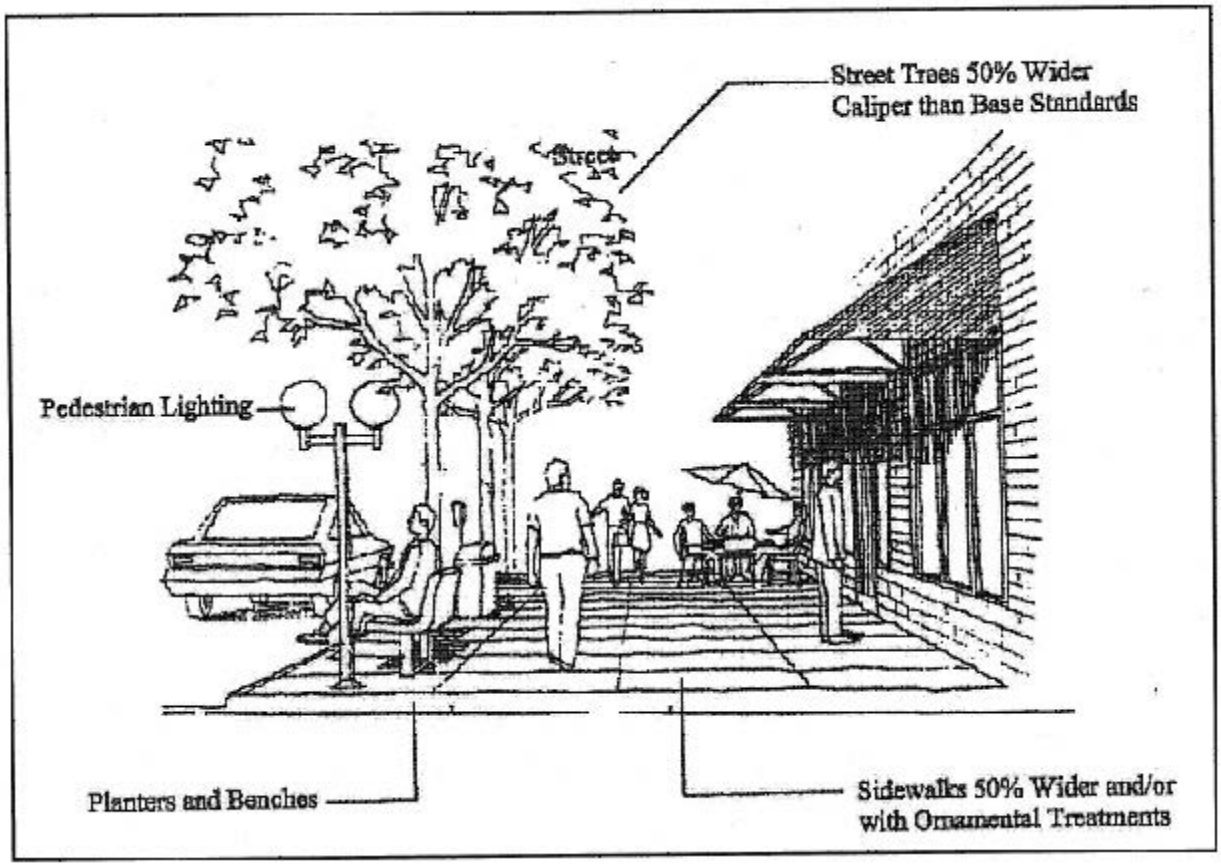

Figure 4.10-23 - Pedestrian Amenities

b. Design Standards and Design Variety Menus

1. Encroachments - Special architectural features, such as bay windows, decorative roofs, and entry features may, with City Council approval, project up to three ft. into public rights-of-way, provided that they are not less than nine ft. above the sidewalk. Trellises, canopies and fabric awnings may project 6.5 ft. into setbacks and public rights-of-way, provided that they are not less than eight ft. above the sidewalk. No such improvements shall encroach into alley rights-of-way.

2. Loading/Service Facilities - Loading and service areas such as trash enclosures shall be located to minimize conflicts with public pedestrian areas; screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting; designed to provide convenient access for trucks; and designed to minimize noise and other impacts with adjoining uses. Service areas shall be located to the back or sides of buildings, or in alleys where available. Loading dock doors are encouraged to be placed in recessed areas or between buildings to minimize impacts to the pedestrian and human-scale aspects of the development.

3. Roof-mounted Equipment - Roof-mounted equipment, such as heating, ventilation, and air conditioning equipment, shall be screened. Screening features shall be at least equal in height to the equipment, compatible with roof lines, and constructed of materials used in the building's exterior construction. Screening features include such elements as a parapet, wall, or other sight-blocking feature, etc. The roof-mounted equipment shall be painted to match the roof.

4. Sign Standards

   a) Pole-mounted, freestanding signs are prohibited in Neighborhood Center (NC) Zones.

   b) Blade signs placed under awnings are allowed along Shopping Streets.

   c) Remaining sign provisions are in accordance with Chapter 4.7 - Sign Regulations.

5. Lighting Standards - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

6. Windows - The provisions in this Section shall apply to placement and type of windows. Figure 4.10-24 - Windows and Glass Doors on Street-facing Facades is provided for context.

   a) Ground Floor Windows and Doors - Except for the Neighborhood Center (NC) Zone and the MUGC Zone (where other standards are required), and except for Designated Historic Resources in the Central Business and Riverfront Zones, which are addressed in "c," and "d," below, respectively, 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:

1) Ground floor windows shall be framed by bulkheads, piers, and sills such as are used in a recessed window, where applicable. Ground floor windows shall also have a Top Treatment such as a hood, awning, or a storefront cornice separating the ground floor from the second story. Alternatively, all ground floor windows shall provide a minimum three-in.-wide trim or recession. The Base Treatment standards under Section 4.10.70.05.b.7.d, below, and the Top Treatment standards under Section 4.10.70.05.b.7.e, below, shall be used as a guide for providing bulkheads and cornices that meet this standard.

2) Window Type - Ground floor windows used to comply with "a," above, shall meet all of the following standards:

a. Opacity of greater than 60 percent prohibited for any required window; and

b. Ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than four ft. above the adjacent exterior grade.

b) Windows on Commercial Stories above Ground Floor - Except for Designated Historic Resources in the Central Business and Riverfront Zones, which are addressed in "d," below, each facade on commercial stories above the ground floor and that faces a street or other area accessible to the public shall include at least 20 percent window coverage.

c) Neighborhood Center Special Window Provisions - For building walls facing Shopping Streets, windows and/or glass doors shall be provided on a minimum of 75 percent of the building wall length and 50 percent of the first 12 ft. in the building wall height from the adjacent grade. Public art, mini parks, and/or plazas, as defined in Section 4.10.70.05.a.3 may substitute for up to 50 percent of the required window area if construction is of permanently fixed, durable materials.

d) Designated Historic Resource Exemption in the Central Business (CB) Zone and/or the Riverfront (RF) Zone - Where development occurs on a Designated Historic Resource in the Central Business (CB) Zone and/or the Riverfront (RF) Zone, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the window requirements in "a," through "c," above. This default to Chapter 2.9 and exemption from "a," through "c," above, applies whether or not windows are proposed.

7. Design Variety Menu - Each structure shall incorporate a minimum of three of the following five building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

a) Building Walls - Building walls in excess of 30 ft. in length shall not exceed a height/width ratio of 1:3 without a change in height of at least four ft., as addressed below in Figures 4.10-25A through C - Building Walls.

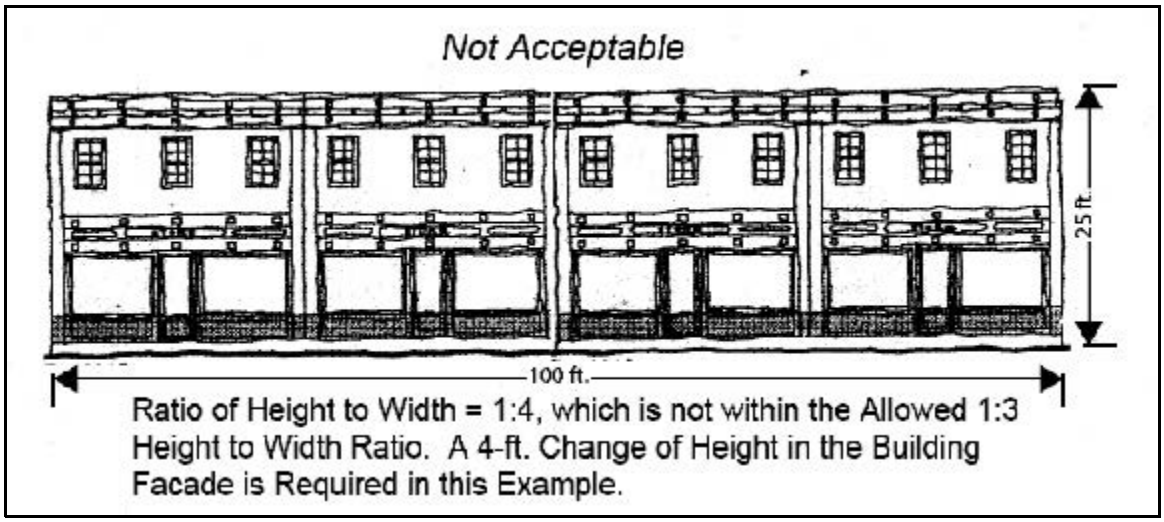

Figure 4.10-25A - Building Walls

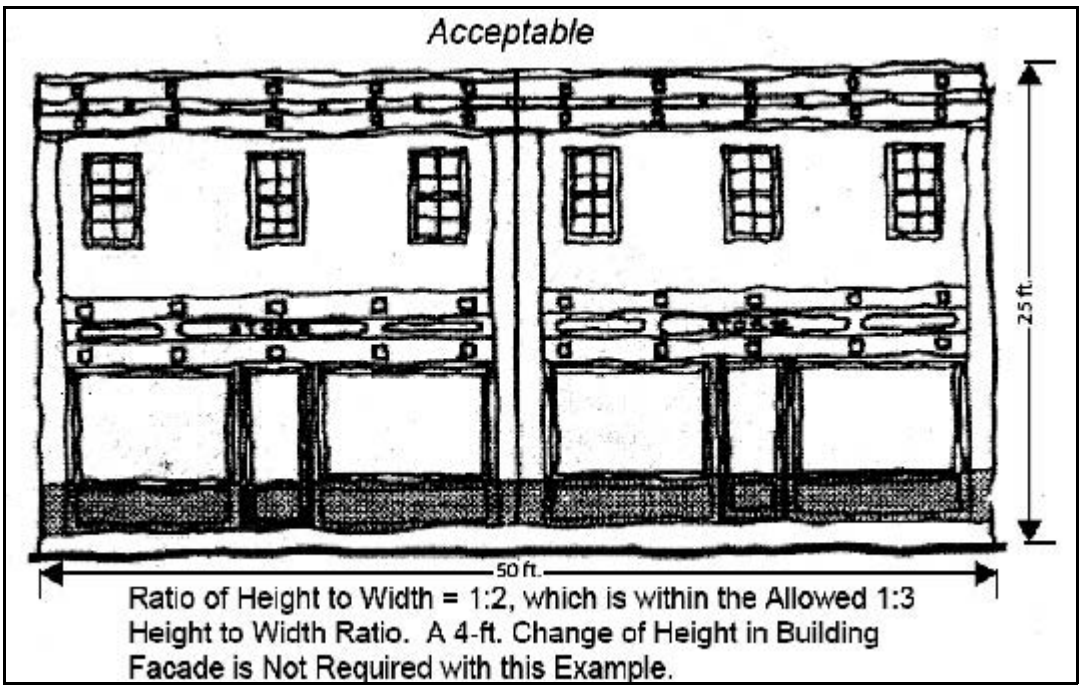

Figure 4.10-25B - Building Walls

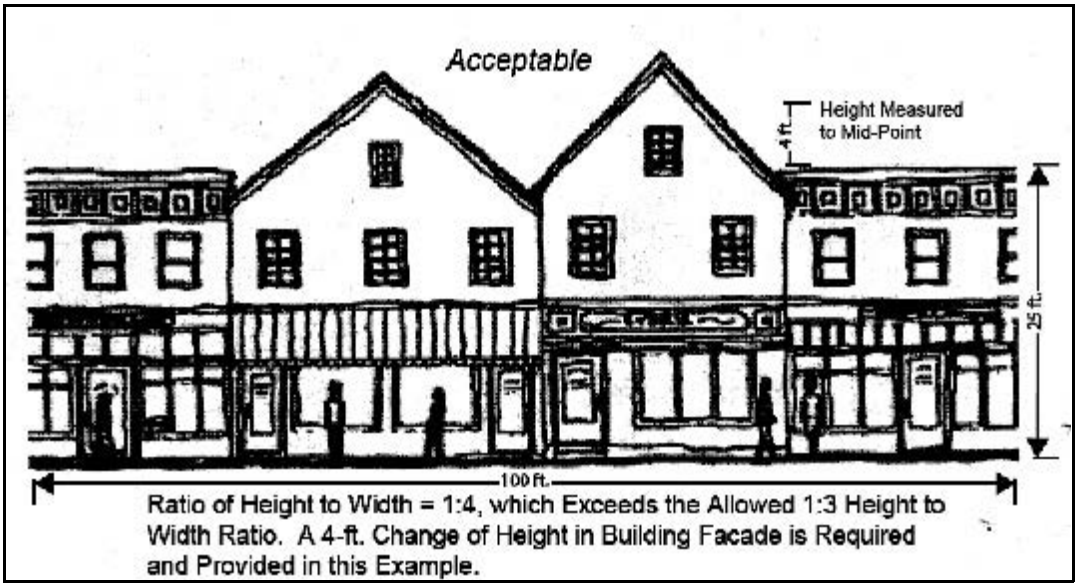

Figure 4.10-25C - Building Walls

b) Maximum Wall Segments - All building wall segments on all sides of buildings visible from public areas or adjacent uses shall be a maximum of 30 ft. in length. Building wall segments shall be distinguished by architectural features including at least one of the following: columns, reveals, ribs or pilasters, piers, recesses, or extensions. The segment length may be increased to a maximum of 60 ft. if the segment contains integral planters, public art, or permanent seating such as a

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

c) Entrances - Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.

d) Base Treatments - A recognizable Base Treatment consisting of at least one of the following:

1) Thicker walls, such as a bulkhead, ledges, or sills as viewed from the exterior of the building;

2) Integrally textured materials such as stone, stucco, or other masonry;

3) Integrally colored and patterned materials such as smooth-finished stone or tile;

4) Lighter or darker colored materials, Mullions, or panels;

5) Detailing such as scoring, ribbing, moldings, or ornamentation; or

6) Planters integral to the building.

e) Top Treatments - A recognizable Top Treatment consisting of at least one of the following:

1) Cornice treatments, other than colored stripes or bands that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;

2) Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings such as Modillions, Dentils, or other moldings, as applicable; or contain brackets; or

3) Stepped parapets.

[Section 4.10.70 amended by Ordinances 2012-16, 2012-17, and 2012-18, effective December 13, 2012]

CHAPTER 4.11
MINIMUM ASSURED DEVELOPMENT AREA (MADA)

Section 4.11.10 - PURPOSES

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

a. Provide protection for identified significant Natural Resources and reduce risks associated with Natural Hazards as identified in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

b. Permit efficient use of land;

c. Provide flexibility and innovation in site planning to allow for an appropriate level of development on sites where Natural Resources are located;

d. Establish a balanced, clear, and objective mechanism to avoid an undue burden for property owners protecting Natural Resources on individual properties;

e. Minimize procedural delays and ensure due process in the review of development proposals.

Section 4.11.20 - GREATER RESTRICTIONS

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

Section 4.11.30 - PROCEDURES

Properties with Natural Resources or Natural Hazards subject to the provisions of Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, have access to the provisions of this Chapter, provided the regulations within it are

followed. Compliance with the provisions of this Chapter shall be determined through the development review processes identified in Section 1.2.110 of Chapter 1.2 - Legal Framework or through the Building Permit or construction permit review processes.

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

1. Existing Lots and Development Sites - Minimum Assured Development Area (MADA) applies only to -

   a) Individual lots and individual parcels legally established prior to December 31, 2004; and

   b) Development sites composed of one or more legally established lots or parcels aggregated for a specific development permit application.

2. Property Proposed for Subdivision, Partition, or Property Line Adjustment -

   a) Any Subdivision, Partition, and/or Property Line Adjustment processed after December 31, 2004, shall not create lots or parcels unless:

      1) Each new and remaining lot or parcel contains:

         i. an area unconstrained by Natural Resources or Natural Hazards; or
         ii. an area that includes Formerly Constrained Areas; or
         iii. contains an area that includes the areas in 2.a)1)i. and ii. above; and

      2) The area in "2. a) 1)," above, is equal to or greater than the Minimum Assured Development Area (MADA) for the zone or zones in which the development proposal falls.

   b) Exceptions to the requirements in "a," above, include:

      1) Lots created for public park purposes;

2) Privately- or publicly-owned lots completely contained within land zoned Conservation-Open Space; and

3) Common open space tracts created for the purpose of protecting Natural Resources or Natural Hazards.

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

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

1. Existing Lots and Development Sites - Minimum Assured Development Area (MADA) applies only to -

a) Individual lots and individual parcels legally established prior to Annexation; and

b) Development sites composed of one or more legally established lots or parcels aggregated for a specific development permit application.

2. Property Proposed for Subdivision, Partition, or Property Line Adjustment -

Any Subdivision, Partition, and/or Property Line Adjustment processed after Annexation shall not create lots or parcels unless the proposal meets the provisions in Section 4.11.30.a.2, above.

3. Zone Changes - After Annexation, Zone Changes, other than those initiated by the City Council, shall meet the provisions in Section 4.11.30.a.3, above.

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

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

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

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

1. Underground utility projects that have been or are proposed to be constructed in accordance with the Corvallis Capital Improvement Program (CIP) process; and

2. Areas planted with native species as mitigation for the construction impacts in "1," above.

Section 4.11.40 - Submittal Requirements for Determining Minimum Assured Development Area

Proposals for development of properties containing Natural Resources and Natural Hazards identified in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12- Significant Vegetation Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and/or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, shall contain the following information:

a. Description of the land on which the proposed development is to take place, including address, lot, block, tract, Assessor's Map and Tax Lot number, or similar description;

b. **Narrative** - A narrative that includes:

1. A description or table identifying the allowed Minimum Assured Development Area (MADA) for the site, calculated in accordance with the provisions of this Chapter; and

2. The extent of any proposed encroachments into the protected Natural Resource and Natural Hazard areas.

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

d. **Site Plans** - Site plans drawn to scale and showing existing conditions. The plans shall be no larger than 24 by 36 in. and shall include a copy reduced to either 8.5 by 11 in. or to 11 by 17 in. The site plan shall show:

1. Date, scale, scale bar, and north arrow;

2. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;

3. Property lines and dimensions;

4. Location and extent of each of the Natural Hazards identified as Highly Protected on the Natural Hazard Map, both on and within 150 ft. of the site;

5. Location and extent of each of the Natural Hazards identified as Partially Protected on the Natural Hazard Map, both on and within 150 ft. of the site;

6. Location and extent of each of the Natural Resources identified as Highly Protected on the Significant Vegetation Map and the Riparian Corridors and Wetlands Map, both on and within 150 ft. of the site;

7. Location and extent of each of the Natural Resources identified as Partially Protected on the Significant Vegetation Map and the Riparian Corridors and Wetlands Map, both on and within 150 ft. of the site;

8. Public and private roadways and driveways;

9. Location and extent of required Department of State Lands and/or U.S. Army Corps of Engineers Wetland mitigation areas located on the site and/or a permit indicating any off-site mitigation acreage requirements.

10. Vehicle and pedestrian access points and accessways;

11. Public and private easements and labels as to the purpose of the easements;

12. Existing structures, including fences and walls;

13. Existing off-street parking facilities; and

14. Any dedications that exist on the site.

e. **Site Plans with Preservation Information** - Site plans indicating the proposed development and areas of preservation. The plans shall be no larger than 24 by 36 in. and drawn to scale, and shall include a copy of the site plan reduced to either 8.5 by 11 in. or to 11 by 17 in. The site plan shall include the information required in Section 4.11.40.d and the following:

1. Proposed development and disturbance areas;

2. If grading is to occur, a grading plan showing existing and finished contours on the site, at two-ft. contour intervals;

3. Location and extent of the proposed encroachment into the protected Natural Resources and Natural Hazards and area calculations of the encroachment into each specific protected Natural Resource and Natural Hazard, as listed in Section 4.11.50.04.

f. Minimum Assured Development Area (MADA) Calculations -Minimum Assured Development Area (MADA) calculations to include:

1. Acreage of the lot, parcel, or development site;

2. Current Zoning Map designations of the site;

3. Acreage and Percentage Coverage of the Site for -

   a) The aggregate of the Highly Protected Natural Resources and Natural Hazards; and

   b) The Net Aggregate Natural Feature Area of the Partially Protected Natural Resources and Natural Hazards. This net aggregate excludes Partially Protected Natural Resources and Natural Hazards that are located in the same physical location as Highly Protected Natural Resources and Natural Hazards. See Chapter 1.6 - Definitions for the definition of Net Aggregate Natural Feature Area;

4. Acreage and percent coverage of the site for areas that are inaccessible due to the location of the protected Natural Resources and Natural Hazards;

5. Acreage of the portion(s) of public right-of-way dedication that is:

   a) For roadways that are identified in the Corvallis Transportation Plan and are located outside of the protected Natural Resources and Natural Hazards areas; and

   b) Limited to the acreage associated with the extra-capacity aspect of the roadways identified in “a,” above. This extra-capacity aspect includes acreage in excess of that required for a Local Street;

6. Acreage of Wetland mitigation areas required to allow construction of the publicly dedicated road improvements in “5,” above, to and through the site. The Wetland mitigation area acreage is limited to that specifically needed for the extra-capacity portion of the road improvements, as described in “5,” above;

7. Acreage of on-site and off-site Wetland mitigation areas not already covered in “6,” above, and identification of where any off-site mitigation acres will be located;

8. Acreage and percentage of the site that is not constrained by “3,” through “7,” above;

9. Minimum and maximum residential density calculations for the site;

10. Allowed Minimum Assured Development Area (MADA) in accordance with Section 4.11.50, and proposed number of dwelling units for Residential Uses;

11. Minimum Assured Development Area (MADA) in accordance with Section 4.11.50, and proposed gross square footage of the development for nonresidential Uses;

12. Acreage of the encroachment into each Natural Resource and Natural Hazard protected in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; and the net cumulative area of the encroachments; and

13. Acreage remaining of each of the protected Natural Resources and Natural Hazards on the site.

Section 4.11.50 - STANDARDS FOR MINIMUM ASSURED DEVELOPMENT AREA

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

a. **Determining Natural Resource and Natural Hazard Coverage** - The Natural Resources and Natural Hazards Coverage for a site is composed of:

1. The areas identified as Highly Protected Natural Resources and Natural Hazards in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

2. The 25-ft. setback/buffer area of Partially Protected Riparian Corridors;

3. Areas of Partially Protected Significant Vegetation, consistent with Chapter 4.12 - Significant Vegetation Protection Provisions; and

4. Areas that are not covered by Natural Resources and Natural Hazards, but that cannot be accessed or served with public utilities without encroaching into, or crossing over, protected Natural Resources and Natural Hazards.

b. **Determining Unconstrained Area** - The Unconstrained Area of a site is that portion which is not included in the Natural Resources and Natural Hazards coverage, as determined by the provisions of “a,” above.

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

a. **Residential Sites** -The base Minimum Assured Development Area (MADA) for a residential site shall be calculated by multiplying the acreage of the site by the Minimum Assured Development Area (MADA) per acre as shown in Table 4.11-1 - Determining Minimum Assured Development Area (MADA) for

Residential Zones, below. Acreage calculations shall be rounded to two decimal points. If a site contains multiple zones, the base Minimum Assured Development Area for each zone shall be determined. The total base Minimum Assured Development Area shall be the sum of the base Minimum Assured Development Areas for all the zones.

Table 4.11-1 **Determining Minimum Assured Development Area (MADA) for Residential Zones**			
Zone	**Base MADA/Acre**	**Area Credits (4.11.50.02.c)**	**Total MADA**
RS - 1	**10,000 sq. ft.**		
RS - 3.5	**17,500 sq. ft.**		
RS - 5	**15,250 sq. ft.**		
RS - 6	**13,000 sq. ft.**		
RS - 9	**21,800 sq. ft.**		
RS - 9U	**21,800 sq. ft.**		
RS - 12	**21,800 sq. ft.**		
RS - 12U	**21,800 sq. ft.**		
RS - 20	**24,000 sq. ft.**		
MUR	**21,800 sq. ft.**		

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

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

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

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

1. The area of public right-of-way dedications resulting from a required width in excess of the width needed for a local street, provided the required street is identified in the Corvallis Transportation Plan;

2. The area of Wetland mitigation that is required by the Department of State Lands and/or the U.S. Army Corps of Engineers when infrastructure must be extended through a Wetland. The area credited shall be based upon the written requirements of the associated permit approval of the Department of State Lands and/or the U.S. Army Corps of Engineers, whichever is greater;

3. Above-ground stormwater detention facilities designed and constructed consistent with the Corvallis Design Criteria Manual; and

4. Trails required by the Corvallis Transportation Plan or the City of Corvallis Park and Recreation Facilities Plan, or necessary to provide public access to or through designated open space areas.

4.11.50.03 - Variations Allowed Outright to Minimize Development Encroachments -

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

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

Additionally, for low density residential development on lots that are 24,000 square feet in size, or less; that would otherwise have a developable area that is less than the allowed MADA; development is allowed within required front, side, and rear yard areas up to three feet from property lines. However, all such development must comply with vision clearance requirements and garage setback standards.

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

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

a. Encroachments shall be allowed only to the minimum extent necessary to achieve the MADA.

b. All unconstrained lands shall be used before encroachments can occur, with the exception of areas described in Section 4.11.50.01.b.

c. **Order of Encroachments** - Encroachments shall occur sequentially into the areas of protected Natural Resources and Protected Natural Hazards based upon the priorities presented below, with encroachments into areas identified in Section 4.11.50.04.c.1 first, and Section 4.11.50.04.c.2.l last. Encroachments into areas described in each subsection shall also occur in the order presented, starting from the top of each list.

1. Access Encroachments - Encroachments are allowed to provide access to areas that do not contain Natural Resources and Natural Hazards as defined in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, where such areas cannot be accessed and/or served with public utilities without encroaching into or crossing over the protected Natural Resources and Natural

Hazards. Such access encroachments shall meet the following standards:

a) The access encroachment area shall be less than 25 percent of the non-constrained area being accessed via the access encroachment, unless “b,” below applies;

b) The access encroachment area for an access driveway/roadway may be increased to 35 percent of the non-constrained area being accessed, if necessary to meet the maximum slope standards listed in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

c) Access roadways/driveways shall provide shared access to the lots/parcels being developed; and

d) The access roadway serving four or more residential lots/parcels, six or more dwelling units, and/or any nonresidential sites shall use the minimum allowed street width with sidewalks on both sides, no landscape strips, and no on-street parking.

2. Development Encroachments -

a) Partially Protected Significant Vegetation, in addition to that already allowed in Chapter 4.12 - Significant Vegetation Protection Provisions;

b) Highly Protected Significant Vegetation;

c) Highly Protected 100-yr. Floodway Fringe areas. However, all such development shall comply with Section 4.5.100 - Standards in Partial Protection Floodway Fringe Areas. See Sections 4.5.20.03, 4.5.90.05, and 4.5.100.03;

d) Proximate Wetlands - Jurisdictional Wetlands associated with Riparian Corridors, including Wetlands not determined to be Locally Significant;

e) Protected Locally Significant Wetlands;

f) Protected Locally Significant Wetlands of Special Concern;

g) Riparian Corridors of the Marys River and the Willamette River;

h) Riparian Corridors of local Streams with a corridor width of 100 ft. from Top-of-bank on each side of the stream, as shown on the Riparian Corridors and Wetlands Map;

i) Riparian Corridors of local Streams with a corridor width of 75 ft. from Top-of-bank on each side of the stream, as shown on the Riparian Corridors and Wetlands Map;

j) Riparian Corridors of local Streams with a corridor width of 50 ft. from Top-of-bank on each side of the stream, as shown on the Riparian Corridors and Wetlands Map;

k) The 25-ft. setback/buffer within Partially Protected Riparian Corridors shown on the Riparian Corridors and Wetlands Map, but not in a manner that conflicts with Section 4.11.50.05.c; and then

l) Areas with existing landslides, consistent with the development standards contained in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

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

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

a. Some Natural Resources and Natural Hazards present such high risks to life and property, or are of such high importance to the protection of water

quality, that encroachments are not appropriate for areas containing these Natural Resources and Natural Hazards, even to provide a Minimum Assured Development Area. Regardless of the area or percentage of a particular lot or parcel covered by the High Risk/Impact Natural Resources and Natural Hazards, no encroachments shall be permitted within them, except as provided in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

b. All development in the Natural Resources and Natural Hazards listed in "c," below, shall be limited to the specific land uses, development requirements, and exceptions listed in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

c. High Risk/Impact Natural Resources -

1. Slopes of 35 percent or greater, unless allowed by Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;

2. Landslide Debris Runout Areas, unless allowed by Section 4.14.60;

3. 0.2-ft. Floodway; and

4. Less than five ft. from the Top-of-bank in Riparian Corridors.

[Section 4.11.50 amended by Ordinances 2012-16 and 2012-18, effective December 13, 2012]

Section 4.11.60 – VARIATIONS

Except as limited by provisions in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code

addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option. However, in no case shall an increase in the Minimum Assured Development Area be permitted.

CHAPTER 4.12
SIGNIFICANT VEGETATION PROTECTION PROVISIONS

Section 4.12.10 - PURPOSES

The Natural Resources Overlay includes properties within the Corvallis Urban Growth Boundary that contain Significant Vegetation in either an area inventoried as a wildlife habitat area, or in an area inventoried as an Isolated Tree Grove. These Significant Vegetation areas were determined by the community to be significant and are shown on the City's Significant Vegetation Map. This Chapter implements standards for development and vegetation management on such properties. The Natural Resources Overlay and these standards are intended to:

a. Protect, conserve, maintain, and/or enhance the natural, environmental, scenic, recreational, open space, and economic qualities of the identified Significant Vegetation;

b. Minimize impacts to soils and maintain or improve air and water quality within the Corvallis Urban Growth Boundary;

c. Provide diverse, multi-layered vegetation to support continued diversity of fish and wildlife species within the Corvallis Urban Growth Boundary;

d. Conserve energy by providing solar benefits and temperature moderation;

e. Store and maintain carbon levels within the ecosystem;

f. Provide groundwater recharge opportunities;

g. Protect the economic values of the community associated with open spaces, recreational and visual amenities, and managed, sustainable forests;

h. Enhance stormwater and Natural Hazards management;

i. Protect and enhance the tree canopy throughout the Urban Growth Boundary;

j. Provide sound-absorbing and visual buffering amenities throughout urban neighborhoods; and

k. Implement the wildlife habitat and Significant Vegetation policies of the City of Corvallis Comprehensive Plan.

Section 4.12.20 - APPLICABILITY

These provisions apply to areas of Significant Vegetation identified on the Significant Vegetation Map. Significant Vegetation includes:

a. Highly Protected Significant Vegetation (HPSV); and

b. Partially Protected Significant Vegetation (PPSV).

Standards for development and vegetation management on sites containing Significant Vegetation are included below.

Section 4.12.30 EXEMPTIONS

The following activities are exempted from the requirements of this Chapter:

a. **Routine Maintenance and/or Replacement of Structures** - Routine maintenance and/or replacement of structures constructed or placed on the site prior to December 31, 2004. Building replacements shall be limited to the footprint of existing buildings, and replacement of other impervious surface shall be limited to the area of existing impervious surface.

b. **Routine Site Maintenance** -

1. Routine maintenance of the site, including maintenance of lawns and planted landscaping areas existing on December 31, 2004. Additionally, the application of herbicides or other pesticides, and the application of synthetic fertilizers is subject to applicable state and federal regulations and developed properties shall be subject to the restrictions set forth in the Corvallis Municipal Code;

2. Where replanting is done, native species listed on the City of Corvallis Native Plant List shall be used;

3. Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and

4. Vegetation within utility easements shall be kept in a natural state and when replanted only native plant species shall be used.

c. **Removal of Hazardous Trees** - Requests for removal of hazardous trees, except in emergency circumstances, shall be reviewed by the City Urban Forester (or another qualified arborist) and approved, conditionally approved, or denied by the Community Development Director. Any trees removed shall be replaced by like native species or alternative approved native species listed on the City of Corvallis Native Plant List.

d. **Creation and Maintenance of Fire Fuel Breaks Surrounding All Structures Designed for Human Occupancy, and Meeting the Following Standards** -

1. Fire fuel breaks are areas that are free of dead or dying vegetation and have native, fast-burning species sufficiently thinned so that there is no interlocking canopy of this type of vegetation;

2. A fire fuel break includes:

   a) An area a minimum of 30 ft. out from a structure or to the property line, whichever is less; and

   b) A maximum of 40 ft. out in all directions;

3. The fire fuel break may be increased by:

   a) 50 ft. downslope on 10-20 percent slopes;

   b) 75 ft. downslope on 20-25 percent slopes; and

   c) 100 ft. downslope on 25-40 percent slopes;

4. Fire fuel break areas shall be kept clear and/or maintained with:

   a) Vegetation trimmed to below two ft. in height and above eight ft. in height; and

   b) Trees spaced at least 15 ft. apart;

5. Where necessary for erosion control or aesthetic purposes, the fire fuel break area may be planted in slow-burning species;

6. Establishment of a fire fuel break shall not involve stripping the ground of all native vegetation; and

7. Fire fuel breaks may include the use of noncombustible structures such as walkways and driveways.

e. Reduction of fire fuel load outside of fire fuel break areas in “d,” above, by pruning trees so the lowest limbs are six to 10 ft. above Natural Grade and tree crowns do not touch or interlace.

f. Creation and maintenance of one fire escape route, up to 14 ft. in width for each development site, and outside of fire fuel break areas in “d,” above.

g. Creation and maintenance of one fire truck turn-around area if the distance of structures designed for human occupancy exceeds 150 ft. from a developed public right-of-way.

h. City utility or road work in utility or road easements or rights-of-way. Any trees removed in the course of utility work shall be replaced in accordance with the standards of this Chapter.

i. Removal of Invasive and/or Noxious Vegetation as defined in Chapter 1.6 - Definitions. If necessary in conjunction with vegetation removal, non-rip-rap erosion control measures shall be utilized.

j. Removal of vegetation in accordance with an approved Significant Vegetation Management Plan as outlined in Section 4.12.90.

Section 4.12.40 - GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter conflicts or overlaps with other provisions of this Code or any other ordinance, easement, covenant, or deed restriction, whichever imposes the more stringent restrictions shall prevail.

Section 4.12.50- PROCEDURES

a. Compliance with the provisions of this Chapter shall be determined through the development review processes identified in Section 1.2.110 of Chapter 1.2 - Legal Framework and/or through the Building Permit or construction permit review processes. Applications for Building Permits, other land development permits, and/or permits for vegetation removal on sites containing Significant Vegetation shall be reviewed to ensure that existing vegetation is preserved, enhanced, and/or its removal mitigated for based on and consistent with the standards contained in this Chapter. No Building Permits, other land development permits, and/or permits for vegetation removal shall be approved for sites containing Significant Vegetation without an approved Significant Vegetation Management Plan, which may be applied for as a concurrent application. See Section 4.12.90 - Standards for Significant Vegetation Management Plans.

b. Within Significant Vegetation Areas, the activities in “1,” through “5,” below, are prohibited unless they are specifically exempted in Section 4.12.30, or are allowed as a result of the approval of a Significant Vegetation Management Plan, a land use development permit, or a construction permit. See Section 4.12.90 - Standards for Significant Vegetation Management Plans.

1. Removing, damaging, destroying, or cutting any tree greater than four in. caliper as measured four ft. above Natural Grade;
2. Removing, damaging, destroying, or cutting any shrub over four ft. in height;
3. Removing any ground covers or soil;
4. Preparing a site for development, such as excavating, grading, clearing, etc.; and

5. Constructing fences over four ft. in height or of a material that will prevent small animal passage.

c. **Submittal Requirements for Development on Sites Containing Significant Vegetation** - Areas of Significant Vegetation within the community have been identified in two ways as follows:

1. All Natural Hazards and Natural Resources are depicted with overlays on the Comprehensive Plan and Official Zoning Maps. Significant Vegetation is one of the Natural Resources identified;

2. The Significant Vegetation Map depicts the actual locations of Significant Vegetation and the specific levels to which different Significant Vegetation areas are to be protected. Standards are established in this Chapter for the protection of Significant Vegetation by designating the areas as follows:

   a) Highly Protected Significant Vegetation (HPSV); or

   b) Partially Protected Significant Vegetation (PPSV). Areas designated as PPSV are further differentiated into four sub-categories:

      1) PPSV-1;

      2) PPSV-2;

      3) PPSV-3; and

      4) PPSV-4).

d. As a part of any development proposal or vegetation management effort on sites containing any of the Significant Vegetation areas in “c,” above, four copies of the information in “1” through “9”, below, shall be submitted on forms provided by the Director. The Director may waive any of the requirements below when such information is found to be unnecessary for the evaluation of a proposed plan.

1. Description of the land on which the proposed development is to take place, such as address, lot, block, tract, or similar description;

2. Signed consent of the owner(s) or the owner’s legal representatives of the subject property(ies);

3. Narrative addressing how the application meets the standards in this Chapter;

4. Data sheets from the Corvallis Natural Features Inventory for each of the Natural Resources and Natural Hazards located on the site;

5. Existing Site Plan Information - Site plans indicating existing conditions. Plans shall be no larger than 24 by 36 in. and shall include a legible copy reduced to either 8.5 by 11 in. or 11 by 17 in. The site plan shall be drawn to scale and show:

a) Date, scale, scale bar, and north arrow;

b) Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, drainageways, and drainage patterns, especially those that would affect adjacent Natural Resources and Natural Hazards identified as significant on the Natural Hazards Map, Riparian Corridors and Wetlands Map, or the Significant Vegetation Map;

c) Property lines and dimensions;

d) Location and extent of each of the Natural Hazards identified as Highly Protected on the Natural Hazards Map, both on and within 150 ft. of the site;

e) Location and extent of each of the Natural Hazards identified as Partially Protected on the Natural Hazards Map, both on and within 150 ft. of the site;

f) Location and extent of each of the Natural Resources identified as Highly Protected on the Significant Vegetation and Riparian Corridor and Wetlands Maps, both on and within 150 ft. of the site;

g) Location and extent of each of the Natural Resources identified as Partially Protected on the Significant Vegetation and Riparian and Wetlands Maps, both on and within 150 ft. of the site;

h) Public and private roadways and driveways;

i) Location and extent of required Department of State Lands and/or U.S. Army Corps of Engineers Wetland mitigation areas located on the site and/or a permit indicating any off-site mitigation acreage requirements.

j) Vehicle and pedestrian access points and accessways;

k) Public and private easements and labels as to the purpose of the easements;

l) Existing structures, including fences and walls;

m) Existing off-street parking facilities; and

n) Any dedications that exist on the site.

6. Proposed Site Plan Information - Site plans indicating areas of proposed vegetation removal, vegetation preservation, vegetation planting, and development and/or areas of ground disturbance. Plans are to be no larger than 24 by 36 in. and shall include a copy of the site plan reduced to either 8.5 by 11 in. or to 11 by 17 in. Plans shall be drawn to scale and shall include the information required in "5," above, and the following:

a) Location, extent, acreage, and types of vegetation to be protected and/or enhanced;

b) Location, extent, acreage, and types of vegetation to be removed;

c) Location, extent, and net area calculations indicating any proposed encroachments into each specific protected Natural Feature or Natural Hazard area indicated on the Natural Hazards Map, Riparian Corridors and Wetlands Map, or the Significant Vegetation Map;

d) Location, development pattern plans, and drainage pattern impacts as required for associated grading and development permit reviews;

e) If grading is to occur, a grading plan showing existing and finished contours on the site, at two-ft. contour intervals;

f) Existing percentage of cover for the areas where vegetation is to be removed;

g) A reforestation/replanting plan in protection/enhancement areas that includes:

1) Location, extent, and acreage of the vegetation to be planted;

2) Types of vegetation to be planted;

3) Number of deciduous trees, conifers, and shrubs to be planted;

4) Size and spacing of the plantings;

5) Planting schedule;

6) Erosion control measures;

7) Estimated cost of replanting the trees and shrubs; and

8) Mitigation for any negative impacts resulting from changed drainage patterns.

7. All necessary permits shall be obtained from those federal, state or local governmental agencies from which approval is required, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, as amended. If obtaining such permits is a Condition of Approval for a land use application, such Condition of Approval shall be satisfied prior to issuance of any construction permit.

8. Additional Requirements for Sites Containing PPSV-4 Areas - In addition to the application requirements identified in Section 4.12.50.a through 4.12.50.d, above, development proposals on sites containing areas designated as PPSV-4 shall include the following information:

   A detailed planting plan of proposed trees, shrubs, and ground covers at the same scale as the project site plan. This plan shall include:

   a) Location, extent, and acreage of vegetation to be preserved and/or enhanced;

   b) Location, extent, and acreage of vegetation to be planted;

   c) Number and types of deciduous trees, conifers, shrubs, and ground covers to be planted;

   d) Size and spacing of the plantings;

   e) Mature Tree Canopy Coverage on the site, based on either the anticipated canopy at 15 years of age or the canopy of the preserved existing trees, whichever is greater. See Tree Canopy Coverage in Chapter 1.6 - Definitions;

   f) Planting techniques/standards and schedule;

   g) Protection fencing location and method of installation;

   h) Irrigation plan;

   i) Maintenance plan indicating the responsibility to maintain and replace the required vegetation, including the Conditions, Covenants, and Restrictions (CC&R's) of the Homeowners' Association when a Homeowners' Association is proposed; and

   j) Estimated cost of planting the trees, shrubs, and ground covers.

9. If an applicant has produced part or all of a submittal in an electronic format, an electronic version of these documents shall be provided (both text and graphics, as applicable). The applicant shall coordinate with the City regarding compatible electronic formats.

Section 4.12.60 - STANDARDS FOR DEVELOPMENT ON SITES CONTAINING SIGNIFICANT VEGETATION

The location and extent of development on sites containing Significant Vegetation shall be based on the standards established below. Encroachments into areas of Significant Vegetation may be permitted based on the provisions of Chapter 4.11- Minimum Assured Development Area and the following:

a. Highly Protected Significant Vegetation (HPSV) Areas - For Properties Containing Areas Designated as Highly Protected Significant Vegetation (HPSV), the following standards shall apply -

1. Development shall be limited to portions of properties outside of the areas designated as HPSV, except to the extent allowed by the Minimum Assured Development Area, as determined through the use of the procedures and criteria established in Chapter 4.11 - Minimum Assured Development Area;

2. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts or conservation easements (as defined in ORS 271.715), which shall ensure that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved in the tracts or conservation easements. The preserved and/or enhanced vegetation shall not be placed in tracts, if the creation of separate tracts will cause the remainder lot or parcel to fall below the required minimum lot area. The City of Corvallis shall be the holder of proposed conservation easements. Exceptions to this requirement shall be granted based on the following:

   a) Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage; and

   b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy coverage;

3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts or conservation easements (as defined in ORS 271.715), such that a minimum of 70 percent Mature Tree Canopy overage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and

4. Portions of the site developed according to the MADA provisions contained in Chapter 4.11- Minimum Assured Development Area, areas outside of preserved Significant Vegetation tracts or easements shall be planted to achieve 40 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.

b. **Partially Protected Significant Vegetation-1 (PPSV-1) Areas** - For properties containing areas designated as Partially Protected Significant Vegetation-1 (PPSV-1) the following standards shall apply:

1. Development shall be located on areas outside of the PPSV, except to the extent allowed by the provisions of Chapter 4.11- Minimum Assured Development Area;

2. The provisions for determining Minimum Assured Development Area may be applied directly to the PPSV-1 resource area, rather than applying it to the entire development site, as required in all other instances;

3. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts or conservation easements (as defined in ORS 271.715), which shall be planted and/or preserved such that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved within the tracts or conservation easements. The preserved and/or enhanced vegetation shall not be placed in tracts, if the creation of separate tracts will cause the remainder lot or parcel to fall below the required minimum lot area. The City of Corvallis shall be the holder of proposed conservation easements. Exceptions to this requirement shall be granted based on the following:

   a) Preserved existing upland prairie areas shall be credited as 100 percent Mature Tree Canopy Coverage; and

   b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;

4. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts or conservation easements (as defined in ORS 271.715), such that a minimum of 70 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and

5. Portions of the site developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts or easements, shall be planted to achieve 35 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.

c. **Partially Protected Significant Vegetation-2 (PPSV-2) Areas** - For properties containing areas designated as Partially Protected Significant Vegetation-2 (PPSV-2) the following standards shall apply:

1. Development shall be located on areas outside of the PPSV, except to the extent allowed by the provisions of Chapter 4.11- Minimum Assured Development Area, with an additional allowance of 20 percent of the entire site;

2. Vegetation that is required to be protected shall be preserved and/or enhanced in specific tracts or conservation easements (as defined in ORS 271.715), which shall be planted and/or preserved such that a minimum of a 70 percent Mature Tree Canopy Coverage is achieved within the tracts or conservation easements. The preserved and/or enhanced vegetation shall not be placed in tracts, if the creation of separate tracts will cause the remainder lot or parcel to fall below the required minimum lot area. The City of Corvallis shall be the holder of proposed conservation easements. Exceptions to this requirement shall be granted based on the following:

   a) Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage; and

   b) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;

3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts or conservation easements (as defined in ORS 271.715), such that a minimum of 70 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions;

4. Undeveloped portions of the PPSV shall be contiguous to adjacent preserved Natural Resources; and

5. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts or easements, shall be planted to achieve 25 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.

d. Partially Protected Significant Vegetation-3 (PPSV-3) Areas - For properties containing areas designated as Partially Protected Significant Vegetation-3 (PPSV-3) the following standards shall apply:

1. Development may be located on areas inside the PPSV provided that:

   a) A minimum of 50 percent of the area within the PPSV is preserved/enhanced; and

b) Including the area preserved in “a,” above, a minimum of 25 percent of the site consists of preserved/enhanced Significant Vegetation in common open space tracts, or common areas, that contain natural vegetative cover with 70 percent Mature Tree Canopy Coverage. Exceptions to this requirement shall be granted based on the following:

1) Preserved existing upland prairie areas shall be credited as 100% Tree Canopy Coverage; and

2) Preserved Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage;

2. Development may be located within the Minimum Assured Development Area, as determined through the use of the procedures and criteria established in Chapter 4.11- Minimum Assured Development Area;

3. Vegetation that is required to be protected, that has been damaged, destroyed, or cut shall be restored or replaced in specific tracts, such that a minimum of 50 percent Mature Tree Canopy Coverage is achieved in the tracts. This mitigation shall be completed consistent with Section 4.12.100- Enforcement and Mitigation Provisions; and

4. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts shall be planted to achieve 25 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.

e. Partially Protected Significant Vegetation-4 (PPSV-4) Areas - For properties containing areas designated as Partially Protected Significant Vegetation-4 (PPSV-4) the following standards shall apply:

1. Development may only be located on areas inside the PPSV in cases where a minimum of 25 percent of the site is placed in common open space tracts, or common areas, that contain either the natural vegetative cover or new landscaping such that a 70 percent Mature Tree Canopy Coverage is achieved;

2. Preserved existing upland prairie areas shall be credited as 100 percent Tree Canopy Coverage;

3. Preserved areas identified as Oak savannas, which are identified as ARA type 13 in the Natural Features Inventory, shall be credited at 70 percent Mature Tree Canopy Coverage; and

4. Portions of such sites developed according to the MADA provisions contained in Chapter 4.11 - Minimum Assured Development Area, such as areas outside of preserved Significant Vegetation tracts, shall be planted to achieve 35 percent Mature Tree Canopy Coverage. Street trees and other trees required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting may be included in the determination of Tree Canopy Coverage.

f. For areas of Significant Vegetation to be Considered Preserved, They Must Be Treated as Follows -

1. Existing trees shall be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the perimeter of the tree's Circle of Protection. A Circle of Protection is created by the greater of the two areas defined by the formulas below:

   a) A radius in feet that equals the diameter in inches of the tree trunk at four ft. above Natural Grade. For example, a 15-in. diameter tree creates a 15 ft. radius of protected area; or

   b) A perimeter located five ft. outside of the tree's drip-line.

2. Existing vegetation may be considered preserved only if no cutting, filling, or compaction of the soil takes place within the vegetation's Circle of Protection. A Circle of Protection for vegetation is created by defining a circle around the vegetation, the perimeter of which is located one ft. outside of the vegetation's drip-line or edge.

3. Temporary fencing to protect trees and vegetation shall be used to clearly mark areas to be preserved. Such fencing shall be placed outside the Circle of Protection of all trees and/or vegetation located within 50 ft. of any area where construction, ground disturbance, and/or vegetation removal is likely to occur. All such fencing shall be in place prior to vegetation removal and/or the issuance of an Excavation and Grading Permit and shall be maintained throughout the vegetation removal and/or construction period.

4. Vegetation removal and ground disturbance shall be prohibited within the Circle of Protection for all trees and vegetation areas to be preserved.

5. Irrigation shall be prohibited and no increase or decrease in either drainage volume or frequency shall occur within the Circle of Protection of preserved oak trees.

g. Mature Tree Canopy Coverage shall be based on either the anticipated 15-year Mature Tree Canopy Coverage or the canopy of the preserved existing trees, whichever is greater. See Tree Canopy Coverage and 15-year Mature Tree Canopy Coverage in Chapter 1.6 - Definitions.

h. A minimum of 30 percent of the planted mitigation trees must be Large Canopy Tree species. See Tree, Large Canopy in Chapter 1.6 - Definitions.

i. Required street trees and parking lot landscaping shall not be credited toward mitigation trees, shrubs, or ground covers.

j. Required street trees and parking lot landscaping trees shall be credited for Mature Tree Canopy Coverage in developed areas outside protected HPSV or PPSV areas.

k. Trees, shrubs, and ground covers required in Section 4.12.60 to be planted to achieve minimum landscape and/or Tree Canopy Coverage shall be continuously maintained in a healthy manner. Prior to the removal of any vegetation a cash deposit, bond, or other financial security allowed by Code in the amount of 125 percent of the cost of required mitigation trees, shrubs, and ground covers shall be provided. Similar financial security for maintenance and replacement of vegetation shall be provided for a minimum of five years after the plantings. Required trees, shrubs, and ground covers that die within the first five years after initial planting must be replaced in kind.

l. Required trees, shrubs, and ground covers shall be planted within 180 days of their removal and shall be irrigated as per Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, except as provided in “f.5," above .

m. In addition to the standards in this Chapter, developed areas shall be landscaped in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

n. Construction site activities shall be located outside of Significant Vegetation protection areas. Such construction activities include, but are not limited to parking, material storage, soil compaction, and concrete washout.

[Section 4.12.60 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.12.70 - PROVISIONS LIMITING EXTENSIONS OF PUBLIC AND PRIVATE ROADWAYS AND UTILITIES ON SITES CONTAINING SIGNIFICANT VEGETATION

Location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Significant Vegetation areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the Significant Vegetation area.

Section 4.12.80- ADDITIONAL PROVISIONS

a. Location of recreational facilities on sites containing Significant Vegetation areas are limited to areas outside of Significant Vegetation except as allowed by the provisions in Chapter 4.11 - Minimum Assured Development Area. Such recreational facilities

include activities such as developed camp sites, horse arenas, barns, clubhouses, etc.

b. Subdivisions, Land Partitions, and Property Line Adjustments that would create lots or parcels that cannot be developed in conformance with the standards contained in this Chapter are prohibited, with the exception of lots created for public park purposes.

Section 4.12.90 - STANDARDS FOR SIGNIFICANT VEGETATION MANAGEMENT PLANS

Significant Vegetation Management Plans (SVMPs) may be approved as part of or separate from development applications. They shall meet the standards outlined below and, when found to comply with these standards, the SVMPs shall be approved by the Community Development Director. The SVMP shall:

a. Provide application materials outlined in Section 4.12.50.d.2 through Section 4.12.50.d.5; Sections 4.12.50.d.6.a, 4.12.50.d.6.b, 4.12.50.d.6.f, and 4.12.50.d.6.g; and Section 4.12.50.d.7 through Section 4.12.50.d.9.

b. Allow for the removal of Douglas Fir trees and provide for the retention of non-conifer vegetative species.

c. Preserve non-conifer vegetation in HPSV areas and PPSV areas consistent with Sections 4.12.60.f, 4.12.60.g, 4.12.60.k, and 4.12.60.n.

d. Provide for erosion control measures consistent with the City of Corvallis Engineering Standards.

e. Include the vegetation management activities as recommended in the Natural Features Inventory Report and Database for enhancement of each wildlife habitat area and/or Tree Grove (sub-polygon) located within the Significant Vegetation Management Plan area; and ensure the Significant Vegetation Management Plan is consistent with those recommended activities; and

f. Remain in effect until modified or replaced with a subsequently approved SVMPs.

Section 4.12.100 ENFORCEMENT AND MITIGATION PROVISIONS

a. **Violations** - In addition to being subject to Municipal Code enforcement provisions, violations of Section 4.12.50.b shall be:

1. Partially remedied within 90 days of the violation by replacing the vegetation in a manner that is consistent with this Chapter. Replacement of the vegetation shall occur within the period from October 1 to May 1, except that the 90-day period may be extended to ensure that planting occurs at the first opportunity in this period;

2. Any tree removed from a HPSV or PPSV area in a manner inconsistent with the provisions of this Chapter shall have its losses mitigated by replacement of trees and irrigation within the HPSV or PPSV area in an amount equal to 50 percent of the appraised value of the damaged or removed vegetation. The appraised value of the vegetation shall be determined by using the Council of Tree and Landscape Appraisers Guide for Plant Appraisal and shall be applied by an ISA Certified Arborist Trained in this process. If the cost of providing the mitigation measures is less than 50 percent of the appraised value of the removed or damaged vegetation, payment in the amount of the unused value shall be dedicated to the City's Urban Forestry Project Account, to be used to plant additional trees and restore associated tree ecosystems elsewhere in the community.

3. Mitigation Vegetation Requirements - Mitigation vegetation shall be installed to the standards below -

   a) Trees with a minimum planting size of one in. diameter;

   b) Shrubs with a minimum planting size of one gallon;

   c) Ground covers with a minimum planting size of one gallon, planted 12 in. on-center; and

   d) Installed irrigation system, designed to be operated for a minimum of five years to support the species planted.

b. Significant Vegetation Areas in the Urban Fringe - Within HPSV and PPSV areas where vegetation was legally or illegally removed, damaged, destroyed, or cut while the properties were located within the Urban Fringe, and where vegetation has not been replaced consistent with this Chapter prior to Annexation, the following provisions apply:

1. Vegetation shall be replanted consistent with the provisions in this Chapter, including the provisions in "a," above, within 90 days of approval of any City applications. Such applications include Significant Vegetation Management Plans and/or development or construction permits of any kind. However, the vegetation shall be planted within the period from October 1 to May 1, and the 90-day period may be extended to ensure that planting occurs at the first opportunity in this period.

2. Vegetation that has been planted in compliance with Benton County permit approvals or standards shall be preserved, protected, or enhanced prior to approval of a Significant Vegetation Management Plan, land use development permit, or construction permit by the City of Corvallis. Any land use development and any replacement and maintenance of vegetation shall be completed in a manner that is consistent with this Chapter.

c. Any remedy set forth in this Chapter is in addition to and not an alternative to all other remedies for violations of this Code or Municipal Code.

d. Failure to comply with an order of the Director to mitigate shall be a separate violation for each day, beyond the time frame specified in the order, that mitigation has not occurred. Each separate violation shall be subject to citation to the Municipal Court.

e. If found guilty of the violation of not obeying an order to mitigate under this Chapter, a person shall be subject to a fine no less than $50 and no more than $100 for each day, beyond the time frame specified in the order, that mitigation has not occurred. Fines shall be deposited in the City's Urban Forestry Project Account to be used to plant additional trees and restore associated tree ecosystems either on-site or elsewhere in the community.

Section 4.12.110 - DISCLAIMER OF LIABILITY

This Chapter shall not create liability on the part of the City of Corvallis or any officer or employee thereof for any fire damages or other hazard damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. Compliance with the minimum standards established by this Chapter is not intended to relieve any private party from liability for the design or construction of development that causes damage or injury by aggravating an existing and known hazard.

CHAPTER 4.13
RIPARIAN CORRIDOR AND WETLAND PROVISIONS

Section 4.13.10 - PURPOSES

These provisions are intended to protect and preserve Significant Riparian Corridors and Wetland areas within the City of Corvallis. They are intended to protect open, natural Streams, drainageways, Special Flood Hazard Areas, and Wetlands as integral parts of the City environment. These provisions are also intended to maintain both the hydrological and biological functions of open drainageways, Special Flood Hazard Areas, and Wetland systems in accordance with the Corvallis Stormwater Master Plan; OAR Chapter 660, Division 23, the Administrative Rule that implements Statewide Planning Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources; and other state and federal regulations, including Statewide Planning Goal 6 - Air, Water, and Land Resources Quality. In order to assist in the furtherance of these purposes, where not required, open space tracts are encouraged within areas designated as Natural Resources or Natural Hazards on the Comprehensive Plan and Official Zoning Maps.

a. These provisions are necessary in order to:

1. Manage stormwater drainage;
2. Accommodate increases in runoff volume resulting from urbanization;
3. Moderate increases in peak flows resulting from urbanization;
4. Minimize drainageway and other maintenance costs;
5. Protect properties adjacent to drainageways;
6. Improve surface and groundwater water quality; and
7. Protect Riparian Corridor and Wetland plant and animal habitats.

b. Consistent with the Corvallis Comprehensive Plan, these provisions are also intended to:

1. Minimize harm to natural systems from their use as a stormwater facility;
2. Maintain the Properly Functioning Conditions of Stream and Wetland systems;

3. Preserve hydrological conveyance and storage capacity;

4. Provide for infiltration and groundwater recharge;

5. Allow for natural channel lateral migration and bank failure;

6. Allow for channel widening and other channel modifications that result from changes in hydrology from urban development;

7. Provide proper shading of the Stream to maintain or improve water quality;

8. Allow for a vegetative management strategy that encourages native riparian species;

9. Provide a pollutant filtering zone for surface runoff;

10. Allow for natural Stream processes to minimize Stream channel, bank, and corridor maintenance needs;

11. Buffer urban uses from Stream processes;

12. Provide a source for large woody debris; and

13. Preserve the 0.2-ft. Floodway.

Section 4.13.20 - APPLICABILITY

These provisions apply to Significant Riparian Corridor and Wetland areas, as mapped on the Corvallis Riparian Corridors and Wetlands Map. However, state and federal Wetland and riparian regulations will continue to apply to Wetland and Riparian Corridor areas within the City, regardless of whether or not they are mapped on the Corvallis Riparian Corridors and Wetlands Map. Nothing in these regulations should be interpreted as superceding or nullifying state or federal requirements.

Section 4.13.30 - GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. It is likely that there will be some overlap between the regulations in this Chapter and those in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions, which regulate development in Natural Hazard areas,

including the 100-year Floodplain (Special Flood Hazard Area). Where two regulations are in conflict, the most stringent shall govern.

Section 4.13.40 - PROCEDURES

Compliance with the provisions of this Chapter shall be determined through the development review processes identified in Section 1.2.110 of Chapter 1.2 - Legal Framework, through the Building Permit or construction permit review processes, or on a complaint basis through applicable sections of the Municipal Code. Applications for Building Permits or other permits for structures and other development activities on sites containing Significant Riparian Corridors or Wetland areas shall be submitted and reviewed to assure that Riparian Corridors and Wetland areas are appropriately protected before any permits are issued or before improvements, excavation, grading, construction, or development begin.

Application - When development is proposed on a property containing or abutting a Significant Riparian Corridor or Wetland area, an application shall be submitted that accurately indicates the locations of these Natural Resources and the location of any proposed development. The application shall contain a description of the extent to which any Special Flood Hazard Area, Watercourse, or Wetland is proposed to be altered or affected as a result of proposed development and shall include the information in “a,” and “b,” below.

a. For Properties Adjacent to or Containing Drainageways -

1. Surveyed Site Map - Prepared by a licensed surveyor or civil engineer, depicting two-ft. contour intervals and the location on the subject property of:

    a) All Watercourses such as rivers, Streams, ponds, other drainageways, and natural swales;

    b) Top-of-bank. See Chapter 1.6 - Definitions;

    c) Appropriate Riparian Corridor width(s), as indicated on the City’s Riparian Corridors and Wetlands Map. Measured from Top-of-bank and including the Base Riparian Corridor Widths as described in Table 4.13-1 - Base Riparian Corridor Widths, plus any expanded width required to address Riparian-related Areas. Base Riparian Corridor Widths in Table 4.13-1 - Base Riparian Corridor Widths are established by the size of the drainage basin of each portion of a Stream.

1) Riparian-related Areas - Riparian-related Areas are defined as Proximate Wetlands, drainage easements and drainage dedications under the City's jurisdiction; and open space tracts that have been created for Riparian Corridor protection purposes.

2) Base Riparian Corridor Widths - Base Riparian Corridor Widths shall be taken directly from the Riparian Corridors and Wetlands Map and shall be measured from Top-of-bank.

Table 4.13-1 - Base Riparian Corridor Widths Easement Widths are different and are addressed in Section 4.13.70	
Drainage Basin - as established in the Natural Features Inventory and shown on the Riparian Corridors and Wetlands Map	**Base Riparian Corridor Width - Riparian Corridors may be required to be expanded to address Riparian-related Areas**
Less Than 20 Acres	50-ft. Riparian Corridor
20 to 160 Acres	75-ft. Riparian Corridor
More Than 160 Acres	100-ft. Riparian Corridor
Willamette River, Marys River and Their Channels (e.g Boone's Slough)	120-ft. Riparian Corridor
Note: When a Stream segment is inventoried as part of a Wetland, and a Wetland Delineation reduces the dimensions of the Wetland area surrounding the Stream, in no case shall the Riparian Corridor width of that Stream be reduced below the appropriate width stated above.	

d) Appropriate Riparian Easement Width(s), as described in Section 4.13.70.

e) Existing and proposed development, including areas of fill, excavation, Stream or Wetland crossings, altered vegetation, etc.

2. Location of the Stream's 0.2-ft. Floodway, Special Flood Hazard Area, and All Proximate Wetlands, Consistent with the Application Requirements in Sections 4.5.50.02, 4.5.50.03, and 4.5.50.04 - The location of the Floodway and Special Flood Hazard Area shall be consistent with the mapped areas on the Flood Insurance Rate Map (FIRM), unless the FIRM conflicts with field conditions or does not map the boundary in a specified location, in which case the Floodplain Administrator or designee shall make a determination

consistent with Sections 4.5.20.01.b, 4.5.50.03.p, 4.5.60.01, and 4.5.60.02. The location of Proximate Wetlands may be taken directly from the City's Riparian Corridors and Wetlands Map, or the applicant may provide a Wetland Delineation that has been accepted by the Department of State Lands to precisely locate the Wetland area(s);

3. Topographic lines indicating two-ft. contour levels of both existing and proposed conditions. The existing two-ft. contour levels may be obtained from the City's database, or the applicant may provide a surveyed drawing prepared by a licensed surveyor or civil engineer;

4. Land uses within 100 ft. of the Watercourse edge;

5. Title block, including related development and Stream names, as applicable;

6. North arrow and illustrated scale;

7. Date(s) of field check(s), if any; and

8. Sources of information such as national, state or local soil survey maps; the City's Natural Hazards, Riparian Corridors and Wetlands, Significant Vegetation, Comprehensive Plan, and/or Official Zoning Maps; date and scale of aerial photos, etc.

b. For properties containing Wetlands, as indicated on the Corvallis Local Wetland Inventory Map - The submittal materials listed below are required. Additionally, all applications will be reviewed to determine that all necessary permits have been obtained or will be obtained from those federal, state, or local governmental agencies that require prior approval.

1. Site Plan - A site plan that graphically depicts:

   a) All Wetland boundaries, as indicated on the Corvallis Local Wetland Inventory Map;

   b) A 25-ft. setback/buffer around the upland edge of locally and non-locally protected Wetlands, as mapped on the City's Local Wetland

Inventory Map[1]. Proximate Wetlands shall not be included when determining this 25-ft. setback/buffer location; and

c) A Wetland Delineation of the boundaries of the Wetland area, with an accompanying site map, that has been accepted and approved by the Department of State Lands (DSL) may be substituted for the information in "b," above;

2. Wetland Site Plan and Aerial Photo - A Wetland site plan and aerial photo with all Wetland boundaries identified, as indicated on the Corvallis Local Wetland Inventory Map, and distinguished to show the locally protected Wetlands, non-locally protected Wetlands, and Proximate Wetlands;

3. Location of existing and proposed development, including areas of fill, excavation, Stream or Wetland crossings, altered vegetation, etc.;

4. Topographic lines indicating two-ft. contour levels of both existing and proposed conditions. The existing two-ft. contour levels may be obtained from the City's database, or the applicant may provide a surveyed drawing prepared by a licensed surveyor or civil engineer;

5. Land uses within 100 ft. of the Wetland edge;

6. Title block, including related development and Stream names, as applicable;

7. North arrow and illustrated scale;

8. Date(s) of field check(s), if any;

9. Sources of information such as national, state or local soil survey maps; the City's Natural Hazards, Riparian Corridors and Wetlands, Significant Vegetation , Comprehensive Plan, and/or Official Zoning Maps; date and scale of aerial photos, etc.; and

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Local Wetland Inventories are considered to provide a level of accuracy of within 25 ft. for identification of the Wetland-upland interface. Consequently, the 25-ft setback/buffer identified in Section 4.13.40.b.1.b is intended to ensure that significant Wetlands are protected consistent with the requirements of OAR 660, Division 23 prior to the receipt of a Department of State Lands (DSL) approved Wetland Delineation. For development review purposes, a property owner may propose development within this setback/buffer, and approval may be granted, contingent upon receipt by the City of an approved Wetland Delineation indicating that the proposed development is outside of lands determined to be Wetlands by the Department of State Lands. In such cases, no development permits shall be issued prior to receipt of said Wetland Delineation.

10. Wetland mitigation sites approved by DSL or proposed for approval by DSL, as applicable.

Section 4.13.50 - USE LIMITATIONS AND EXCEPTIONS WITHIN HIGHLY PROTECTED RIPARIAN CORRIDORS AND RIPARIAN-RELATED AREAS

Highly Protected Riparian Corridors are those which have been identified as warranting a high level of protection due to their environmental importance and Natural Resource quality. Riparian-related Areas are defined as Proximate Wetlands, drainage easements and drainage dedications under the City's jurisdiction, and open space tracts that have been created for Riparian Corridor protection purposes. Additionally, the Special Flood Hazard Area serves an important Riparian Function. This area is mapped on the City's Natural Hazards Map, and is subject to the protections outlined in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

In addition to the requirements of the underlying zone, the following limitations and exceptions shall apply to activities within Highly Protected Riparian Corridors and Riparian-related Areas, as mapped on the City's Riparian Corridors and Wetlands Map.

a. Removal of Vegetation - Removal of vegetation from Riparian Corridors and Riparian-related Areas is prohibited, except for the following purposes:

1. Stream restoration and enhancement programs;

2. Removal of Invasive and/or Noxious Vegetation as defined in Chapter 1.6 - Definitions. If necessary, in conjunction with vegetation removal non-rip-rap erosion control measures shall be utilized;

3. Substitution of local source native plant species for non-native plants. Such local source native plant species shall originate from stock collected from wild plants within 75 miles of planting site;

4. Development of Water-related or Water-dependent Uses as defined in Chapter 1.6 - Definitions, provided such Uses are designed and constructed to minimize impact on existing Riparian Vegetation;

5. Removal of emergent in-channel vegetation likely to cause flooding events that result in structural damage;

6. Perimeter mowing/cutting of vegetation for fire hazard prevention/fuel reduction, provided such mowing/cutting occurs no more than 20 ft. around structures;

7. Continuation of agricultural activities occurring on a property prior to December 31, 2004, such as grazing livestock, growing crops, etc. However, the use of herbicides or other pesticides, the application of synthetic fertilizers, and the storage of toxic materials in these areas is subject to applicable state and federal regulations, as well as the restrictions set forth in the Corvallis Municipal Code.

8. Maintenance and protection of the function of City utilities and transportation facilities located within Riparian Corridors and Wetlands;

9. Allowance of activities under an Oregon Department of Fish and Wildlife-approved restoration plan for improving Riparian Function. As a component of this plan, and as a means of controlling the spread of the weeds throughout the Watershed, livestock may be permitted in areas with identified Invasive and/or Noxious Vegetation; and

10. Removal of Hazardous Trees - Requests for removal of Hazardous Trees, except in emergency circumstances, shall be reviewed by the City Urban Forester (or another qualified arborist) and approved, conditionally approved, or denied by the Community Development Director. Any trees removed shall be replaced by like native species or alternative approved native species listed on the City of Corvallis Native Plant List.

b. **Building, Paving, and Grading Activities** - The placement of structures or impervious surfaces, as well as grading, excavation, and the placement of fill, are prohibited. Exceptions to the drainageway restrictions may be made for the purposes identified in items 1-7 of this Section, provided they are designed and constructed to minimize adverse impacts to Riparian Corridors and Riparian-related Areas.

1. Replacement or Relocation of Existing Buildings - Replacement or relocation of existing buildings, either within the building's original footprint, or with the same or reduced square footage area elsewhere on the site. A relocation of an existing building within the same square footage area, but located elsewhere on the site, is only allowed if the relocation of the building enhances Riparian, Stormwater, and Floodplain Functions. Under no circumstances shall a relocated building be located within 15 ft. of Top-of-bank. The relocation shall be considered to enhance Stormwater, and

Floodplain Function if it furthers any of the following goals without worsening any other goal:

a) Replaces standard construction with Flow-through Design construction, if the building is within the 100-year Floodplain (Special Flood Hazard Area);

b) Moves the structure to a higher elevation;

c) Moves the structure further from the Top-of-bank of the adjacent water body;

d) Reduces the amount of impervious surface area in the Riparian Corridor; and

e) Does not negatively impact non-noxious Riparian Vegetation. Invasive and/or Noxious Vegetation is defined in Chapter 1.6 - Definitions.

2. The location and construction of streets, utilities, bridges, bicycle, and pedestrian facilities within Highly Protected Riparian Corridors and Riparian-related Areas must be deemed necessary to maintain a functional system by the City Engineer. This Code, City Transportation and Utility Master Plans, and other adopted City plans shall guide this determination. The design standards of Chapter 4.0 - Improvements Required with Development shall be applied to minimize the impact to the subject area;

3. Redevelopment of utility operations existing as of December 31, 2004, is also permitted. Required riparian easement areas shall be re-vegetated consistent with Section 4.13.50.d.1 and Section 4.13.50.d.2;

4. Development of Water-related and Water-dependent Uses, as defined in Chapter 1.6 - Definitions, where no other viable locations exist;

5. Erosion control or flood control measures that have been approved by the Oregon Department of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agency with jurisdiction in this area. Erosion control or flood control measures shall either utilize bio-engineering methods other than rip-rap, or shall utilize rip-rap only to address an imminent hazard to a structure built prior to December 31, 2004. If utilized, the rip-rap installation shall be designed by a Professional Engineer

Licensed by the State of Oregon and approved by the Oregon Department of Fish and Wildlife;

6. Development associated with the Minimum Assured Development Area that would be allowed in accordance with Chapter 4.11 - Minimum Assured Development Area (MADA); and

7. Water quality or detention facilities located outside of riparian easement areas, as determined in Section 4.13.70.

c. Residential Setback Reduction -

1. When development is occurring pursuant to the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA), the following setback reductions are allowed for properties with Low Density Residential zoning and containing Highly Protected Riparian Corridors. The setback reductions shall apply to:

   a) Redevelopment in which all structures are removed from the Riparian Corridor area; and

   b) New development on vacant properties in which no structures are placed within the Riparian Corridor area.

2. Under the circumstances in “1,” above, front and side yard setbacks may be reduced as shown in “a,” through “c,” below. However, the setback for front-loading garages shall remain at 19 ft.

   a) 10 ft. for the front yard;

   b) five ft. for an interior side yard; and

   c) 10 ft. for an exterior side yard.

d. Re-vegetation of Streambanks - Commensurate with the extent of new development of structures or of impervious surface areas on development sites containing Stream or river frontage as shown on the City’s Riparian Corridors and Wetlands Map, the re-vegetation of Stream banks is required.

For each 500 sq. ft. of new structure area or impervious surface area, 100 lineal ft. of the development site's Stream frontage shall be re-vegetated according to the following standards, up to the total amount of the development site's Stream frontage:

1. Stream bank vegetation, as outlined in "2," below, shall be provided within the first 30 ft. from Top-of-bank, with the exception of the Willamette River, which shall be addressed as indicated in "3," below;

2. Re-vegetation Standards -

   a) Streams that already have existing vegetation as outlined in this provision are considered to be compliant with these Stream shading standards. To be considered compliant, at minimum the vegetation within the first 30 ft. from the Top-of-bank, as described in "1" above, shall include:

      1) An existing vegetated tree canopy consisting of healthy trees at least four in. caliper, measured at four ft. above Natural Grade, and located at an average spacing of 20 ft. along the Stream bank; and

      2) An existing vegetated under story consisting of healthy riparian shrubs over at least 50 percent of the area; and healthy groundcover such that the combination of shrubs and groundcover results in a coverage over at least 90 percent of the area.

   b) Streams that do not have the required existing vegetated tree canopy and existing vegetated under story in the area to be shaded are subject to re-vegetation. Such re-vegetation shall either be that required by an Oregon Department of Fish and Wildlife-approved restoration plan for improving Riparian Function, or that required by the provisions outlined below:

      1) In areas that do not meet the tree canopy requirement outlined in "a" above, large-canopy riparian trees, such as Acer Macrophyllum, with a minimum caliper size of 3/4 -1 in. shall be planted in a triple row with staggered spacing of 20 ft. on-center along the length of the Stream bank. All new trees are required to be mulched with four cubic ft. of bark chips and drip irrigated for a period of five years to ensure establishment. All

new trees shall be staked and protected by rodent-proof fencing, as specified by the Public Works Department;

2) In areas that do not meet the riparian shrub coverage portion of the under story requirement outlined in “a,” above, riparian shrubs shall be planted and maintained to provide the required 50 percent coverage within five years. The minimum planting size for the riparian shrubs shall be one gallon or 18 in. live stakes. All new shrubs shall be mulched with three in. of bark chips, extending one ft. from the drip line of the shrub or around the live stake or live stake bundle. All new shrubs shall also be irrigated and maintained for a period of five years to ensure establishment.

3) In areas that do not meet the groundcover coverage portion of the under story requirement outlined in “a,” above, groundcover shall be maintained or planted to provide a minimum of 90 percent total coverage of shrubs and ground covers within five years. The minimum planting size shall be one gallon. Ground covers shall be mulched with three in. of bark chips and irrigated for a period of five years to ensure establishment.

3. For properties along the Willamette River, any re-vegetation within the Willamette River Greenway (WRG) shall be determined through the WRG Conditional Development review process and shall be based upon the procedures and criteria contained in Chapter 2.3 - Conditional Development and Chapter 3.30 - Willamette River Greenway (WRG) Overlay. However, for Riparian Corridor areas of the Willamette River Greenway that are subject to the provisions of this Chapter, and are preserved as part of the Conditional Development process, such preserved portions of Riparian Corridors shall be subject to the re-vegetation standards contained in section “2.b,” above.

e. Subdivisions, Land Partitions, and Property Line Adjustments - For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, no Subdivision, Partition, or Property Line Adjustment shall create new lots or parcels unless:

1. Each new and remaining lot or parcel contains an area unconstrained by Natural Resources or Natural Hazards; and

2. The unconstrained area in “1,” above, is equal to or greater than the Minimum Assured Development Area for the zone or zones in which the development site falls.

Exceptions to this requirement are lots created for public park purposes and privately- or publicly-owned lots completely contained within land zoned Conservation-Open Space. New Subdivisions and Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.

f. **Maintenance** - The limitations imposed by this Section do not preclude the routine maintenance of structures and landscaped areas.

1. Maintenance of lawns, non-native riparian planted vegetation and landscaping shall not expand lawn areas or remove or damage any non-hazardous tree. A lawn area is defined as a vegetated area mowed to 18 in. or less in height.

2. The application of herbicides or other pesticides, and the application of fertilizers are subject to applicable state and federal regulations; and developed properties shall be subject to the restrictions set forth in the Corvallis Municipal Code.

3. Where replanting is done, vegetation shall be replanted with native species or approved alternatives, with the exception of continued Agricultural Uses, as specified in Section 4.13.50.a.7.

4. Maintenance pruning of existing trees shall be kept to a minimum and shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree’s health, longevity, and resource functions.

5. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species.

6. Disposal of yard waste or other organic materials, with the exception of downed trees, leaf litter from Riparian Vegetation, and mulch for allowed riparian plantings, is:

   a) Prohibited within Highly Protected Riparian Corridors;

   b) Prohibited within 25 ft. of the Top-of-bank within Partially Protected Riparian Corridors; and

   c) Regulated by restrictions in the Corvallis Municipal Code.

g. **Exemptions** - When performed under the direction of the City, and in compliance with the provisions of the Stormwater Master Plan, the following activities shall be exempt from the provisions of this Chapter:

1. Response to public emergencies, including emergency repairs to public facilities; and

2. Routine maintenance or replacement of existing public facilities.

Section 4.13.60 - USE LIMITATIONS AND EXCEPTIONS WITHIN PARTIALLY PROTECTED RIPARIAN CORRIDORS

In addition to the requirements of the underlying zone, the following limitations and exceptions shall apply to activities within Partially Protected Riparian Corridors, as mapped on the City's Riparian Corridors and Wetlands Map. Unless noted otherwise, the regulations shall apply within 25 ft. of the Top-of-bank of the identified riparian feature:

a. **Removal of Vegetation** - Removal of vegetation from Riparian Corridors is prohibited, except for the purposes outlined in Section 4.13.50.a.

b. **Building, Paving, and Grading Activities** - The placement of structures or impervious surfaces, and grading, excavation, and the placement of fill, are prohibited except as stated below. Exceptions to these restrictions may be made for the purposes identified in items 1-2 of this section, provided they are designed and constructed to minimize adverse impacts to the Riparian Corridor area.

1. <u>Replacement or Relocation of Existing Buildings</u> - Replacement or relocation of existing buildings, either within the building's original footprint, or with the same or reduced square footage area elsewhere on the site. A relocation of an existing building within the same square footage area, but located elsewhere on the site, is only allowed if the relocation of the building

enhances Stormwater, and Floodplain Functions. Under no circumstances shall a relocated building be located within 15 ft. of Top-of-bank.

Alterations of structures along the Willamette River may be subject to the Willamette River Greenway Conditional Development Permit requirements in Chapter 2.3 - Conditional Development and Chapter 3.30 - Willamette River Greenway (WRG) Overlay.

The relocation shall be considered to enhance Stormwater, and Floodplain Function if it furthers any of the following goals without worsening any other goal:

a) Replaces standard construction with Flow-through Design construction, if the building is within the 100-year Floodplain;

b) Moves the structure to a higher elevation;

c) Moves the structure further from the Top-of-bank of the adjacent water body;

d) Reduces the amount of impervious surface area in the Riparian Corridor; and

e) Does not negatively impact non-noxious Riparian Vegetation. Invasive, and/or Noxious Vegetation is defined in Chapter 1.6 - Definitions.

2. Exceptions as outlined in sections 4.13.50.b.2 through 4.13.50.b.7.

c. Residential Setback Reduction -

1. The following setback reductions are allowed for property zoned Low Density Residential and containing Partially Protected Riparian Corridors. The setback reductions shall apply to:

a) Redevelopment in which all structures are removed from the 25-ft. setback/buffer area; and

b) New development on vacant properties in which no structures are placed within the 25-ft. buffer area.

2. Under the circumstances in “1,” above, setbacks may be reduced as outlined in “a,” through “c,” below. However, the setback for front-loading garages shall remain at 19 ft.

   a) 10 ft. for front and side yard setbacks;

   b) Five ft. for an interior side yard; and

   c) 10 ft. for an exterior side yard.

d. **Re-vegetation of Streambanks** - Re-vegetation of streambanks shall be as outlined in Section 4.13.50.d, except that streambank vegetation is required within the first 25 ft. from the Top-of-bank, instead of the first 30 ft.

e. **Compliance with Some Use Limitations and Exceptions for Highly Protected Riparian Corridors and Riparian-related Areas** - Compliance is required with sections 4.13.50.e through 4.13.50.g of Section 4.13.50 - Use Limitations and Exceptions for Highly Protected Riparian Corridors and Riparian-related Areas.

Section 4.13.70 - DRAINAGEWAY TRACTS, EASEMENTS, AND DEDICATIONS

Section 4.13.70.01 - Overview

a. **Impacts of Development** - Development can have a number of impacts on the drainage system and its associated water quality. These potential impacts include, but are not limited to:

1. Increases in the amount and velocity of surface water runoff;

2. Decreases in the time for stormwater destined for drainageways to reach peak flow;

3. Increases in the frequency and velocity of floods;

4. Channel incision and widening;

5. Increases in water temperature; and

6. Increases in the quantity and types of pollutants that may enter drainageways.

b. Minimizing Impacts of Development -

1. The drainageways within the City are intended to function as a wholistic natural system that includes both Fish-bearing Streams and other Streams whose flow is recognized to have direct impacts on these Fish-bearing Streams. The City intends to manage stormwater from development in a manner that maintains or improves the Properly Functioning Conditions of the Streams utilized for stormwater discharge.

2. Requiring of Easements -

   a) Reasons for Requiring Easements -

      1) To ensure that negative impacts to the system in "a," above, are minimized;

      2) To accommodate and maintain the natural hydrological functions and processes; and

      3) To provide and maintain adequate stormwater facilities.

   b) When the Granting of an Easements is Required -

      1) For new development, expansion of existing development, or redevelopment proposed on land abutting or containing an open, natural drainageway.

      2) The granting of this easement shall be under the conditions described in Section 4.13.70.02, below, over lands suitable for conveying storm waters and for maintaining and operating an effective open drainageway system.

3. The easement required by "2," above, is intended to satisfy the purposes cited in Section 4.13.10, as well as the stormwater management purposes identified in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions; and shall be reviewed and approved by the City Engineer or Floodplain Administrator or designee, as appropriate.

Section 4.13.70.02 - Easements, Easement Restrictions, Dedications, and Easement Widths

a. Easement - An easement shall be required when:

1. Development is proposed on a vacant parcel or a partially developed parcel, and the amount of impervious surface on the parcel resulting from new development and/or redevelopment occurring after December 31, 2004, would cumulatively equal or exceed 20 percent of the total area of the parcel. The effects of new development and/or redevelopment shall be cumulative from December 31, 2004, and when the net effect of one or more changes results in 20 percent impervious coverage or more, an easement shall be required; or

2. A parcel of land is divided into two or more parcels, whether by Land Partition or Subdivision.

b. Easement Restrictions - The easement shall contain sufficient restrictions on the use of the area to satisfy the purposes cited in Section 4.13.10 above. Restrictions shall apply to structural improvements, regrading, filling, and alteration of existing vegetative cover, as specified on an easement document provided by the City Engineer. Trees that fall within riparian easement areas are not to be removed, unless they are a hazard, or unless they would create flooding that would cause structural damage.

c. Dedications - The City will strongly consider accepting voluntary drainageway dedications provided:

1. Public maintenance of the drainageway is anticipated or public ownership will enhance protection of the resource or maintenance of Stormwater Functions;

2. Dedication of the drainageway area does not create substandard lot size, substandard building setbacks, or otherwise reduce applicable development standards to the point that would render the existing development Nonconforming;

3. The methodologies for determining width described in subsection “d,” are utilized; and

4. The land to be dedicated is placed in a separate tract through the Land Division process.

d. **Easement Widths** - When an easement is required, the appropriate width shall be as described in "1," through "5," below. However, in no case shall riparian easements include areas containing existing buildings that are intended to remain, nor shall easements include development area assured under "4," below.

For areas with Riparian Corridors, as designated on the City's Riparian Corridors and Wetlands Map, the associated easement width and requirements shall be as follows:

1. Measurement and Separate Tract - Easement areas shall be measured from Top-of-bank, as indicated from a submitted topographic survey, and shall be placed in a separate tract.

2. Easement Width - When an easement is required, the appropriate width shall be as outlined in Table 4.13-2 - Easement Width, except as modified by the provisions in "3," through "5," below.

Table 4.13-2
Easement Width

Riparian Corridor Areas Mapped on the Riparian Corridors and Wetlands Map	Required Easement Area --To be Placed in Separate Tracts
All Partially Protected Stream Corridors	Drainage channel + 25 ft. from Top-of-bank; or The boundary of the 0.2-ft. Floodway, whichever is greater[2]
Highly Protected Riparian Corridors along the Willamette and Mary's Rivers	Drainage channel + 75 ft. from Top-of-bank; or The boundary of the 0.2- ft. Floodway, whichever is greater[2]
All other Highly Protected Riparian Corridors	Drainage channel + 50 ft. from Top-of-bank; or The boundary of the 0.2-ft. Floodway, whichever is greater[2]
Note: The area between the outer edge of the easement boundary and the outer edge of the Riparian Corridor is regulated by sections 4.13.50 and 4.13.60.	

[2] Exceptions for select existing structures located between the 1.0-ft. Floodway and the 0.2-ft. Floodway are outlined in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

3. If the 0.2-ft Floodway boundary, as determined by maps on file with the Floodplain Administrator or designee, extends beyond the required width as specified in “2,” above, additional easement width shall be provided as needed to encompass the Floodway.

4. If, through the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA), it is determined that encroachment into a Riparian Corridor area is necessary to allow for utilization of the Minimum Assured Development Area, any associated easement requirement shall be relaxed to the extent necessary to allow for the minimum necessary encroachment into the resource area.

5. Easement widths wider than required in “2," above, may be accepted to cover the full Riparian Corridor, as determined per Section 4.13.40.a.1.

Section 4.13.80 - STANDARDS FOR PROPERTIES WITH WETLANDS

a. The City’s Riparian Corridors and Wetlands Map identifies two types of Wetlands within the City -

1. Locally Protected Wetlands; and

2. Non-locally Protected Wetlands.

b. All Wetlands are identified in the City’s adopted Local Wetlands Inventory Map. The Inventory includes all Wetlands within the Urban Growth Boundary that are at least 0.5 ac. in size, whether isolated, within Riparian Assessment Areas, or within wildlife habitat assessment areas.

c. The methodology for identifying the Wetlands was taken from the Oregon Department of State Lands’ (DSL) Administrative Rules. The Oregon Freshwater Assessment Methodology (OFWAM) was utilized to assess whether or not a Wetland met the state criteria for a Locally Significant Wetland (LSW). Once a list of Locally Significant Wetlands is identified, a local jurisdiction is able to apply additional local regulations to those LSWs, if it is deemed appropriate.

d. The City Council determined that a number of the identified LSWs should be locally protected. The identified Locally Protected Wetlands (LPW), on the City's Riparian Corridors and Wetlands Map, represent the Wetlands which are to receive local protection. The Locally Protected Wetlands consist of:

1. Locally Significant Wetlands of Special Concern; and

2. Locally Protected Locally-significant Wetlands.

e. The Locally Significant Wetlands of Special Concern are Wetlands that are especially worthy of protection due to Oregon Freshwater Assessment Methodology (OFWAM) factors such as the presence of known habitat for rare, threatened, and endangered species. Non-locally Protected Wetlands are mapped on the City's Local Wetlands Inventory Map, but are not subject to local regulations beyond state and federal requirements.

4.13.80.01 - Use Limitations and Exceptions Within Locally Protected Wetlands

a. In addition to the requirements of the underlying zone, the limitations and exceptions in "b," through "e," below, shall apply to -

1. Activities within Locally Protected Wetlands (LPWs) as shown on the City's Riparian Corridors and Wetlands Map; and

2. The associated 25-ft. setback/buffer area described in Section 4.13.40.b.1.b, unless a delineation results in a different boundary.

b. Removal of Vegetation - Removal of vegetation from Locally Protected Wetlands is prohibited, except for the following purposes:

1. Wetland restoration and enhancement programs approved by the Department of State Lands; and

2. Activities outlined in sections 4.13.50.a.2, 4.13.50.a.3, 4.13.50.a.5 through 4.13.50.a.8, and 4.13.50.a.10.

c. **Building, Paving, and Grading Activities** - Within LPW areas, the placement of structures or impervious surfaces, as well as grading, excavation, and the placement of fill, is prohibited, except as outlined below. Exceptions to the LPW restrictions may be made for the purposes identified

in “1,” and “2,” below, provided they are designed and constructed to minimize adverse impacts to Wetland Functions.

1. Replacement of existing buildings with buildings located within the original building footprint, provided replacement does not disturb additional surface area within the Wetland area. Vertical additions may be added to these structures if they do not disturb additional surface area within the Wetland area.

2. Activities outlined in sections 4.13.50.b.2, 4.13.50.b.5, and 4.13.50.b.6.

d. Compliance with Some Use Limitations and Exceptions for Highly Protected Riparian Corridors and Riparian-related Areas - Compliance is required with sections 4.13.50.e through 4.13.50.g of Section 4.13.50 - Use Limitations and Exceptions for Highly Protected Riparian Corridors and Riparian-related Areas.

e. Department of State Lands and US Army Corps of Engineers Notification Required - In addition to the restrictions and requirements of this Section, all proposed development activities within any Wetland are also subject to Oregon Department of State Lands (DSL) and US Army Corps of Engineers standards and approval. Where there is a difference, the more restrictive regulation shall apply. In accordance with ORS 227.350, as amended, the applicant shall be responsible for notifying DSL and the Corps of Engineers whenever any portion of any Wetland is proposed for development.

No application for development will be accepted as complete until documentation of such notification is provided. Additionally, no site development permits, such as Grading and Excavation Permits, Public Improvements by Private Contract Permits (PIPC), and Building Permits, shall be issued until the City has received verification of DSL and Corps of Engineers approval for development on the subject site.

4.13.80.02 - Procedures for Non-locally Protected Wetlands

<u>Department of State Lands and US Army Corps of Engineers Notification Required</u> - In addition to the restrictions and requirements of this Section, all proposed development activities within any Wetland are also subject to Oregon Department of State Lands (DSL) and US Army Corps of Engineers standards and approval. Where there is a difference, the more restrictive regulation shall apply. In

accordance with ORS 227.350, as amended, the applicant shall be responsible for notifying DSL and the Corps of Engineers whenever any portion of any Wetland is proposed for development.

No application for development will be accepted as complete until documentation of such notification is provided, and no site development permits, such as Grading and Excavation Permits, Public Improvements by Private Contract Permits (PIPC), and Building Permits, shall be issued until the City has received verification of DSL and Corps of Engineers approval for development on the subject site. Non-locally Protected Wetlands are shown on the City's Local Wetlands Inventory Map.

4.13.90 - MAP REFINEMENTS

4.13.90.01 - Map Refinements Defined - Map Refinements are adjustments made through professional analyses to refine the actual boundaries of some Natural Resources and Natural Hazards. Map Refinements must be made in accordance with the provisions in Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. The Map Refinements governed by this chapter are specifically allowed to determine the location and extent of the:

a. Top-of-bank of Streams and rivers;

b. Riparian Corridors, once Top-of-bank is accurately determined; and

c. Wetlands, through delineations approved by the Oregon Department of State Lands.

4.13.90.02 - Map Refinements Provisions -

Map Refinement provisions for Top-of-bank, and Riparian Corridor and wetland boundaries are outlined below. Map Refinement provisions for the 0.2-foot Floodway, the 1.0-ft. Floodway, and the 100-year Floodplain are outlined in Chapter 4.5 - Floodplain Provisions. Map Refinement provisions for Landslide Hazard areas and slopes are outlined in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Map Refinements are also adjustments to resolve registration issues that may occur between different GIS layers or maps.

a. **Top-of-bank and Riparian Corridor Boundaries** - Riparian Corridor Boundaries and widths are as noted on the Riparian Corridors and Wetlands Map. They are measured with respect to Top-of-bank. The precise Top-of-bank is determined in the field by a licensed civil engineer. The civil engineer

determines the location of Top-of-bank using two-ft. contour intervals and using the methodology cited in the definition for Top-of-bank in Chapter 1.6 - Definitions. The two-ft. contour intervals must be surveyed by a licensed surveyor or civil engineer. The outer bounds of the Riparian Corridors is determined by measuring from the precise location of Top-of-bank, using the widths specified on the Riparian Corridors and Wetlands Map. The boundaries must then be surveyed by a licensed surveyor or civil engineer and mapped using two-ft. contours.

b. **Wetland Boundaries** - Wetland boundaries must be determined by one of the following two methods:

1. Using the Corvallis Local Wetland Inventory Map, in which case a 25-ft. setback/buffer must be added to the upland edge of the wetland; or

2. Using an established and unexpired wetland delineation accepted and approved by the Department of State Lands (DSL), in which case, no setback/buffer is required from the upland edge of the wetland.

4.13.90.03 - Map Refinement Procedures -

Adjustments to maps consistent with the provisions of Section 4.13.90.01 and Section 4.13.90.02, above, are considered to be Map Refinements and may be Ministerially adjusted on the relevant maps, with no land use process required other than a demonstrated adherence to the provisions of Section 4.13.90.01 and Section 4.13.90.02.

4.13.100 - MAP CORRECTIONS

No Zone Change or Comprehensive Plan Map Amendment shall be required to accomplish Map Corrections approved in accordance with the provisions outlined in this Section.

a. Decisions regarding Map Correction requests shall be made by the Community Development Director, as specified in Section 4.13.100.01 and Section 4.13.100.02, below. Upon approval of a Map Correction request, the Director shall ensure that changes are reflected in the City's affected maps and databases. Notice of such Map Correction shall be provided to decision-makers as outlined in Section 4.13.100.b, below

b. When requests for five Map Corrections on any Natural Hazard or Natural Resource for which a Map Correction is allowed have been submitted to and decided upon by the Community Development Department Director, or approximately twice a year,

whichever is sooner, the Map Correction requests shall be summarized in an informational memo for decision-makers so that they may review them for tracking purposes in accordance with Comprehensive Plan Policy 4.2.6. This memo shall be shared with the Corvallis Planning Commission and City Council for Map Correction requests on lands within the City limits; and with the Corvallis and Benton County Planning Commissions, the Corvallis City Council, and the Benton County Board of Commissioners for Map Correction requests on lands within the Urban Fringe.

4.13.100.01 - Map Corrections Defined

A Map Correction is not the type of adjustment described in the Map Refinement provisions of Section 4.13.90 above. A Map Correction is, however, an actual correction to maps referencing Natural Hazards or Natural Resources other than Significant Vegetation areas, where it is found that the map depiction does not reflect the Natural Features Inventory. As the Natural Features Inventory (NFI) was the basis for developing the City's maps that reference Natural Hazards and Natural Resources, a correction to the NFI for Natural Hazards or Natural Resources other than Significant Vegetation areas could result in a correction to the related maps. These maps include the Comprehensive Plan Map, Local Wetlands Inventory Map, Official Zoning Map, Natural Hazards Map, or Riparian Corridors and Wetlands Map.

Map Correction provisions for Riparian Corridor widths and Wetland boundaries are outlined below. There are no Map Correction provisions for the 100-year Floodplain, since corrections are accomplished through the Map Refinement provisions in Chapter 4.5 - Floodplain Provisions. Map Correction provisions for Landslide Hazards are outlined in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

a. **Riparian Corridor Widths** - Riparian Corridor boundaries may be refined through the Map Refinement procedures outlined in Section 4.13.90, above. Riparian Corridor widths used to determine the boundaries were developed using information from the Natural Features Inventory regarding the amount of acres drained within specified areas, and then appropriate corridor widths were applied to the Riparian Corridors and Wetlands Map. The relationship between the areas drained and the different Riparian Corridor widths is contained in Table 4.13-1 - Base Riparian Corridor Widths. If an error is discovered in the mapping portrayal of the information contained within the Natural Features Inventory, a Mapping Correction may be requested.

b. **Wetland Boundaries** - Wetland boundaries may be refined through the Map Refinement procedures outlined in Section 4.13.90, above. However, if it can be scientifically demonstrated that an error exists in the translation of the Natural Features Inventory Information to the associated City Maps, then a Mapping Correction may be requested.

4.13.100.02 - Map Corrections Procedures -

a. **Riparian Corridor Widths** - Map Correction requests to Riparian Corridor widths indicated by the mapping portrayal of the information contained within the Natural Features Inventory shall be accomplished as outlined in this Section.

If a property owner or property owner's legal representative provides the Community Development Department Director with the items listed in "1," below, a request to revise the Riparian Corridor width indicated on the Riparian Corridors and Wetland Map and other affected maps may be considered as outlined in "2," and "3," below.

1. Documents identifying the specific reach of Riparian Corridor in question, and the specific information in the Natural Features Inventory that the property owner believes has not been accurately translated to the Riparian Corridors and Wetlands Map and related other City maps.

2. If review of the items in "1," above indicate that a mapping error has occurred, then the Director shall ensure that the appropriate changes are made to correct the Riparian Corridors and Wetlands Map and other affected maps and databases.

3. To approve a Map Correction request, the Director must find that the Natural Features Inventory contains information for the specific Riparian Corridor reach in question that is different from that indicated by the Riparian Corridor Width on the Riparian Corridor and Wetlands Map. The appropriate Riparian Corridor widths are as noted in Table 4.13-1 - Base Riparian Corridor Widths.

b. **Wetland Boundaries** - Map Correction requests for Wetland boundaries indicated on the Riparian Corridors and Wetlands Map and other affected maps shall be accomplished as outlined in this Section.

If a property owner or property owner's legal representative provides the Community Development Department Director with the items listed in "1," below, a request to revise the Wetland boundaries indicated on the Riparian Corridors and Wetland Map and other affected maps may be considered as outlined in "2," and "3," below.

1. Documents that identify information contained within the Natural Features Inventory and an explanation of how the property owner believes that the information has not been accurately translated to the Riparian Corridor and Wetlands Map and other City maps. The documents shall identify the specific wetland in question and demonstrate that an error exists.

2. If review of the items in "1," above, indicate that a mapping error has occurred, then the Director shall ensure that the appropriate changes are made to correct the Riparian Corridors and Wetlands Map and other affected maps and databases.

3. To approve a Map Correction request, the Director must find that an error exists in the translation of the Natural Features Inventory Information to the associated City Maps.

CHAPTER 4.14
LANDSLIDE HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS

Section 4.14.10 - PURPOSES - LANDSLIDE HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS

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

a. Protect human life, health, and property;

b. Reduce damage and loss of life from the Natural Hazards of steep slopes, landslide risk areas, and landslide-related risk areas;

c. Implement the landslide hazard and hillside development requirements of Statewide Planning Goal 7 - which relates to Areas Subject to Natural Disasters and Hazards;

d. Implement the landslide hazard and hillside provisions in Article 4 of the Comprehensive Plan; and

e. In order to assist in the furtherance of these purposes, where not required, creation of open space tracts is encouraged within areas designated as Natural Resources or Natural Hazards on the Comprehensive Plan and Official Zoning Maps.

Section 4.14.20 - APPLICABILITY

4.14.20.01 - Natural Hazards that are Subject to this Chapter

a. These provisions apply to:

1. Areas with slopes equal to or greater than 10 percent;

2. High landslide risk areas;

3. Existing landslide areas; and

4. Landslide debris run-out areas.

b. Mapping of Natural Hazards -

1. <u>Natural Hazards Map</u> - The Natural Hazard areas in “a,” above, are mapped on the Corvallis Natural Hazards Map.

2. <u>Exclusion of Corvallis Fault Line and Liquifaction Soils</u> - Hazards associated with the Corvallis Fault Line and liquefaction soils are not addressed as part of this Code. Hazards associated with the Corvallis Fault Line, and with fault lines in general, are difficult to anticipate. This is in part because the Fault has not been precisely mapped and

in part because other faults may exist in the area which are not yet known. The hazards posed by liquefaction soils can be addressed by the application of more stringent building construction requirements. However, the City will have a map(s) available for informational purposes to show the approximate location of the Corvallis Fault Line and the location of liquefaction soils. These hazards may need to be addressed per the requirements of the adopted Building Code and/or per the recommendations of geologic studies, etc.

4.14.20.02 - Coordination with Building Codes and Greater Restrictions

a. **Coordination with Building Codes** - Pursuant to the requirement established in ORS 455 that the City of Corvallis administers and enforces the State Building Codes, the City Council of the City of Corvallis does hereby acknowledge that the State Building Codes contain certain provisions that apply to the design and construction of buildings and structures located in landslide hazard and hillside areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the State Building Codes.

b. **Greater Restrictions** - This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

4.14.20.03 - Exceptions

Chapter 4.11 - Minimum Assured Development Area (MADA) explains how Minimum Assured Development Area (MADA) is determined. If the application of Natural Hazard regulations outside prohibited areas, or if the cumulative impact of such Natural Hazard regulations and the application of the regulations in this chapter, Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions would limit the developable portion of a property below the property's MADA, then development will be allowed on the property, to the degree necessary to achieve the MADA, as explained in Chapter 4.11 - Minimum Assured Development Area. However, development is prohibited in certain areas, regardless of MADA, as outlined in Section 4.11.50.05 of Chapter 4.11 - Minimum Assured Development Area.

Section 4.14.30 - DISCLAIMER OF LIABILITY

The degree of Natural Hazard protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger hazard events can and will occur on rare occasions. Landslide risks may be increased by man-made or natural causes. Areas impacted by other Natural Hazards may differ from those shown on the Corvallis Natural Hazards Map. This Chapter does not imply that land

outside the landslide hazard areas or Uses permitted within such areas will be free from landslides, nor does it imply that land outside of mapped hazard areas will be free from damage or earth movement in a hazard event. This Chapter shall not create liability on the part of the City of Corvallis, any officer or employee thereof, or the Federal Insurance Administration, for any hazard damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder. Compliance with the minimum standards established by this Chapter is not intended to relieve any private party from liability for the design or construction of development which causes damage or injury by aggravating an existing and known hazard.

Section 4.14.40 - PROCEDURES

Compliance with the provisions of this Chapter shall be determined through the development review processes identified in Section 1.2.110 of Chapter 1.2 - Legal Framework. Applications for Excavation and Grading Permits, Building Permits or other permits for structures on sites containing the Natural Hazard areas, as defined in Section 4.14.20, shall be submitted and reviewed to ensure compliance with specifications referenced herein; and to ensure that development is reasonably safe from anticipated hazards. Such applications for Excavation and Grading Permits, Building Permits or other permits for structures also include those needed for Manufactured Dwellings. Other development activities as described in this provision include, but are not limited to, mining, dredging, filling, grading, paving, and excavating.

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

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

1. A site plan showing the proposed development on the site, drawn to a standard scale and including an illustrated scale for use in reductions;

2. Location of all proposed infrastructure necessary to serve the proposed development. Such infrastructure includes streets, driveways, water, sanitary sewer, and storm drainage;

3. Land uses within 300 ft. of the subject property;

4. Title block;

5. North arrow and bar scale;

6. Date(s) of field check(s);

7. A grading plan, if grading is to occur, showing existing and finished contours on the site, at two- ft. contour intervals;

8. Sources of information, such as national, state, or local soil survey maps; and City maps such as Comprehensive Plan and Zoning Maps, the Natural Hazards Map, the Significant Vegetation Map, the Riparian Corridors and Wetlands Map; and date and scale of aerial photos, etc.; and

9. Any other submittal requirements identified for development in areas with specific Natural Hazards, as specified in Sections 4.14.50, 4.14.60, and 4.14.70.

[Section 4.14.40 amended by Ordinance 2012-17, effective December 13, 2012]

Section 4.14.50 - STANDARDS FOR DEVELOPMENT IN STEEPLY SLOPED AREAS

4.14.50.01 - Purposes - Steeply Sloped Areas Provisions

It is the purpose of these regulations to:

a. Provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner that protects:

1. The natural and topographic character and identity of these areas;

2. Environmental resources;

3. The aesthetic qualities and restorative value of lands; and
4. The public health, safety, and general welfare;

b. Accomplish “a,” above, by ensuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring; and

c. Encourage development that is responsive to natural topography and allows for a reasonable use that complements the natural and visual character of the City.

4.14.50.02 - Applicability

Steeply sloped areas are identified on the Corvallis Natural Hazards Map. The Natural Hazards Map provides information regarding the location of steep slopes on property within the Corvallis Urban Growth Boundary.

a. The following standards regulate development on areas with slopes of 15 percent or greater, which are slopes identified as having a significant hazard potential;

b. In addition to these regulations, the Hillside Development standards in Section 4.14.70 apply to development in areas with slopes of 10 percent or greater; and

c. No portion of this Code shall preclude the Building Official's authority to require geotechnical reports and other analyses, as deemed necessary, and in compliance with the City's currently adopted Oregon Structural Specialty Code. All construction in these areas shall be subject to currently adopted Oregon Structural Specialty Code requirements.

4.14.50.03 - Topographic Mapping Requirements

Applications for development on properties containing areas of 15 percent slope or greater, as indicated on the Natural Hazards Map, shall include a topographic map of the development site showing two-ft. contour intervals for the entire site. This information can be obtained from the Natural Hazards database, or the applicant may submit a topographic survey prepared and stamped by a licensed surveyor or civil engineer. In either case, the topographic map shall include the following information:

a. The topographic map shall differentiate between the following slope increments:

1. equal to, or greater than 35 percent;

2. equal to, or greater than 25 percent, but less than 35 percent; and

3. equal to, or greater than 15 percent, but less than 25 percent.

b. The topographic map shall also indicate the location of all existing and proposed improvements on the development site, including existing and proposed structures; driveways, parking areas, and other impervious surface areas; and proposed retaining walls. The topographic map shall also generally indicate the location of existing trees and landscaping on the development site.

4.14.50.04 - Site Assessment

a. Site Assessments are required:

1. In conjunction with development proposals on areas with slopes of 15 percent or more; and

2. For development in Landslide Hazard areas, as stipulated in Section 4.14.60 of this Code;

b. The Site Assessment is an overview of site conditions, as well as a professional evaluation of whether or not additional studies are needed prior to development on a property. The Site Assessment shall be completed and stamped by either a Certified Engineering Geologist or by a Licensed Civil Engineer, licensed in the Specialty of Geotechnical Engineering. At a minimum, the Site Assessment shall include the following elements:

1. A field investigation of the site and vicinity;

2. A discussion of geologic hazards, if any;

3. Suitability of the site for proposed development, from a geologic standpoint;

4. If applicable, discussion of any unusual or extreme geologic processes at work on the site, such as rapid erosion, Landslide Hazard, flood hazard, rockfall, subsidence, debris run-out, or other features;

5. A list of any geologic hazards that may affect the proposed land use, including slope stability, debris flow, flooding, topography, erosion hazard, shallow groundwater, springs, expansive soils, subsidence, fault rupture, or any other geologic hazard discovered by the investigation;

6. If applicable, an identification of any areas of the site recommended to be avoided for human-occupied structures;

7. If necessary, identification of mitigation measures needed to address any anticipated geologic problems;

8. A discussion regarding the need for follow-up studies that should be conducted, such as engineering geotechnical reports, additional subsurface exploration, or more extensive soil reports; and

9. Feasibility of the site for the proposed development.

4.14.50.05 - Geotechnical (Soils Engineering) Report Requirements

a. Geotechnical Reports are required:

1. In conjunction with development proposals in areas with slopes of 25 percent or greater;

2. When called for by a Site Assessment Report, in conjunction with development proposals in Landslide Hazard areas as stipulated in Section 4.14.60 of this Code; or

3. At the discretion of the Building Official.

b. A Geotechnical Report is intended to include:

1. Data regarding the nature, distribution and strength of existing soils;

2. Conclusions and recommendations for grading procedures;

3. Design criteria for corrective measures, including buttress fill, when necessary; and

4. Opinion on the adequacy of the development site for the intended use considering the proposed grading in relation to soils engineering factors, such as slope stability.

c. When a Geotechnical Report is required by this Code, it shall comply with the requirements for such reports, as prescribed in the Development Services Division's document, once developed, to be entitled "Geotechnical Report Requirements."

d. It is the responsibility of the geotechnical engineer to provide a report and appropriate design recommendations for existing site conditions and the proposed development. The Geotechnical Report shall be completed and stamped by a Licensed Civil Engineer, licensed in the Specialty of Geotechnical Engineering by the Oregon State Board of Engineering Examiners.

4.14.50.06 - Standards for Areas with Slopes Equal to or Greater than 35 Percent

Generally, development in these areas is strongly discouraged due to concerns with safety, ground movement, slope stability, high levels of cut and fill, and hydrological and erosion impacts. However, very limited development, as described and regulated in "a," through "e," below, may occur in areas with slopes equal to or greater than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the

topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

a. **Development on Units of Land Legally Created prior to December 31, 2006** - For units of land that were legally created prior to December 31, 2006, and are ½ acre or less in size, development may occur within areas containing slopes of 35 percent or greater. Although properties developed under this exception are not required to qualify for MADA, encroachment into areas with slopes of 35 percent or greater shall not exceed the area that would be allowed by MADA provisions based on the zoning and size of the property. Additionally, development shall comply with LDC Section 4.14.50 - Standards for Development in Steeply Sloped Areas, 4.14.60.04 - Required Indemnification and Release, and 4.14.70 - Hillside Development Standards.

b. **Development Limitations** - Streets, driveways, and utilities may be located on the specified slope areas only if it can be shown that passage through the steeply sloped area is the only viable route available to afford access to the developable portion of a property;

c. **Site Assessment and Geotechnical Report Required** - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, Floodplain Development Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed necessary by the site assessment report. Reports shall meet the criteria identified in sections 4.14.50.04 and 4.14.50.05. Development shall conform with all recommendations and requirements established by these required reports.

d. **Compliance with Hillside Development Standards** - Development shall comply with the Hillside Development Standards in Section 4.14.70.

e. **Tree Cutting Limitations** - No tree cutting is allowed on slopes equal to or greater than 35 percent, with the exception of the following:

1. <u>Removal of a Hazardous Tree</u> - Hazardous Trees are defined in Chapter 1.6 - Definitions. Hazardous Tree removal requests shall be consistent with Section 4.2.20.l;

2. Accommodation of development allowed under 4.14.50.06.a and/or b above; or

3. Accommodation of a public or private utility for which permits have been obtained.

4.14.50.07 - Standards for Areas with Slopes Equal to or Greater than 25 Percent, but less than 35 Percent

Development in these areas should be avoided, if feasible, due to concerns with safety, ground movement, slope stability, and erosion impacts. However, the following standards shall apply for development in areas with slopes equal to or greater than 25 percent, but less than 35 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of the topographic map, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

a. **Site Assessment and Geotechnical Report Required** - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, Floodplain Development Permits, and Building Permit submittals, shall be accompanied by a site assessment, geotechnical report, and any other report deemed necessary by the site assessment report. Reports shall meet the criteria identified in sections 4.14.50.04 and 4.14.50.05. Development shall conform with all recommendations and requirements established by these required reports.

b. **Compliance with Hillside Development Standards** - Development shall comply with the Hillside Development Standards in Section 4.14.70.

4.14.50.08 - Standards for Areas with Slopes Equal to or Greater than 15 Percent, but less than 25 Percent

Development in these areas should be carefully evaluated, due to concerns with safety, ground movement, slope stability, and erosion impacts. The following standards shall apply for development in areas with slopes equal to or greater than 15 percent, but less than 25 percent. These standards are applicable only to the specific portions of a site which contain the specified slopes, as indicated on a topographic survey. If an applicant demonstrates, by submittal of a topographic survey, that development on a property can be accommodated without encroachment into the specified slope areas, then the following standards do not apply.

a. **Site Assessment Required** - Applications for development on the specified slope areas, including land use applications, Public Improvements by Private Contract Permits (PIPC), Excavation and Grading Permits, Floodplain Development Permits, and Building Permit submittals, shall be accompanied with a Site Assessment which meets the criteria identified in Section 4.14.50.04. If the Site Assessment identifies the need for a Geotechnical Report, or other reports, those reports shall be submitted with the application for development and shall be consistent with the requirements of Section 4.14.50.05. Development shall conform

with all recommendations and requirements established by any and all required reports.

b. **Compliance with Hillside Development Standards** - Development shall comply with the Hillside Development Standards in Section 4.14.70.

[Section 4.14.50 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.14.60 - STANDARDS FOR DEVELOPMENT IN LANDSLIDE HAZARD AREAS

4.14.60.01 - Purposes - Standards for Development in Landslide Hazard Areas

It is the purpose of these regulations to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to mitigate potential impacts from landslides in Corvallis. Landslide Hazard areas include High Landslide Risk areas, Existing Landslide areas, and Landslide Debris Runout areas. These areas are mapped on the Natural Hazards Map. The following regulations shall apply to development and other activities in identified Landslide Hazard areas.

4.14.60.02 - Applicability

Except as provided under Section 4.14.60.03, below, no person shall engage in any of the following regulated activities within the Landslide Hazard areas designated on the Corvallis Natural Hazards Map. Development inside of the 500-ft. buffer of the Landslide Hazard areas, but outside of the Landslide Hazard areas, is not subject to the provisions in Sections 4.14.60.03 and 04, unless deemed necessary by the City's Building Official.

a. Excavation;

b. Fill;

c. Installation or construction of any accessory structure with a Building Code occupancy classification other than "U;"

d. Construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to this Code, or the adopted Building Code; and

e. Construction or expansion of utilities, streets, driveways, or other accessways.

4.14.60.03 - Site Assessment and Geotechnical Report Requirement

a. Applications for development within identified Landslide Hazard areas, or as deemed necessary by the City's Building Official, including land use applications, Excavation and Grading Permits, Floodplain Development Permits, Public Improvements by Private Contract Permits (PIPC), Building Permits, and any other development permits, shall include a Site Assessment and Geotechnical Report which meet the criteria identified in Sections 4.14.50.04 and 4.14.50.05. In addition to the items identified in Section 4.14.50.05, the Geotechnical Report shall specifically address the presence, characteristics, and precise location of the identified hazard(s) on the subject property which is/are depicted on the Natural Hazards Map. If other reports are called for by the Site Assessment, these reports shall also be submitted.

b. Prior to issuance of permits for any work on the development site, the Building Official and/or City Engineer shall review the submitted Site Assessment, Geotechnical Report, and any other required reports. Permits shall not be issued until the Building Official and/or City Engineer approve the required reports. Upon approval of these reports, permits for construction activities may be issued, if they are in accordance with the findings and recommendations of the reports. Site inspections and submitted permit materials shall demonstrate that all necessary measures recommended by the reports and by City staff are addressed in the construction process. In no case will permits be issued for development that would increase landslide risks on the development site, or upon neighboring properties, as indicated in the approved reports.

4.14.60.04 - Required Indemnification and Release

Prior to issuance of Building Permits for structures within Landslide Hazard areas, or as deemed necessary by the City's Building Official, the applicant shall sign an agreement, provided by the City, to indemnify and release the City from potential liability resulting from damage to life or property resulting from landslides. This indemnity and release shall be recorded with the property, and shall run with the land.

[Section 4.14.60 amended by Ordinance 2012-18, effective December 13, 2012]

Section 4.14.70 - HILLSIDE DEVELOPMENT STANDARDS

4.14.70.01 - Purposes

Hillside Development standards have been developed for the following purposes:

a. To plan development to fit the topography, soil, geology, and hydrology of hillsides;

b. To align the built surface infrastructure, such as streets and waterways, with the natural contours of terrain; and to minimize cutting and filling in developments;

c. To minimize soil disturbances and the removal of native vegetation, and to avoid these activities during winter months, unless impacts can be mitigated;

d. To encourage the design of developments and the utilization of construction techniques that minimize erosion and surface water runoff;

e. To balance a view of the hills with the view from the hills;

f. To provide or maintain landscaping that enhances the identified open space resources; and

g. To design developments that consider landscaping management that will minimize the threat of fire on improved property and the spreading of fire to wildland habitat.

4.14.70.02 - Applicability

Areas with slopes of 10 percent or greater are identified on the Natural Hazards Map. The following standards regulate development on areas with slopes of 10 percent or greater. In addition to these regulations, the Standards for Development in Steeply Sloped Areas in Section 4.14.50 apply to development in areas with slopes of 15 percent or greater. The Natural Hazards Map provides information regarding the location of slopes of 10 percent or greater on property within the Corvallis Urban Growth Boundary.

4.14.70.03 - Definitions

a. **Natural Hazards Map** - The Natural Hazards Map is based on recent aerial photography (2002) and provides a level of accuracy equivalent to two-ft. contour intervals. An applicant for development may contest the accuracy of the slope data on the Natural Hazards Map by providing a slope survey prepared and stamped by a licensed surveyor. The slope survey must show Natural Grade, prior to any site grading.

b. **Individual Lot Grading** - Grading done on an individual lot, in conjunction with the development of a building, or buildings, on the lot.

c. **Mass Grading** - Site grading done in anticipation of future development, prior to grading done to accommodate specific structures. Typically, grading for street and infrastructure improvements is done in conjunction with Mass Grading. For Subdivisions, Mass Grading is done after preliminary plat approval, but prior to application for Building Permits for individual lots.

d. **Eight-ft. Standard** - Restricts grade changes (cuts or fills) in excess of eight ft. on an individual lot or development site. Cut and fill is measured vertically from Natural Grade. In no case shall a combination of cut and fill in the same location exceed 16 ft.

e. **10- ft. Standard** - Restricts grade changes (cuts or fills) in excess of 10 ft. in an area where an exception to the Eight-ft. Standard is allowed. Cut and fill is measured vertically from Natural Grade. In no case shall a combination of cut and fill in the same location exceed 16 ft.

f. **12- ft. Standard** - Restricts grade changes (cuts or fills) in excess of 12 ft. in an area where an exception to the Eight-ft. Standard is allowed. Cut and fill is measured vertically from Natural Grade. In no case shall a combination of cut and fill in the same location exceed 16 ft.

4.14.70.04 - Grading Regulations

a. **Types of Grading** - The following regulations address two types of grading, both of which are defined in Section 4.14.70.03, above:

1. Mass Grading; and

2. Grading on Individual Lots.

b. **These regulations prescribe grading area limitations based on zoning and lot size, as set out in Sections 4.14.70.04.c.3 and 4.14.70.04.d.2 -**

1. On development sites where both Mass Grading and Individual Lot Grading are employed, Mass Grading and Individual Lot Grading must be contained within the same grading limitation areas. The amount of gradable area allowed, per lot, is the same under both standards. This means that when Mass Grading is employed, the area that is Mass Graded on an individual lot will be the area in which Individual Lot Grading is allowed, unless the Mass Graded area is less than the maximum gradable area allowed. In this case, additional area, up to the maximum allowed, can be graded at the time of Individual Lot Grading.

2. The remaining provisions of this Section in 4.14.70.04.c through 4.14.70.04.e, below, are organized as follows:

   a) Mass Grading Standards;

   b) Individual Lot Grading Standards; and

   c) Terracing Requirements and Design Standards.

3. Exceptions to these standards for streets may be allowed through the Planned Development process of Chapter 2.5 - Planned Development, or through the Capital Improvements Program process.

c. Mass Grading Standards - The following standards shall apply to development throughout the City of Corvallis:

1. Maximum Allowed Cut Depth and Fill Height - The following standards govern the maximum cut depth and fill height:

Site Characteristics	Maximum Cut Depth and Fill Height
No Extenuating Conditions	Eight-ft. Standard
One Extenuating Condition	10-ft. Standard only where allowed to work around extenuating condition
Two or more Extenuating Conditions	12-ft. Standard only where allowed to work around extenuating conditions

2. Extenuating Conditions - Exceptions to the Eight-ft. Standard for Mass Grading shall be based on the following specific extenuating conditions:

a) Street/Pedestrian Alignment - Additional Cut/Fill provides for the alignment of a necessary street or pedestrian connection. A necessary street or pedestrian connection is one which is needed to create a Block Perimeter of approximately 1,600 ft., or which is identified in an adopted City Master Plan document. A necessary street connection must comply with the slope standards in Section 4.0.60.k of Chapter 4.0 - Improvements Required with Development. Section 4.0.60.k stipulates that Arterial Streets shall not exceed a six percent grade, Collector and Neighborhood Collector Streets shall not exceed 10 percent, and Local and Local Connector Streets shall not exceed 15 percent. The width and overall extent of any street exceeding the Eight-ft. Standard shall be minimized, where feasible, to minimize grading impacts.

b) Significant Natural Feature - Additional cut/fill is necessary to protect a Significant Natural Feature, which is defined as a feature subject to a Natural Hazards (except slopes) and/or Natural Resource Overlay on the Comprehensive Plan Map,

or a Significant Tree, as defined in Chapter 1.6 - Definitions. In the case of a preserved tree, a certified arborist must find that the proposed cut/fill exception would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards.

c) Detention Facilities - To accommodate stormwater detention facilities where no other viable location exists on the site.

3. Grading Area Limitations - The following requirements apply to Mass Grading in areas with slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map:

a) Low and Medium Density Residential Development Zones -

Ultimate Lot Size of Tentatively Approved Subdivision/develop-ment within Low and Medium Density Residential Development Zones	**Mass Grading Regulations**
< or = 6,500 sq. ft.	Grading up to 100 percent of the lot area is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present.
> 6,500 sq. ft., but < 10,000 sq. ft.	Grading up to 6,500 sq. ft. of each lot is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present.
> or = 10,000 sq. ft.	No Mass Grading is allowed. See standards for Individual Lot Grading

b) Medium-high and High Density Residential Development Zones -

Medium-high and High Density Residential Development Zones	**Mass Grading Regulations:**
RS-12, RS-12U, RS-20, and MUR Zones	For development sites greater than 6,500 sq. ft. in size - Graded area shall not exceed 75 percent. The Eight-ft. Standard shall apply, unless extenuating conditions are present.

Medium-high and High Density Residential Development Zones	Mass Grading Regulations:
	For development sites less than or equal to 6,500 square ft. in size - Grading of up to 100 percent of the site is allowed. The Eight-ft. Standard shall apply, unless extenuating conditions are present.

c) Nonresidential Development Zones -

Nonresidential Zones	Grading Regulations
All Commercial and Industrial Development Zones, OSU Zone, C-OS, and AG-OS Zone	For development sites greater than 6,500 square ft. in size - Graded area shall not exceed 75 percent. The Eight-ft. Standard shall apply, unless extenuating conditions are present.
	For development sites less than or equal to 6,500 square ft. in size - Grading of up to 100 percent of the site is allowed. The Eight-ft. Standard shall apply, unless extenuating conditions are present.

d. Individual Lot Grading Standards - These standards are in addition to Section 4.14.70.04.c, above, and apply to lots which contain slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map.

1. Maximum Allowed Cut Depth and Fill Height - The following standards govern the maximum cut depth and fill height:

Extenuating Conditions	Maximum Cut and Fill Height
No Extenuating Conditions	Eight-ft. Standard
One Extenuating Condition	10-ft. Standard only where allowed to work around extenuating condition
Two Extenuating Conditions	12-ft. Standard only where allowed to work around extenuating conditions

Extenuating Conditions	Maximum Cut and Fill Height
If lot would otherwise be unbuildable	The least extensive cut and fill necessary, not to exceed the 12-ft. Standard, to reach the Minimum Assured Development Area, as defined by Chapter 4.11 - Minimum Assured Development Area (MADA).

a) Extenuating Conditions - Exceptions to the Eight-ft. Standard for Individual Lot Grading shall be based on the following specific extenuating conditions:

1) Street/Pedestrian Alignment - Additional Cut/Fill provides for the alignment of a necessary street or pedestrian connection. A necessary street or pedestrian connection is one which is needed to create a block perimeter of approximately 1,600 ft., or which is identified in an adopted City Master Plan document.

2) Significant Natural Feature: Additional cut/fill is necessary to protect a Significant Natural Feature, which is defined as a feature subject to a Natural Hazards (except slopes) and/or Natural Resource Overlay on the Comprehensive Plan Map; or a Significant Tree, as defined in Chapter 1.6 - Definitions. In the case of a preserved tree, a Certified Arborist must find that the proposed cut/fill exception would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards.

3) Maintain Driveway Slope - Additional Cut/Fill is necessary to allow for the construction of a driveway at a slope of 15 percent or less. It must be demonstrated, to the satisfaction of the Building Official, that other driveway alignments have been considered and are not feasible before additional Cut/Fill is authorized.

b) Locational Standards -

1) Within the portion of each lot within 50 ft. of the edge of public right-of-way, the combination of cuts and fills may not exceed 16 ft. from Natural Grade, as measured within a linear distance perpendicular from the edge of right-of-way to the 50-ft. boundary; and

2) All retaining walls must be located at least four ft. from any property line or easement line.

2. Gradable Area - In no case shall the cumulative impact of Mass Grading and Individual Lot Grading impact more site area on an individual lot than is allowed under the following standards:

a) Low and Medium Density Residential Development Zones -

Lot size within Low and Medium Density Residential Development Zones	**Grading Regulations**
< or = 6,500 sq. ft.	Grading up to 100 percent of the lot area is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.
> 6,500 sq. ft., but < 10,000 sq. ft.	Grading up to 6,500 sq. ft. of each lot is allowed. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.
> or = 10,000 sq. ft.	Grading area is limited to 6,500 sq. ft. + 25 percent of lot area over 10,000 sq. ft. Grading shall comply with the Eight-ft. Standard, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.

b) Medium-high and High Density Residential Development Zones -

Medium-high and High Density Residential Development Zones	Grading Regulation
RS-12, RS-12U, and RS-20 Zones	For development sites greater than 6,500 square ft. in size - Graded area shall not exceed 75 percent. The Eight-ft. Standard shall apply, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.
	For development sites less than or equal to 6,500 square ft. in size - Grading of up to 100 percent of the site is allowed. The Eight-ft. Standard shall apply, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.

c) Nonresidential Development Zones -

Nonresidential Development Zones	Grading Regulations
All Commercial and Industrial Development Zones, OSU Zone, C-OS, and AG-OS Zone	For development sites greater than 6,500 sq. ft. in size - Graded area shall not exceed 75 percent. The Eight-ft. Standard shall apply, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.
	For development sites less than or equal to 6,500 sq. ft. in size - Grading of up to 100 percent of the site is allowed. The Eight-ft. Standard shall apply, unless extenuating conditions are present. Grading must also comply with adopted Building Code standards.

e. Terracing Requirements and Design Standards - When a cut or fill, or combination thereof, exceeds eight ft. and is greater than a 25 percent slope, terracing shall be provided, as follows:

1. For cuts/fills between 8-10 ft., at least one terrace shall be provided between the two- and eight-ft. level, with a shelf no less than six ft. deep. The slope of the shelf may not exceed 20 percent.

2. For cuts/fills that are more than 10 ft., risers shall not exceed four ft. in height and shelves shall be a minimum of six ft. deep. The slope of the shelf may not exceed 20 percent.

3. Terraces shall be landscaped with a combination of ground cover plants and shrubs, planted with adequate coverage to stabilize soil in the terraced areas. Trees shall be required, at a minimum 30 ft. on-center spacing, to mitigate trees removed due to grading and to stabilize soil in the shelf area. Irrigation and maintenance for required landscaping shall be addressed as stipulated in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

4. Wall materials and landscaping shall be subject to final review and approval by the City Engineer and Community Development Director. Acceptable exterior wall materials include quarried stone, brick, concrete masonry, and similar quality materials. Additional flexibility shall be allowed for wall materials for retaining walls which are wholly internal to the development site, provided the materials and design meet Oregon Structural Specialty Code requirements. Retaining walls shall comply with all applicable Building Code requirements.

5. Exceptions to the terracing requirement may be allowed by the City Engineer and Community Development Director if the applicant demonstrates, with the submittal of a report from a certified arborist, qualified Stream scientist, or qualified wetlands scientist that potential impact to an existing Significant Tree or a Significant Natural Feature in the area of the cut and fill would be significantly reduced by an exception to the terracing requirement.

   A Significant Natural Feature is defined in Chapter 1.6 - Definitions. In the case of a preserved tree, a certified arborist must find that the proposed retaining wall treatment would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards, and that the Tree's continued growth will not adversely affect the structural integrity of the wall.

6. Per Chapter 2.12 - Lot Development Option, exceptions to the requirements in "1," through "5," above, may be granted through the Lot Development Option process, if the exceptions qualify as a Minor or Major Lot Development Option. The Lot Development Option may allow an increase in retaining wall height of up to 20 percent of the permitted height, or a reduction of shelf width of up to

20 percent of the required depth, subject to compliance with all Lot Development Option criteria in Section 2.12.30.06 of Chapter 2.12 - Lot Development Option.

4.14.80 - MAP REFINEMENTS

4.14.80.01 - Map Refinements Defined

Map Refinements are adjustments made through professional analyses to refine the actual boundaries of some Natural Resources and Natural Hazards. Map Refinements must be made in accordance with the provisions in Chapter 4.5 - Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. The Map Refinements governed by this chapter are specifically allowed to determine the location and extent of the:

a. Landslide Hazard areas; and

b. Slopes.

4.14.80.02 - Map Refinements Provisions

Map Refinement provisions for Landslide Hazard areas and slopes are outlined below. Map Refinement provisions for the 0.2-ft. Floodway, the 1.0-ft. Floodway, and the 100-yr. Floodway Fringe are outlined in Chapter 4.5 - Floodplain Provisions. Map Refinement provisions for Top-of-bank, Riparian Corridor, and Wetland boundaries are outlined in Chapter 4.13 - Riparian Corridor and Wetland Provisions. Map Refinements are also adjustments to resolve registration issues that may occur between different GIS layers or maps.

a. **Landslide Hazard Area Boundaries** - The precise locations of Landslide Hazard area boundaries are determined by one of the following two methods:

1. Site Assessments and/or Geotechnical Reports, as required per Section 4.14.60; or

2. Information provided by the Oregon Department of Geology and Mining Industries (DOGAMI), once it has been developed and finalized by DOGAMI.

If these areas are not precisely mapped by one of these two methods, the 500-ft. setback required by Section 4.14.60.02 shall be maintained.

b. **Slope Boundaries** - The precise locations of the steep slope boundaries are determined by one of the following two methods, consistent with the provisions of Section 4.14.50.03:

1. Using the information from the Natural Hazards database and creating a topographic map of the development site showing two-ft. contour intervals; or

2. Using a topographic survey, showing two-ft. contour intervals, prepared and stamped by a licensed surveyor or civil engineer.

4.14.80.03 - Map Refinement Procedures

Adjustments to maps consistent with the provisions of Sections 4.14.80.01 and 4.14.80.02, above, are considered to be Map Refinements and may be Ministerially adjusted on the relevant maps, with no land use process required other than a demonstrated adherence to the provisions of sections 4.14.80.01 and 4.14.80.02.

4.14.90 - MAP CORRECTIONS

No Zone Change or Comprehensive Plan Map Amendment shall be required to accomplish Map Corrections approved in accordance with the provisions outlined in this Section.

a. Decisions regarding Map Correction requests shall be made by the Community Development Director, as specified in sections 4.14.90.01 and 4.14.90.02, below. Upon approval of a Map Correction request, the Director shall ensure that changes are reflected in the City's affected maps and databases. Notice of such Map Correction shall be provided to decision-makers as outlined in Section 4.14.90.b, below.

b. When requests for five Map Corrections on any Natural Hazard or Natural Resource for which a Map Correction is allowed have been submitted to and decided upon by the Community Development Department Director, or approximately twice a year, whichever is sooner, the Map Correction requests shall be summarized in an informational memo for decision-makers so that they may review them for tracking purposes in accordance with Comprehensive Plan Policy 4.2.6. This memo shall be shared with the Corvallis Planning Commission and City Council for Map Correction requests on lands within the City limits; and with the Corvallis and Benton County Planning Commissions, the Corvallis City Council, and the Benton County Board of Commissioners for Map Correction requests on lands within the Urban Fringe.

4.14.90.01 - Map Corrections Defined

a. A Map Correction is not the type of adjustment described in the Map Refinement provisions of Section 4.14.80, above. A Map Correction is, however, an actual correction to maps referencing Natural Hazards or Natural Resources other than Significant Vegetation areas, where it is found that the map depiction does not reflect the Natural Features Inventory. As the Natural Features Inventory (NFI) was the basis for

developing the City's maps that reference Natural Hazards and Natural Resources, a correction to the NFI for Natural Hazards or Natural Resources other than Significant Vegetation areas could result in a correction to the related maps. These maps include the Comprehensive Plan Map, Local Wetlands Inventory Map, Official Zoning Map, Natural Hazards Map, or Riparian Corridors and Wetlands Map.

Map Correction provisions for Landslide Hazard areas are outlined below. Adjustments to other hazards governed by this chapter are not Map Corrections, but are Map Refinements and are addressed through the provisions of Section 4.14.80, above. There are no Map Correction provisions for the 100-year Floodplain, since corrections are accomplished through the Map Refinement provisions in Chapter 4.5 - Floodplain Provisions. Map Correction provisions for Riparian Corridor widths and Wetland boundaries are outlined in Chapter 4.13 - Riparian Corridor and Wetland Provisions.

b. **Landslide Hazard Areas** - Landslide Hazard area boundaries may be refined through the Map Refinement procedures outlined in 4.14.80, above. However, if technical data demonstrates that no Landslide Hazard exists within or near an area identified as a potential Landslide Hazard on the City's maps, a Map Correction may be accomplished to delete the Landslide Hazard indication from the maps. Such technical data must be from:

1. A site assessment and geotechnical report; or

2. The Oregon Department of Geology and Mining Industries (DOGAMI).

4.14.90.02 - Map Corrections Procedures for Landslide Hazard Areas

There are two procedures available for a Map Correction involving the removal of a Landslide Hazard area from the Natural Hazards Map.

a. <u>Removal of a Landslide Hazard Area from Determination by the Oregon Department of Geology and Mining Industries (DOGAMI)</u> -

If in finalizing its data and maps regarding Landslide Hazard areas the Oregon Department of Geology and Mining Industries (DOGAMI) determines that no Landslide Hazard exists within or near an area identified as a potential Landslide Hazard on the Natural Hazards Map, then a Map Correction to remove indication of the Landslide Hazard area shall be done by the Community Development Department Director, following written verification of the DOGAMI's determination. When such written documentation of the determination is provided to the Director, the Director shall ensure that the changes reflected by the DOGAMI decision are reflected in the City's affected maps and databases.

b. Removal of a Landslide Hazard Area from Determinations Reached by a Site Assessment and Geotechnical Report -

If a property owner or property owner's legal representative provides the Community Development Department Director with the items listed in "1," below, a request to remove indication of a Landslide Hazard area from the Natural Hazards Map and other affected maps may be considered as outlined in "2," and "3," below.

1. For a Map Correction request to consider removal of a Landslide Hazard from the Natural Hazards Map and other related maps, the following information is required:

    a) A Site Assessment and Geotechnical Report which meet the criteria identified in sections 4.14.50.04 and 4.14.50.05. In addition to the items identified in Section 4.14.50.05, the Geotechnical Report shall specifically address the lack of presence, characteristics, and/or precise location of the identified hazard(s) on the subject property which is/are depicted on the Natural Hazards Map. If other reports are called for by the Site Assessment, these reports shall also be submitted; and

    b) An indemnification and release agreement in accordance with the provisions of Section 4.14.60.04;

2. For lands within the City limits, Map Correction requests shall be reviewed by the Building Official and City Engineer, in coordination with the Community Development Department. The Community Development Director shall make the final decision. For lands within the Urban Fringe, Map Correction requests shall be reviewed by the Building Official and City Engineer, in coordination with the Corvallis Community Development Department and the Benton County Development Department. For the Urban Fringe lands, the Corvallis Community Development Department Director shall also make the final decision.

3. To approve a Map Correction request, the Director must find that:

    a) The information required by "1," above, has been provided and is complete;

    b) The required technical reports and recommendations sufficiently demonstrate that there is no Landslide Hazard on or near the area identified on the Natural Hazards Map; and

    c) The required technical reports and recommendations sufficiently demonstrate that development on the subject

area would not increase landslide risks on the development site, or upon neighboring properties.