Adopted by City Council
July 19, 1993

Effective
July 21, 1993

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

LAND DEVELOPMENT CODE

PREFACE

The Land Development Code consists of four Articles:

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

A Table of Contents is at the front of each article.
In addition, a master Table of Contents and Index follows this Preface.

ADOPTED JULY 19, 1993

EFFECTIVE JULY 21, 1993

By Ordinance No. 93 - 20

Preparation of this document was financed in part through a Regulatory Reform Grant from the State of Oregon Department of Land Conservation and Development.

TEXT AMENDMENTS

December 30, 1998

Effective Date	Amended Chapters	Type of Changes	Ordinance Number
07/28/94	1.4	Adding Exception Clause	94-31
07/28/94	3.6	Adding Allowed Conditional Development	94-31
03/14/96	3.1 - 3.5	**Repealed by Ordinance 98-21** Adding Accessory Dwelling Units Clause - Permitted Outright	96-06 Repealed by 98-21
03/14/96	4.9	**Repealed by Ordinance 98-21** Amending Accessory Dwelling Unit Provisions	96-06 Repealed by 98-21
03/29/96	4.9	Deleting Manufacturing Home Eaves	-----
06/12/97	3.4	Amending Special Development Adding Pre-existing Uses	97-07
02/12/98	3.20	Adding Chapter: Mixed Use Commercial	98-01
02/27/98	3.27	Adding Chapter: Mixed Use Employment	98-02
03/12/98	3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8 3.11, 3.12, 3.13, 3.14, 3.15, 3.16 3.19, 3.20 3.23, 3.24, 3.25, 3.26, 3.27 3.36, 3.37 & 4.9	Amending Chapters: Wireless Telecommunication Facilities	98-05
03/16/98	3.11, 3.12, 3.13	Amending Chapter: Veternarian Clinics & Small Animal Grooming	98-06
04/30/98	2.8	Amending Chapter Vacating of Public Lands and Plats	98-07
06/25/98	4.9	Adding Accessory Dwelling Conforming Units	98-20
07/02/98	3.1, 3.2, 3.4, 3.5, 4.9	Amending Accessory Dwelling Unit Provisions	98-21 (Replaces 96-06)
08/27/98	3.14	Adding Special Development Uses Spectator Sports & Entertainment	98-30
12/07/98	3.20	Amending ChapterMixed Use Commercial (South Corvallis Town Center)	98-49
12/07/98	1.3	Amending Chapter Compliance Provisions	98-51

TABLE OF CONTENTS

Chapter

ARTICLE I - GENERAL PROVISIONS

1.0	Introduction
1.1	The City Council and Its Agencies and Officers
1.2	Legal Framework
1.3	Enforcement
1.4	Nonconforming Development
1.5	Reserved for Future
1.6	Definitions

ARTICLE II - ADMINISTRATIVE PROCEDURES

2.0	Public Hearings
2.1	Comprehensive Plan Amendment Procedures
2.2	Development District Changes
2.3	Conditional Development
2.4	Subdivisions and Major Replats
2.5	Planned Development
2.6	Annexations
2.7	Extension of Services Outside the City Limits
2.8	Vacating of Public Lands and Plats
2.9	Historic Preservation Provisions
2.10	Reserved for Future
2.11	Reserved for Future
2.12	Lot Development Option
2.13	Plan Compatibility Review
2.14	Partitions, Minor Replats, and Lot Line Adjustments
2.15	Hillside Development and Density Transfer
2.16	Request for Interpretation
2.17	Reserved for Future
2.18	Solar Access Permits
2.19	Appeals

ARTICLE III - DEVELOPMENT DISTRICTS

3.0 Use Classifications

RESIDENTIAL DISTRICTS

3.1	RS-3.5	(Low Density) District
3.2	RS-5	(Los Density) District
3.3	RS-6	(Low Density) District
3.4	RS-9	(Medium Density) District
3.5	RS-9(U)	(Medium Density - University) District
3.6	RS-12	(Medium-High Density) District
3.7	RS-12(U)	(Medium-High Density - University) District
3.8	RS-20	(High Density) District
3.9		Reserved for Future
3.10		Reserved for Future

COMMERCIAL AND OFFICE DISTRICTS

3.11	P-AO	(Professional and Administrative Office) District
3.12	SA	(Shopping Area) District
3.13	SA(U)	(Shopping Area - University) District
3.14	CS	(Community Shopping) District
3.15	LC	(Linear Commercial) District
3.16	CB	(Central Business) District
3.17	CBF	(Central Business Fringe) District
3.18	RSC	(Regional Shopping Center) District
3.19	SSD	(Special Shopping) District
3.20	MUC	(Mixed Use Commercial) District
3.21		Reserved for Future
3.22		Reserved for Future

INDUSTRIAL DISTRICTS

3.23	LI	(Limited Industrial) District
3.24	GI	(General Industrial) District
3.25	II	(Intensive Industrial) District
3.26	RTC	(Research Technology Center) District
3.27	MUE	(Mixed Use Employment) District
3.28		Reserved for Future
3.29		Reserved for Future

OVERLAY DISTRICTS

3.30	WRG	(Willamette River Greenway) District Overlay
3.31	HPO	(Historic Preservation Overlay) District
3.32	PD	(Planned Development) District Overlay
3.33		Reserved for Future
3.34		Reserved for Future
3.35		Reserved for Future

OTHER DISTRICTS

3.36	OSU	(Oregon State University) District
3.37	AG-OS	(Agriculture-Open Space) District

ARTICLE IV - DEVELOPMENT STANDARDS

4.0	Improvements Required with Development
4.1	Parking, Loading, and Access Requirements
4.2	Landscaping, Buffering, and Screening
4.3	Accessory Development Regulations
4.4	Land Division Standards
4.5	Flood Control and Drainageway Provisions
4.6	Solar Access
4.7	Corvallis Sign Regulations
4.8	Manufactured Dwelling Park Standards
4.9	Additional Provisions

INDEX *
(Listed by Chapter)

Access Requirements - **4.1**
Accessory Development Regulations - **4.3**
Accessory Dwelling Units in RS-3.5 and RS-5 Districts - **4.9**
Accessory Uses Encompassed by Principal Uses - **4.3**
Accessory Dwellings in Industrial and Agricultural/Open Space Districts - **4.3**
Action by Hearing Authority - **2.0**
Amendments to Comprehensive Plan and Plan Map - **2.1**
Amendments to Land Development Code - **1.2**
Amendments to the District Map - **2.2**
Annexations - **2.6**
Appeals - **2.19**
Awnings - **3.16**

Bicycle Requirements - **4.0**
Buffering - **4.2**
Building Height Exceptions - **4.9**
Building Projections into Required Setbacks - **4.9**
Building Types - **1.6**

Calculation of Time - **1.2**
Child Care - **See Family Day Care**
City Council Powers and Duties - **1.1**
Commercial Zoning - **See Districts - Commercial**
Community Development Director - **See Director**
Comprehensive Plan Amendments - **2.1**
Conditional Development - **2.3**
Conflict of Interest - **1.1**

Day Care - **See Family Day Care**
Definitions, **1.6**
Density Transfer - **2.15**
Development District Boundaries - **1.2**
Development District Changes - **2.2**
Director - **1.1**
Director - Interpretations - **2.16**
District Amendments - **2.2**
Districts - Commercial/Office
- Central Business (CB) - **3.16**
- Central Business Fringe (CBF) - **3.17**
- Community Shopping (CS) - **3.14**
- Linear Commercial (LC) - **3.15**
- Professional and Administrative (PA-O) - **3.11**
- Regional Shopping Center (RSC) - **3.18**
- Shopping Area (SA) - **3.12**
- Shopping Area - University (SA-U) - **3.13**
- Special Shopping (SSD) - **3.19**
- Mixed Use Commercial (MUC) - **3.20**

* Index not adopted as part of Ordinance 93-20

Districts - Industrial
General Industrial (GI) - **3.24**
Intensive Industrial (II) - **3.25**
Limited Industrial (LI) - **3.23**
Research Technology Center (RTC) - **3.26**
Mixed Use Employment (MUE) - **3.27**

Districts - Overlay **1.0**
Historic Preservation (HPO) - **3.31**
Planned Development (PD) - **3.32. Also see 2.5**
Willamette River Greenway (WRG) - **3.30**

Districts - Residential
Low Density (RS-3.5) - **3.1**
Low Density (RS-5) - **3.2**
Low Density (RS-6) - **3.3**
Medium Density (RS-9) - **3.4**
Medium Density (RS-9U) - **3.5**
Medium High Density (RS-12) - **3.6**
Medium High Density (RS-12U) - **3.7**
High Density (RS-20) - **3.8**

Districts - Other
Agriculture - Open Space (AG-OS) - **3.37**
Oregon State University (OSU) - **3.36**

Drainageway Provisions - **4.5**
Dwelling Units, Accessory - **See Accessory Dwelling Units**

Enforcement - **1.3, 4.7**
Environmental Assessments - **2.4, 4.0**
Extension of Services Outside the City Limits - **2.7**

Family Day Care - **1.6**
Fee Schedule - **1.2**
Fences - **4.2**
Flood Control Provisions - **4.0, 4.5**
Franchise Utility - **4.0**

Greenway - **See Willamette River Greenway**
Group Residential - **3.0**
Group Residential/Group Care - **3.0**

Hearings - **See Public Hearing Procedures**
Hillside Development - **2.15**
Historic Preservation Provisions - **2.9, 3.31**
Historic Preservation District Sign Standards - **4.7**
Home Business - **1.6, 3.0**

Home Occupation - **See Home Business**

Improvements Required with Development - **4.0**
Industrial Zoning - **See Districts - Industrial**
Interpretations - **2.16**
Interpretation of Development District Boundary - **1.2**

Land Development Hearings Board Responsibilities - **1.1**
Land Divisions - **2.4, 2.14. Also see 4.4**
Land Division Standards - **4.4. Also see 2.4 and 2.14**
Landscaping, Buffering, Screening - **4.2**
Legislative Hearings - **2.0**
Lighting, Outdoor - **4.1**
Limited Land Use Decision - **1.6**
Lot Development Option - **2.12**
Lot Line - **1.6. Also see Yard**
Lot Line Adjustments - **2.14**

Major Replat Procedures - **2.4**
Manufactured Homes
    Definition - **1.6**
    Placement on Individual Lots - **4.9**
    Deleting Eaves - **4.9**
Manufactured Dwelling Park Standards - **4.8**
Minor Replat Procedures - **2.14**
Mobile Homes - **See Manufactured Homes**

Nonconforming Development - **1.4**
Nonconforming Signs - **4.7**
Notice - **2.0**
Notice of Disposition - **2.0**

Oregon State University - **3.36**

Parking, Loading, and Access Requirements - **4.1**
Partition - **2.14**
Plan Compatibility Review - **2.13**
Planned Development - **2.5**
    Procedures - **2.5**
    District Overlay - **3.32**
    Signs in Planned Developments - **4.7**
    Waiver of Solar Access Requirements - **4.6**
Planning Commission - **1.1**
Plat Vacations - **2.18**
Prenotification to Neighborhoods - **2.0**
Public Facilities - **4.0**
Public Hearing Procedures - **2.0**
Public Notice - **2.0**

Residential Building Types - **See Building Types**
Residential Care Facility - **3.0**
Residential Use Types - **3.0**
Residential Zoning - **See Districts - Residential**

Screening - **4.2, 4.4**
Sign Regulations - **4.7**
Solar Access - **1.6, 2.18, 4.6**
Street Vacations - **2.8**
Streets
    Defined - **1.6**
    Improvement Requirements - **4.0**
    Tree Plantings - **4.2**
Street Names - **2.4, 4.0, 4.7**
Subdivision Procedures - **2.4**

Text Amendments - **1.2**
Timeframe for Quasi-judicial Hearings - **2.0**
Transit Requirements - **4.0**
Type I Development - **1.2**
Type II Development - **1.2**

Use Classifications - **3.0**
Utilities (Public & Franchise) - **4.0**

Vacating of Public Lands and Plats - **2.8**
Variance Procedures
    Development District - **2.12**
    Sign Variances - **4.7**
Vision Clearance - **4.1**
Violations - **1.3, 4.7**

Weatherization - **3.16**
Williamette River Greenway
    District Overlay Provisions - **3.30**
    Sign Standards - **4.7**

Yards - **1.6. Also see Lot Line**

Zoning Changes - **2.2**
Zoning Districts - **see Districts**

ARTICLE I

GENERAL PROVISIONS

ARTICLE I - GENERAL PROVISIONS

Table of Contents

Chapter 1.0: Introduction

Section	1.0.10	Adoption
	1.0.20	Statement of Purposes
	1.0.30	Organization of this Code

Chapter 1.1: The City Council and Its Agencies and Officers

Section	1.1.10	The City Council
	1.1.20	The Planning Commission
	1.1.30	Land Development Hearings Board
	1.1.40	Community Development Director
	1.1.50	Conflict of Interest
	1.1.60	Participation by Interested Officers or Employees

Chapter 1.2: Legal Framework

Section	1.2.10	Rules of Construction
	1.2.20	Severability and Constitutionality
	1.2.30	Descriptive Headings
	1.2.40	Calculation of Time
	1.2.50	Savings Clause
	1.2.60	Revival
	1.2.70	Nondiscrimination
	1.2.80	Text Amendments
	1.2.90	The Official Development District Map
	1.2.100	Development Review Fees
	1.2.110	Development Review Process

Chapter 1.3: Enforcement

Section	1.3.10	Responsible Officers
	1.3.20	Building Permit
	1.3.30	Certificate of Occupancy
	1.3.40	Stop Work Order
	1.3.50	Violations

Chapter 1.4: Nonconforming Development

Section	1.4.10	Background
	1.4.20	Purposes
	1.4.30	General Provisions
	1.4.40	Specific Provisions for Nonconforming Uses
	1.4.50	Exceptions

Chapter 1.5: Reserved for Future Expansion

Chapter 1.6: Definitions

Section	1.6.10	Meaning of Words Generally
	1.6.20	Meaning of Common Words
	1.6.30	Meaning of Specific Words and Terms

CHAPTER 1.0
INTRODUCTION

Section 1.0.10 - ADOPTION

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

Section 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 and serviced by a proper range of public facilities and services; and in all other respects be consistent with the goals and policies of the Corvallis Comprehensive Plan; and

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

Section 1.0.30 ORGANIZATION OF THIS CODE

The Code is organized as a reference document that is not intended to be read in its entirety. It has been developed with a minimal use of planning and legal jargon. Tables and matrices are used in many places to summarize information.

The Code is divided into four articles, with each article containing related information:

- Article I - General Provisions
- Article II - Administrative Procedures
- Article III - Development Districts
- Article IV - Development Standards

Article I describes the responsibilities of the City Council, Planning Commission, Land Development Hearings Board, and Community Development Director. It also provides basic information on the legal framework of the Code, definitions of words that are not in common usage or have a specific meaning to the Code, and enforcement provisions.

Article II contains administrative procedures and review criteria for land use actions that require applying at least some discretion in approval. Approvals by staff are defined as Limited Land Use Decisions and require notice be mailed to affected parties prior to a decision being made. In other cases, review and decisions are made by the Land Development Hearings Board, Planning Commission, or City Council after conducting at least one public hearing.

Article III presents use type classifications and zoning districts. Use types are divided into 6 general headings: Residential, Civic, Commercial, Industrial, Agricultural and Extractive. Development districts authorize specific use types, what the use type approval process is, and contains district specifications for lot sizes, building setbacks, and building height. All districts have been grouped into the following categories:

- Residential
- Commercial/Office
- Industrial
- Overlay Districts
- Other Districts

Article IV addresses development provisions required in association with new development or intensification of existing development, including standards for parking, landscaping, accessory development, land divisions, signs, and special requirements for certain specific 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 and Land Development Hearings Board for the purpose of implementing such plans and controls. In addition, the State has authorized the Council to act upon applications for development or to delegate its authority to act upon such applications.

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 development districts established on the Official Development District Map;

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

d. Shall appoint members of the Planning 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 shall be appointed in accordance with the Boards and Commissions Ordinance. The Commission shall have the powers and duties provided therein and provided by this Code.

Section 1.1.30 - LAND DEVELOPMENT HEARINGS BOARD

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

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. One member shall be appointed to a 1-year term, one member shall be appointed to a 2-year term, and one member shall be appointed to a 3-year term. All succeeding appointments shall be for 3-year terms or until they are no longer members of the Planning Commission, whichever comes first.

b. Any vacancy in office shall be filled by the chair for the unexpired portion of the term of the 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 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 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 - COMMUNITY DEVELOPMENT DIRECTOR

1.1.40.01 - Position

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

1.1.40.02 - Powers and Duties

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

Section 1.1.50 - CONFLICT OF INTEREST

A member of the hearing authority shall not participate in any proceedings or action in which the member has a legal conflict of interest defined in State law that would bar participation in a decision by a Planning Commissioner. Any actual or potential interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include: a) the member owns property within the area entitled to receive notice of the public hearing; b) the member has a direct private interest in the proposal; or, c) for any other valid reason, the member has determined that participation in the hearing and decision cannot be in an impartial manner.

Section 1.1.60 - 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 otherwise specifically prescribed in this Code, the following provisions shall govern its interpretation and construction:

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

b. Unless otherwise specified in this Code, any action authorized or required to be taken by the City may be taken 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, payment, or thing is required in this case and the period of time or duration for the performance is prescribed and fixed herein, the time shall be computed so as to exclude the first 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 otherwise specified.

Section 1.2.50 - SAVINGS CLAUSE

Corvallis City Ordinance 80-100, as amended, 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 80-100, as amended, prior to the effective date of this Code.

Section 1.2.60 - REVIVAL

The repeal of Corvallis City Ordinance 80-100, 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 80-100 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

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

a. Majority vote of the City Council; or

b. Majority vote of the Planning Commission.

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 DEVELOPMENT DISTRICT MAP

Boundaries of development districts established by this Code are shown on the Official Development District Map on file in the Community Development office. The Official Development District Map and all amendments and other matters entered on the Official Development District 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 Development District Map shall be adopted as provided in Chapter 2.2 - Development District Changes. After adoption of an amendment, the Director shall alter the Official Development District Map to indicate the amendment.

1.2.90.02 - Interpretation of Development District Boundaries

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

a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;

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

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

d. Boundaries indicated as parallel to, or extensions of natural or manmade features indicated in Subsections "a" through "c" above shall be so construed;

e. Distances not specifically indicated shall be determined by the 1 in. equals 200 ft (1:200) scale of the Official Development District Map;

f. Where a lot is divided by a boundary, the applicable uses and development standards shall be those of the district that contains the majority of the land area of a lot of record as it existed at the time of the adoption of this Code.

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

Section 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, by resolution, 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). 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 represented, nonuniform 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 - General Development

General Development includes development activities that are permitted outright, subject to compliance with the criteria and standards of this Code. Those uses that are listed in the development districts in Article III as "Permitted Uses" are General Development activities. These uses require staff review upon application for a building permit and are subject to district standards and other development provisions of the Code and applicable City ordinances and requirements. Review of building permits shall be accomplished according to administrative procedures.

1.2.110.02 - Special Development

Special Development includes development activities that require applying at least some amount of discretion. As with General Development, approval of the use is subject to district standards and other development provisions of the Code and City ordinances and requirements. There are two types of special developments:

Type I: Generally requires considerable discretion and involves a public hearing, in accordance with the provisions of Chapter 2.0, and approval by an established hearing authority; and

Type II: Requires less discretion than Type I and involves review and approval by staff without a public hearing. This type of development qualifies as a Limited Land Use Decision under ORS 197.015. Type II Special Developments require public notice prior to a decision being made by staff with a follow-up notice being provided to affected persons who responded in writing to the first notice. Appeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19.

1.2.110.02.01 - Type I: Special Development

Special development activities that require a public hearing are described in the following sections of Article II - Administrative Procedures:

Chapter 2.1	-	Comprehensive Plan Amendment Procedures
Chapter 2.2	-	Development District Changes
Chapter 2.3	-	Conditional Development
Chapter 2.4	-	Subdivisions and Major Replats
Chapter 2.5	-	Planned Developments
Chapter 2.6	-	Annexations
Chapter 2.7	-	Extension of City Services Outside the City Limits
Chapter 2.8	-	Vacating of Public Lands and Plats
Chapter 2.9	-	Historic Preservation Provisions (excluding Section 2.9.60 - Procedures for Alteration of an Historic Resource)

1.2.110.02.02 - Type II: Special Development

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

Chapter 2.9	-	Historic Preservation Provisions Section 2.9.60 - Procedures for Alteration of an Historic Resource
Chapter 2.12	-	Lot Development Option
Chapter 2.13	-	Plan Compatibility Review
Chapter 2.14	-	Partitions, Minor Replats, and Lot Line Adjustments
Chapter 2.15	-	Hillside Development and Density Transfer
Chapter 2.16	-	Request for Interpretations
Chapter 2.18	-	Solar Access Permits

CHAPTER 1.3
ENFORCEMENT

Section 1.3.10 - RESPONSIBLE OFFICERS

The Land Development Code shall be administered and enforced by the Director.

Section 1.3.20 - BUILDING PERMIT

No building permit shall be issued by the Building Official for any authorized development unless the Director has determined that the proposed development complies with the provisions of this Code, including any established conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, or otherwise authorized by the Land Development Code, City Ordinances, or State law), and the required development permit has been issued.

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 established conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, or otherwise authorized by the Land Development Code, City Ordinances, or State law), or until the applicant has provided some written form of assurance acceptable to the Director guaranteeing the completion of all requirements.

Section 1.3.40 - STOP WORK ORDER

Whenever any work is being done contrary to the provisions of this Code, including any established conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, or otherwise authorized by the Land Development Code, City Ordinances, or State law), the Director 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 to proceed.

Section 1.3.50 - VIOLATIONS

Use of land in the City of Corvallis not in accordance with the provisions of this Code, including any established conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, or otherwise authorized by the Land Development Code, City Ordinances, or State law), constitutes a violation. Upon receiving information concerning a violation of this Code, the Director may conduct, or cause to be conducted, an investigation determining whether a violation exists. The Director may request the assistance of other City agencies and officers in the conduct of such investigations.

The Director may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable code sections, and other information staff may have.

2. In imposing a penalty amount pursuant to the schedule authorized by this section, the Director shall consider the following factors:

   (a) The past 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.

   (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 be a bar to 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 Subsection "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 mailing the notice 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) A statement of the matters asserted or charged;

   (c) A statement of the amount of the penalty or penalties imposed;

   (d) A statement of the owner's right to appeal the penalty; and

   (e) A statement that if the penalty is not paid within the time required under Subsection "10" below, the penalty and any costs of service and recording fees will 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 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 Subsections "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 dismissal of the appeal.

9. The municipal judge shall develop any rules or regulations that may be necessary for the proper conduct of the appeal. The only issues to be decided by the municipal judge are determinations of whether or not 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, 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 and not subject to appeal.

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 order recorded. The penalty provided in the order and added costs so recorded become a lien upon the real property. That lien shall have priority over all other liens and encumbrances of any character. 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 223.595.

11. Any lien for a civil penalty shall be released when the full amount determined to be due has been paid to the City; and the owner or person making such payment shall receive a receipt therefor, 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.

1.3.50.05 - 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.

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 this chapter, nonconforming development includes nonconforming structures and nonconforming uses. A nonconforming structure is a structure that does not fully comply with the district provision because of setbacks, building height, off-street parking, or with some other standard of the district. A nonconforming use is a use that is not permitted outright or has not received conditional approval in the district, but was lawfully begun prior to it becoming nonconforming.

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

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

Section 1.4.20 - PURPOSES

a. Permit nonconformities to continue, but not to encourage their perpetuation.

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

Section 1.4.30 - GENERAL PROVISIONS

1.4.30.01 - Alterations of a Nonconforming Use

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

1.4.30.02 - Alteration of a Nonconforming Structure

Where the use of a structure is permitted by the applicable development district but the structure is nonconforming, an alteration, expansion, enlargement, extension, reconstruction, or relocation may be administratively approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a vision clearance area as determined by the City Engineer.

Section 1.4.40 - SPECIFIC PROVISIONS FOR NONCONFORMING USES

1.4.40.01 - Expansion of a Nonconforming Use

A nonconforming use shall not be expanded or moved to occupy a different or greater area of land, buildings, or structures than it occupied at the time it became nonconforming.

1.4.40.02 - Discontinuance of a Nonconforming Use

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

1.4.40.03 - Damage to a Nonconforming Use

If a structure with a nonconforming use is damaged by any means to an extent exceeding 60 percent of its most recent, predamage assessed valuation as indicated in the assessor's office, any future development on the site shall conform to the requirements of the district in which it is located.

1.4.40.04 - Reclassification to Conditional Development

Whenever a nonconforming use is classified as a use that may be permitted conditionally, it shall be reclassified as conforming upon receipt of an approved conditional development in accordance with Chapter 2.3.

Section 1.4.50 - EXCEPTIONS

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

a. Commercial use types in existence as of February 7, 1981, in the RS-12 District along SW 5th and SW 6th Streets from SW Adams Avenue to Western Boulevard, shall not be classified as nonconforming development.

b. Commercial use types in existence as of February 7, 1981 (*i.e.,* Automotive and Equipment - Light Equipment Repairs and Light Equipment Sales and Rentals), in the RS-12 District at 2220 SW 3rd 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 District standards.

1.4.50.02 - Office Uses in the RS-9, RS-9(U), RS-12, RS-12(U), and RS-20 Districts

Office uses, as defined in Chapter 1.6, in existence as of February 7, 1981, in the RS-9, RS-9(U), RS-12, RS-12(U) and RS-20 Districts shall not be classified as nonconforming uses.

1.4.50.03 - North Campus Area (defined in Chapter 1.6)

a. Multi-dwellings in existence as of August 3, 1992, shall not be classified as nonconforming development. However, redevelopment requires compliance with current parking standards contained in Chapter 4.1.

b. Office uses (defined in Chapter 1.6) in existence as of February 7, 1981, shall not be classified as nonconforming development. However, redevelopment or expansion requires compliance with current parking standards contained in Chapter 4.1.

1.4.50.04 - Nonconforming Lots of Record

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

1.4.50.05 - 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.

1.4.50.06 - Nonconforming Duplexes

Where a duplex is a nonconforming building type in the district where it is located and has been damaged as described above in 1.4.40.03 above, a duplex may be reconstructed provided such reconstruction commences within 1 year of the damage and complies with required development standards.

1.4.50.07 - Residential Uses

Any residential building type permitted prior to a specific period of time 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 district.

CHAPTER 1.5 - RESERVED.

CHAPTER 1.6
DEFINITIONS

Section 1.6.10 - MEANING OF WORDS GENERALLY

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

Section 1.6.20 - MEANING OF COMMON WORDS

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

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

c. 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.

Section 1.6.30 - MEANING OF SPECIFIC WORDS AND TERMS

The listed specific words and terms are defined as follows:

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

Access - The place, means, or way by which ingress and egress are provided (also see definition for "Solar Access").

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

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

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

Affordable Housing - Housing for households with incomes at or below the Benton County median, as determined by the U.S. Department of Housing and Urban Development (HUD), on the assumption that these households do not spend more than 30 percent of their income for housing costs. Housing costs for renters include rent and heating. Housing cost for homeowners include principal on the mortgage plus interest, taxes, insurance, and heating. *Note: Median income figures depend upon the household size assumed. These numbers are updated annually by HUD and are on file in the City's Housing Programs Office.*

Example:

Given a 4-person household, the 1993 median income = $39,200

To demonstrate the concept for homeowners that have an income which is 90% of median and a family of four, the following calculations would apply:

Funds available for housing

0.90 x $39,200	=	$35,280
0.30 x $35,280	=	$10,584/yr for housing costs or
	=	**$882/month**

Costs of housing

Assume purchase of house and lot	=	$80,000
Minimum 3% down, therefore finance	=	$77,600

Mortgage costs	$624/mo	(9% interest/30 yr. term)
Taxes	$200/mo	($25 per $1000 assessed value)
Insurance	$ 15/mo	($180 per yr. typical)
Heating	$ 15/mo	(assume 1050 sq. ft house)
TOTAL HOUSING COSTS	**$854/month**	

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

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

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

Apartment - A dwelling unit which is located within a multi-dwelling but excluding condominiums. ("Multi-Dwelling" is defined under "Building Types.")

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

Average Setback - The formula for determining Average Setback is:

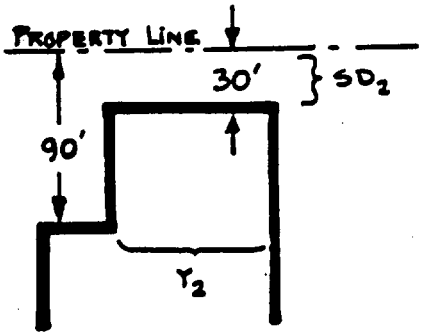
$$(y_1 \times SD_1) + (y_2 \times SD_2) = AS$$

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

Example: Building Height = 30 feet

AS = 50 feet
SD_1 = 90 feet
y_1 = 0.33 (33%)
SD_2 = 30 feet
y_2 = 0.67 (67%)

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



Base Flood - Inundation during periods of higher than normal stream flow that has 1 percent chance of being equaled or exceeded in any given year. This area is commonly referred to as the 100-year flood plain.

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

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

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

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

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

Building Height - See "Height of Buildings" definition.

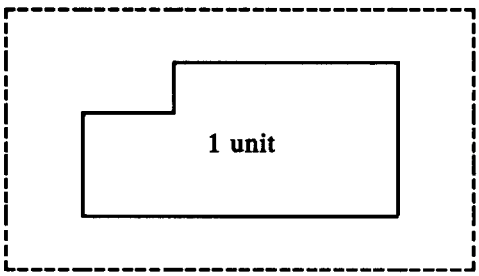
Building Line - A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by this Code between the property line abutting a street and the closest point of the foundation of any building or structure related thereto.

Building Official - Development Services Manager.

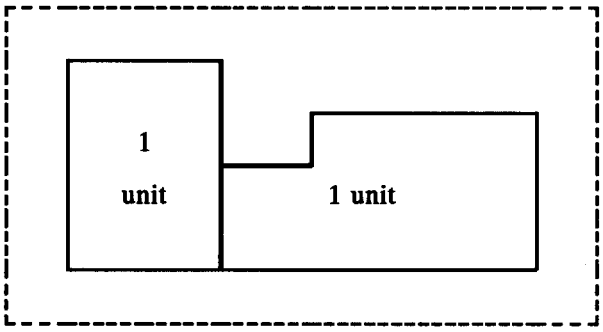
Building Types

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

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

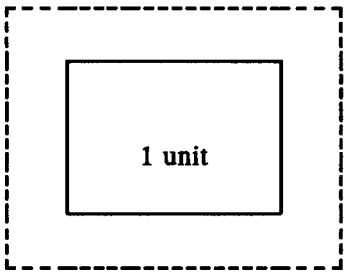


2. **Attached:** Two or more main buildings placed side by side so that some structural parts are touching one another.

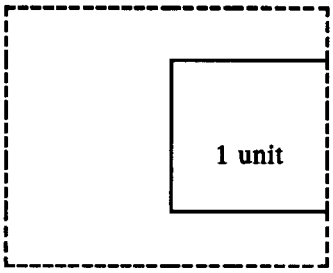


b. **Residential:** That group of building types comprising the following:

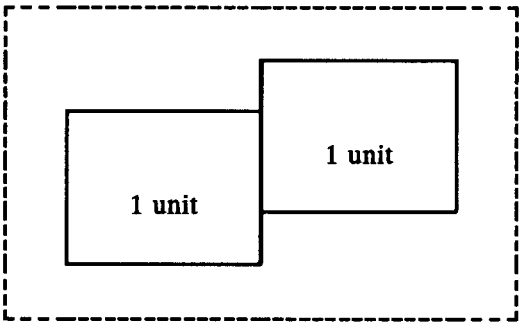
1. **Single Detached:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



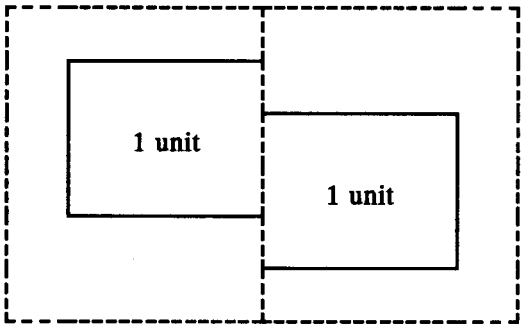
2. **Single Detached (Zero Lot Line):** A single detached structure with no setback from one lot line.



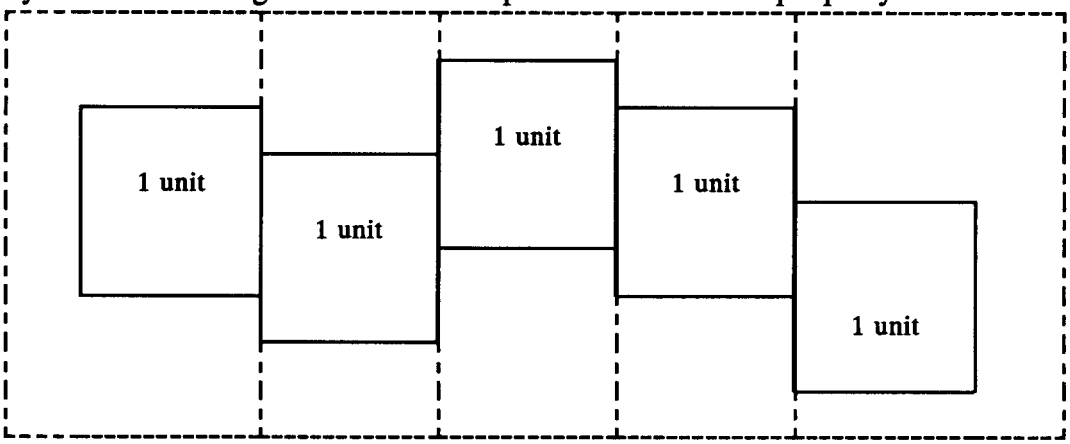
3. **Duplex:** Two dwelling units located on a single lot or development site placed so that some structural parts are in common.



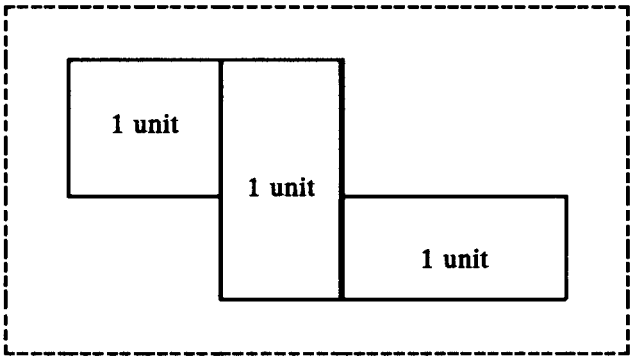
4. **Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line.



5. **Attached (townhouse):** More than 2 dwelling units located on separate lots placed side by side but sharing some structural parts at a common property line.



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



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

c. The following commonly used terms are **not** considered building types for purposes of this code.

1. **Cluster:** A development technique whereby building types are arranged as to retain open space areas equal to or greater than the cumulative total open space areas normally required under the applicable development district; the permitted gross density of a site is maintained.

2. **Condominium:** A form of ownership where the owner has a deed to a volume of space, and is governed by the provisions of ORS Chapter 100.

3. **Townhouse:** More than two attached units often with two stories and with ground floor access.

4. **Apartment House:** A multi-dwelling building or portion thereof designed, built, rented, leased, let, or hired out to be occupied or is the residence of three (3) or more families living independently of one another.

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

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

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

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

Consolidation - The elimination of a property line or lines of unplatted land to create a single unit of land where more than one previously existed.

Contiguous - Shall mean the same as abutting.

Day(s) - Shall mean calendar days unless working days are specified.

Day Care Facility - An institution, establishment, or place that commonly receives at one time more than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of and being given board, care, or training apart from their parents or guardians for compensation or reward in accordance to ORS 418.810.

Day Care, Family - See definition for "Family Day Care".

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

Density, Net - The number of dwelling units per acre (based on the total area of the parcel) excluding areas dedicated for public use.

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

Development - Making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, 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.

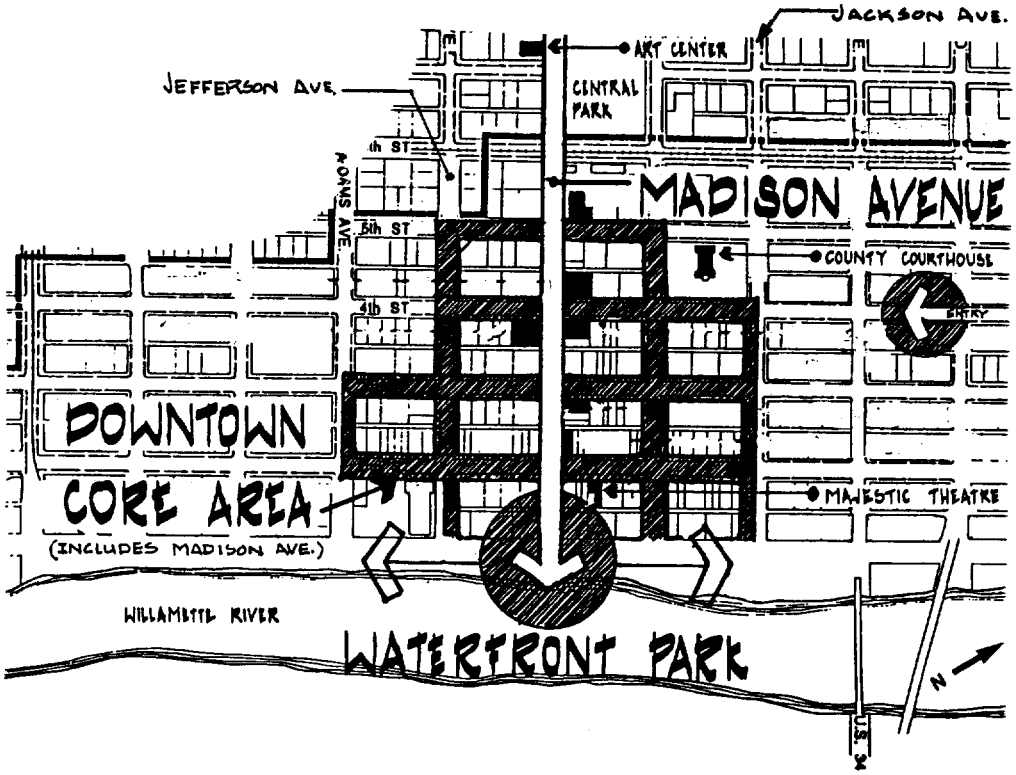
Development District - An area of land within the Corvallis City limits, designated for specific types of permitted developments, subject to the development requirements of that district.

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

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

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

Downtown Pedestrian Core Area - The area bounded by the Willamette River on the east, 5th Street on the west, Jackson Avenue on the north (but excluding the Benton County Courthouse site) and Jefferson Avenue on the south, but including Adams Avenue between 2nd and 3rd Streets.



Drainageway - A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

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

Easement - A right that a person has to use someone's land for a specific purpose such as for access or for utilities.

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

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

Family - An individual or two or more persons related by blood, 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 unrelated physically or mentally handicapped, elderly, or drug or alcohol dependent persons receiving treatment, and resident staff persons engaged in their care.

Family Day Care - "Babysitting", care of 12 or fewer children, including resident family members, as accessory to any residential use. Family day care is not subject to the definition of "home business".

Flag Lot - A lot that has access by means of a narrow strip of land.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated areas of special flood hazards and the risk premium zones applicable to portions of the community.

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

a. **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 ft.

b. **Floodway Fringe:** The area of the flood plain lying outside of the floodway.

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

Full-Line Department Store - A store providing for general merchandise, apparel, furniture, appliance, and home furnishings in full depth and variety.

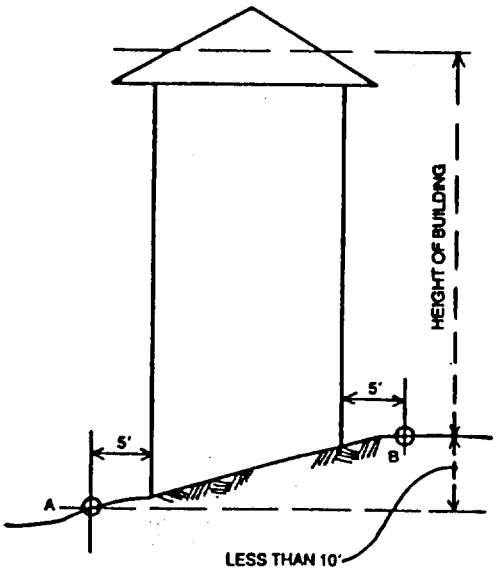
Grade - Given in reference to the slope of land or in reference to construction - is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than 5 feet from the building, between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

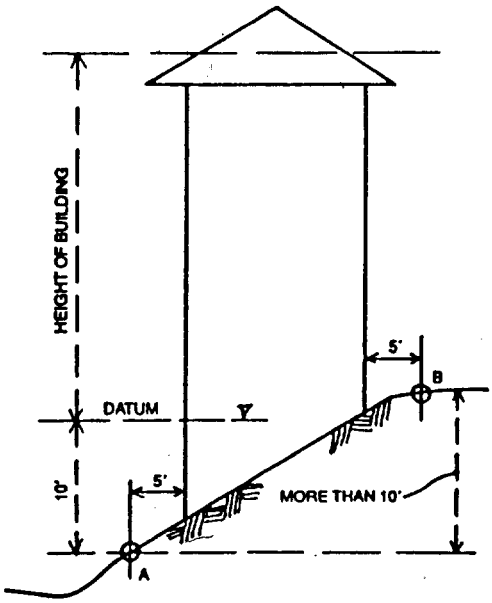
Habitable Floor - Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

Height of Buildings - The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

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

b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item "a" above is more than 10 feet above lowest grade. ↓





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

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

Home Business - A lawful commercial activity commonly carried on within a dwelling by members of the family occupying the dwelling with up to one additional employee not to exceed 40 hours per week, provided that the residential character of the dwelling is maintained and the activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. To be considered a home business the use must comply with all of the following:

- 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.
- No outside storage of merchandise or materials.
- The amount of commercial activity is less intensive than activities permitted in a commercial district.
- The use will not cause excessive or unusual traffic in the vicinity because of deliveries, pick-ups, parking, sales, or other activities.
- Noise, smoke or odors do not exceed those created by normal residential use.

Home Occupation - See definition of "Home Business".

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

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

Hydrodynamic Load - Force of water in motion.

Hydrostatic Load - Force of water at rest.

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

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

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

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

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

a. **Partition:** A division of land that creates three or fewer lots within a calendar year when such parcel exists as a unit or contiguous units of land under single ownership at the beginning of the year. See also, "replat, minor."

b. **Subdivision:** Division of an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. See also, "replat, major."

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

- Establishment or modification of a "tax lot" by the County Assessor;
- A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots;
- An adjustment of a property line by relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable development district criteria established by this Code;
- 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). See definition of "Lot Line Adjustment."

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 - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established. Also, a unit of land created by a partition.

Legislative Decision - Involves formulation of policy and as such, it is characteristic of the actions by a city council. *Ex parte* contact requirements are not applicable to legislative hearings. Personal notice to citizens advising them of proposed changes is not required in most cases, although the Corvallis Land Development 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 definitions for Limited Land Use Decision and Quasi-judicial Decision below.)

Limited Land Use Decision - A land use decision made by staff through an administrative process and qualifies as a Limited Land Use Decision under ORS 197.015. Limited land use decisions are identified in Chapter 1.2 - Legal Framework as Type II Special Developments.

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

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

Lot Coverage - Unless otherwise noted in a development district, percent of a development site covered, including all gravel and paved surface areas and areas encompassed by buildings.

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

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

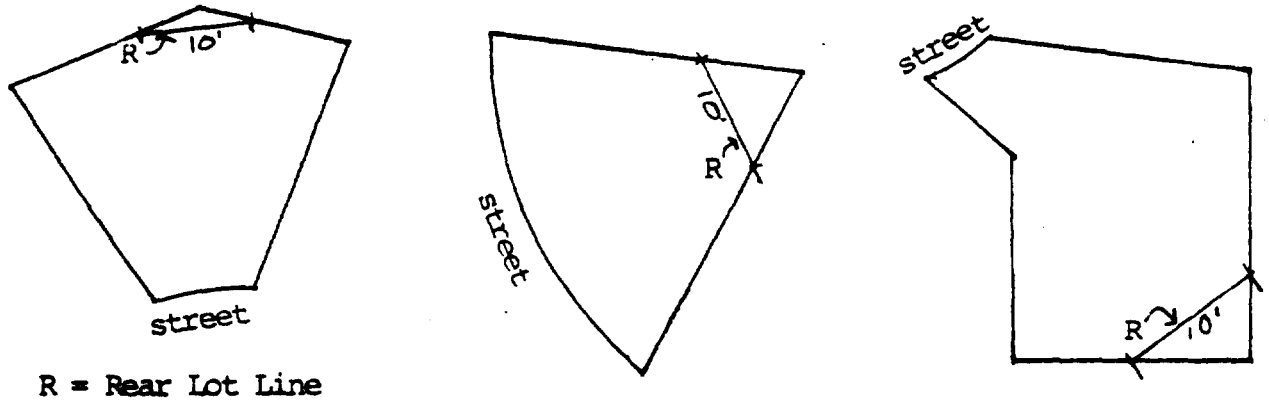
Lot Line - The property line bounding a lot.

Lot Line Adjustment - The relocation of a common property boundary wherein an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable development district regulation.

Lot Line, Front - In the case of an interior lot, a property line that abuts the street. In the case of a corner lot, the front line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address.

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

Lot Line, Rear - The record lot line or lines most distant from and generally opposite the front lot line. In the case of an interior triangular lot or lot with more than four sides, however, the rear lot line shall mean a straight line 10 feet in length that: a) is 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 (see figure below).



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

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

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

Lot, Through - A lot of record whose front and rear lot lines both abut streets.

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

Lowest Floor - The lowest floor of the lowest enclosed area in a building including a basement.

Manufactured Dwelling Park - (See definition under "Building Types").

Manufactured Home - A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standards.

Manufactured Home Space - Any portion of a manufactured dwelling park (see "Manufactured Dwelling Park" - under "Building Types") which is designated or used for occupancy of one manufactured home or mobile home, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.

Manufactured Home Stand - That portion of the manufactured home space reserved for the location of the manufactured home or mobile home structure.

Mobile Home - A residential structure intended for permanent human occupancy and constructed for movement on the public highways, 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 between January 1, 1962 and June 15, 1976.

Mobile Home Park - See Manufactured Dwelling Park under "Building Types" definition.

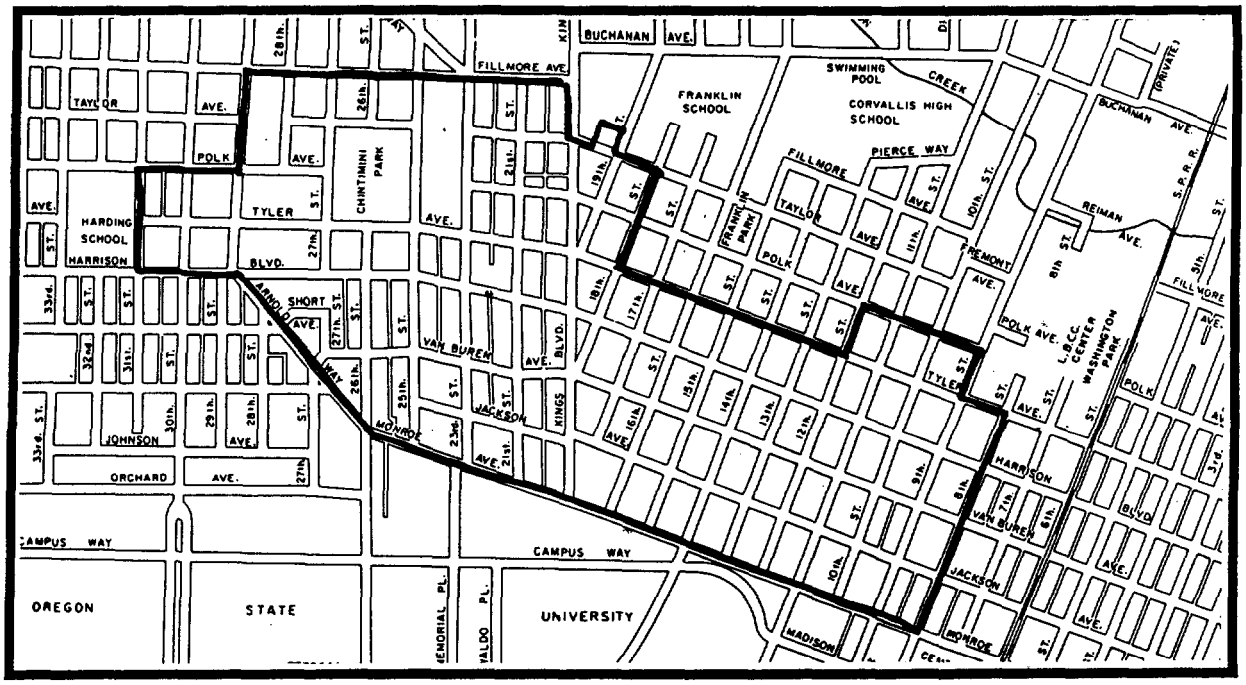
Modular Structure - A structure not built on-site, but which is placed on a permanent foundation and meets the State Building Code standards.

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

Nonconforming Development - A lawful existing structure or use that does not conform to requirements of the district, but which was already in existence at the time this Code or any amendment to it became effective.

North Campus Area - An 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.

NORTH CAMPUS AREA



Subject Property 0 800 N

Notice of Disposition - A written communication that specifies the action of a hearing authority or Director concerning a development proposal.

Nuisance - That which is annoying, unpleasant or obnoxious.

Office - A place where the following civic and commercial use types, as described in Chapter 3.0, are conducted: administrative services; business support services; financial, insurance and real estate services; medical services; professional and research services.

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

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

Order - Final disposition of a case. It can be affirmative, negative, injunctive, or declaratory in form. The grant, denial, or grant with conditions of an application for development is an order.

Permitted Outright - Used in reference to development activity not subject to discretionary review. An example is a detached single family residence in an RS-3.5 District.

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

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

Plat - Refers to a final subdivision plat, replat or partition plat.

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

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

Practicable - Capable of being effected; feasible.

Quasi-judicial Decision - Is similar to a court proceeding where affected parties are afforded more 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 proscribed distance of the affected area. Unlike City Council, the Planning Commissioners or Land Development Board members are expected to avoid outside discussion of the business at hand, and they must declare *ex parte* contacts. (See definition of Legislative Decision above.)

Replat, Major - The reconfiguring of lots in a recorded subdivision plat that results in either the creation of 4 or more additional lots or deletion of 4 or more lots.

Replat, Minor - The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 or fewer lots being created or deleted within a 12 month period.

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

Residential Care Facility - A dwelling unit licensed by the State to accommodate more than 5 and fewer than 16 mentally or physically handicapped, elderly, or drug or alcohol dependent persons and resident staff persons engaged in their care.

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

Riparian Management Zone - The area within the Willamette River Greenway from the edge of the waterway to either the top of the bank or 10-year flood plain, whichever is greater.

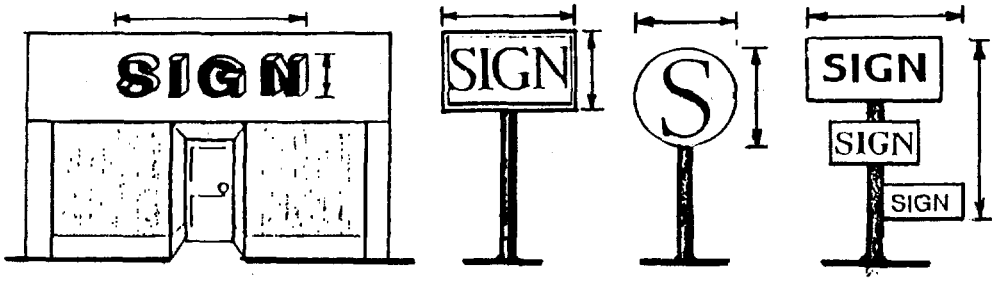
Setback - The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this ordinance shall be the property line unless otherwise excepted, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

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

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

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

The area of a sign on an awning, where the awning projects more than 6 1/2 feet from the building face over a walkway to provide weather protection. It shall be determined using the smallest rectangle around the graphic on the awning. A sign on an awning that projects less than 6 1/2 feet shall be considered a three dimensional sign.



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

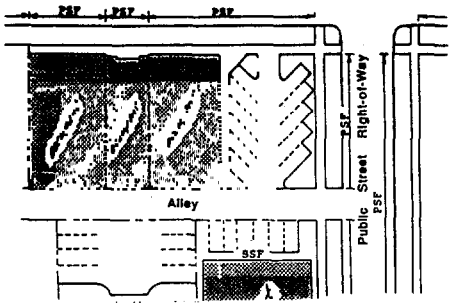
Sign, Blade - A narrow sign extending perpendicular to a building over a sidewalk.

Sign Clearance - The height measured from the highest adjacent grade directly below the sign to the bottom of the sign structure enclosing the sign face.

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

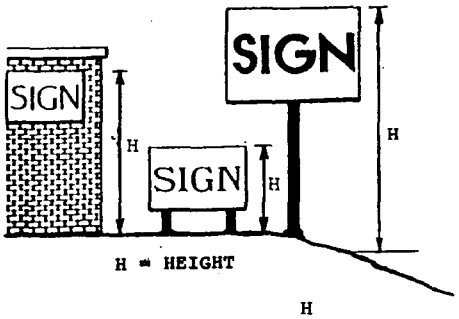
Sign Frontage, Primary - The length of the property line parallel to and along the street right-of-way adjacent to a property. On through-lots, primary frontage shall be frontage that corresponds to the legal street address, auto entrance, building entrance, or front yard of the property.

Sign Frontage, Secondary - The face of a building oriented toward an on-site parking lot, private roadway or public alley, but not oriented toward a street right-of-way.



PSF = PRIMARY SIGN FRONTAGE
SSF = SECONDARY SIGN FRONTAGE

Sign Height - The overall height of a sign or sign structure as measured from the lowest grade beneath the sign to the highest point of the sign structure.



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

Sign, Temporary - A sign that is not permanently affixed or attached to a building, structure, or the ground, and/or is intended to be displayed for a limited period of time.

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

Solar Access Easement - A private agreement between property owners that protects solar access. Solar easements are prepared and recorded pursuant to ORS 105.880-105.895.

Solar-Access-Friendly Trees - Trees with a minimal effect on solar access during winter months because of the leafing and branching characteristics of the tree species.

Solar Access Protection - A right to unobstructed solar access for at least four hours between 9 a.m. and 3 p.m. on November 21.

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

Solar Collector - A solar heating or cooling system where the thermal energy of solar radiation is captured and stored so that it can be released as needed.

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

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

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

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

South - For solar purposes, south is 30° east to 30° west of true south. In Corvallis, true south is 20° east of magnetic south.

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

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

Staff - The administrative officers responsible for the operation and management of the various City departments and divisions.

Streets - Designated in the City of Corvallis Transportation Plan as follows:

a. **Arterial Highways:** These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Corvallis area.

b. **Arterial Streets:** These interconnect and support the arterial highway system and link major commercial, residential, industrial, and institutional areas.

c. **Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas.

d. **Cul-de-Sac:** A local street with only one outlet and having a turnaround.

e. **Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged.

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

Structure Height - See "Height of Buildings" definition.

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

The term exempts the following:

1. Any project to improve a structure to comply with existing state or local health, sanitary, or safety regulations that is necessary solely to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places.

Sunchart - A photograph showing positions of the sun during different hours and seasons of the year and any obstructions to solar access from trees, buildings, or topography. The sunchart shall include as coordinates solar altitude in 10-degree increments and solar azimuth in 15-degree increments.

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

Vision Clearance Area - A triangular area located at the intersection of two streets, a street and a railroad, or a street and a driveway; defined by a line across the corner, the ends of which are on the street or alley lines, an equal and specified distance from the corner. Specific distances and prohibitions on visual obstructions within vision clearance areas are contained in Chapter 4.1 - Parking, Loading and Access Requirements.

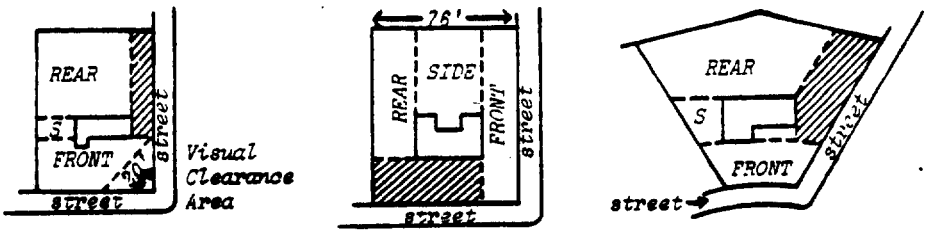
Visual Obstruction - Any fence, hedge, tree, shrub, device, wall, or structure between the elevations of 2 feet and 8 feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the City Engineer, and so located at a street, drive,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

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

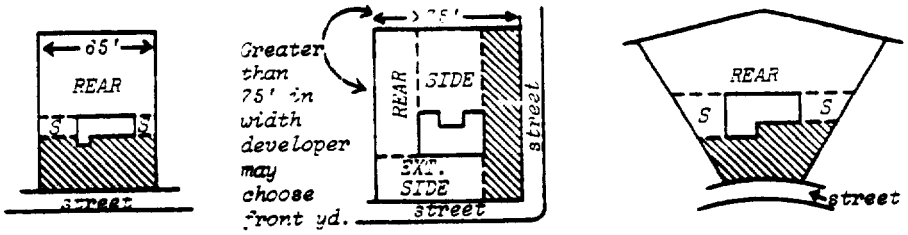
Water-Related - Uses that are not directly dependent upon access to a water body, but that provide goods or services that are directly associated with water-dependent land or waterway use, and that, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

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

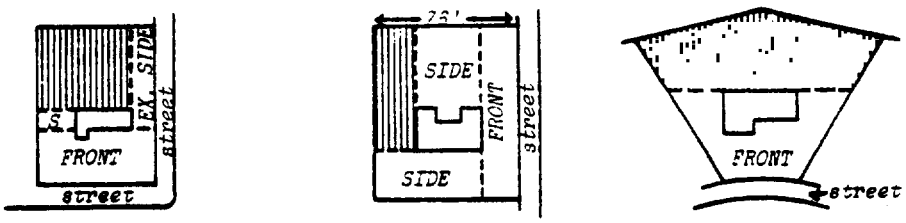
Yard, Exterior Side - A yard extending from the front yard to the rear lot line on the street side of a corner lot.



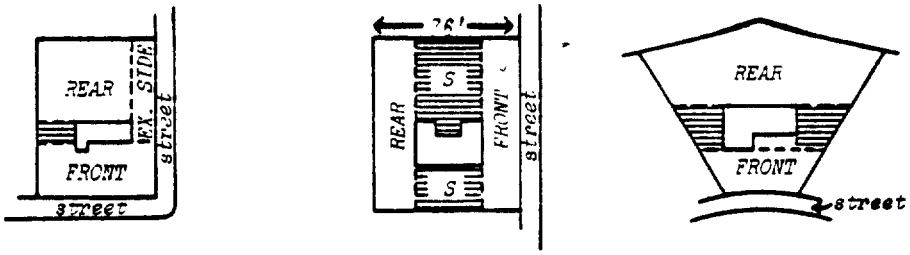
Yard, Front - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.



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



Yard, Side - A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.



ARTICLE II

ADMINISTRATIVE PROCEDURES

ARTICLE II - ADMINISTRATIVE PROCEDURES

Table of Contents

Chapter 2.0: Public Hearings

Section	2.0.10	Background
	2.0.20	Purposes
	2.0.30	Determination of Hearing Type
	2.0.40	Legislative Hearings
	2.0.50	Quasi-judicial Hearings

Chapter 2.1: Comprehensive Plan Amendment Procedures

Section	2.1.10	Background
	2.1.20	Purposes
	2.1.30	Procedures

Chapter 2.2: Development District Changes

Section	2.2.10	Background
	2.2.20	Purposes
	2.2.30	Legislative Change Procedures
	2.2.40	Quasi-judicial Change Procedures

Chapter 2.3: Conditional Development

Section	2.3.10	Background
	2.3.20	Purposes
	2.3.30	Procedures

Chapter 2.4: Subdivisions and Major Replats

Section	2.4.10	Background
	2.4.20	Purposes
	2.4.30	Tentative Plat Review Procedures
	2.4.40	Final Plat Review Procedures
	2.4.50	Major Replat
	2.4.60	Minor Replat and Lot Line Adjustments
	2.4.70	Vacating Plats

Chapter 2.5: Planned Development

Section	2.5.10	Background
	2.5.20	Purposes
	2.5.30	General Provisions
	2.5.40	Conceptual Development Plan Procedures
	2.5.50	Detailed Development Plan Review Procedures
	2.5.60	Noncompliance with the Approved Detailed Development Plan
	2.5.70	Planned Development Nullification

Chapter 2.6: Annexations

Section	2.6.10	Background
	2.6.20	Purposes
	2.6.30	Procedures
	2.6.40	Exceptions

Chapter 2.7: Extension of City Services Outside the City Limits

Section	2.7.10	Background
	2.7.20	Purposes
	2.7.30	Eligibility for Extension of Services
	2.7.40	Exceptions to Eligibility of Extension
	2.7.50	Procedures
	2.7.60	Enforcement

Chapter 2.8: Vacating of Public Lands and Plats

Section	2.8.10	Background
	2.8.20	Purposes
	2.8.30	Procedures
	2.8.40	Vacation Records to be Filed

Chapter 2.9: Historic Preservation Provisions

Section	2.9.10	Background
	2.9.20	Purposes
	2.9.30	Procedures for Historic Landmark and District Designation
	2.9.40	Procedures for Demolition or Moving an Historic Resource
	2.9.50	Procedures for Removing an Historic Designation
	2.9.60	Procedures for Alteration of an Historic Resource
	2.9.70	Notice of Disposition
	2.9.80	Appeals
	2,9,90	Effective Date

Chapters 2.10 and 2.11: Reserved for Future Expansion

Chapter 2.12: Lot Development Option

Section	2.12.10	Background
	2.12.20	Purposes
	2.12.30	Procedures

Chapter 2.13: Plan Compatibility Review

Section	2.13.10	Background
	2.13.20	Purposes
	2.13.30	Procedures

Chapter 2.14: Partitions, Minor Replats, and Lot Line Adjustments

Section	2.14.10	Background
	2.14.20	Purposes
	2.14.30	Tentative Plat Review Procedures
	2.14.40	Final Plat Review Procedures
	2.14.50	Minor Replat Procedures
	2.14.60	Lot Line Adjustment
	2.14.70	Major Replats
	2.14.80	Vacating Plats

Chapter 2.15: Hillside Development and Density Transfer

Section	2.15.10	Background
	2.15.20	Purposes
	2.15.30	Applicability
	2.15.40	Procedures

Chapter 2.16: Request for Interpretation

Section	2.16.10	Background
	2.16.20	Purposes
	2.16.30	Procedures

Chapter 2.17: Reserved for Future Expansion

Chapter 2.18: Solar Access Permits

Section	2.18.10	Background
	2.18.20	Purposes
	2.18.30	Limits on Solar Permits
	2.18.40	Procedures
	2.18.50	Permit Recordation
	2.18.60	Obligation Created by Solar Access Permit
	2.18.70	Replacement of Trees

Chapter 2.19: Appeals

Section	2.19.10	Background
	2.19.20	Purposes
	2.19.30	Procedures

CHAPTER 2.0
PUBLIC HEARINGS

Section 2.0.10 - BACKGROUND

The following procedures are established for the conduct of legislative and quasi-judicial public hearings where such hearings are required by the provisions of this Code. In the event that this Code and a specific provision of State law address the same subject, then the requirement of State law shall be fulfilled in lieu of the procedure provided by this Code.

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 the legal rights of individual property owners and the general public are protected.

Section 2.0.30 - DETERMINATION OF HEARING TYPE

Within 7 days from the date of the Director's request, the City Attorney shall determine whether a legislative or a quasi-judicial hearing is required. Such decision shall be based upon a construction of applicable State regulations and relevant court decisions.

Section 2.0.40 - LEGISLATIVE HEARINGS

If this Code requires the City Council or an agency of the City to conduct a legislative hearing, the hearing shall be in accordance with the procedures set forth below.

2.0.40.01 - Notice

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

a. The notice 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 shall be sent by mail at least 20 days prior to the hearing to owners of property if the proposed action would change the land use designation or number of dwelling units per acre permitted on the property. No mailed notice shall be required if the number of affected property owners exceeds 300.

c. For the purpose of mailed notification, the County Assessor's Office most recent property tax assessment roll shall be used. The failure of the property owners to receive notice shall not invalidate the action if a good-faith attempt was made to notify all persons entitled to personal notice.

2.0.40.02 - Submission of Written Testimony

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

2.0.40.03 - Order of Proceedings

a. The presiding officer shall state the case and call the public hearing to order. The presiding officer may establish the time allowed for presentation of information.

b. Any objections or jurisdictional grounds shall be noted in the record.

c. Disqualifications shall be determined. Members shall announce all potential conflicts of interest.

d. Staff reports shall be presented. City staff may also present additional information whenever allowed by the presiding officer during the proceedings.

e. Presentation of information or inquiries by those persons who support the proposed action.

f. Presentation of information or inquiries by those persons who oppose the proposed action.

g. Presentation of information or inquiries by those persons who do not necessarily support or oppose the proposed action.

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

2.0.40.04 - Action by Hearing Authority

a. Action of the hearing authority may be to: 1) continue the public hearing and refer the matter to a committee; 2) approve the action; or 3) deny the action. Findings in support of any decision may be required by State law and shall be in the record of proceedings prior to any final action by the hearing authority.

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

2.0.40.05 - Findings of Fact

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

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

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

c. Reasons for a conclusion to approve or deny.

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. The following table provides a summary of this process. **Applicants intending to develop a major project within the City are strongly urged to conduct their own informational meetings in the neighborhood affected.** Typically this would occur sometime after an application is initially submitted but prior to the deadline for revisions. Applicants are also urged to work closely with City staff and to take part in a preapplication meeting.

2.0.50.01 - Acceptance of Application

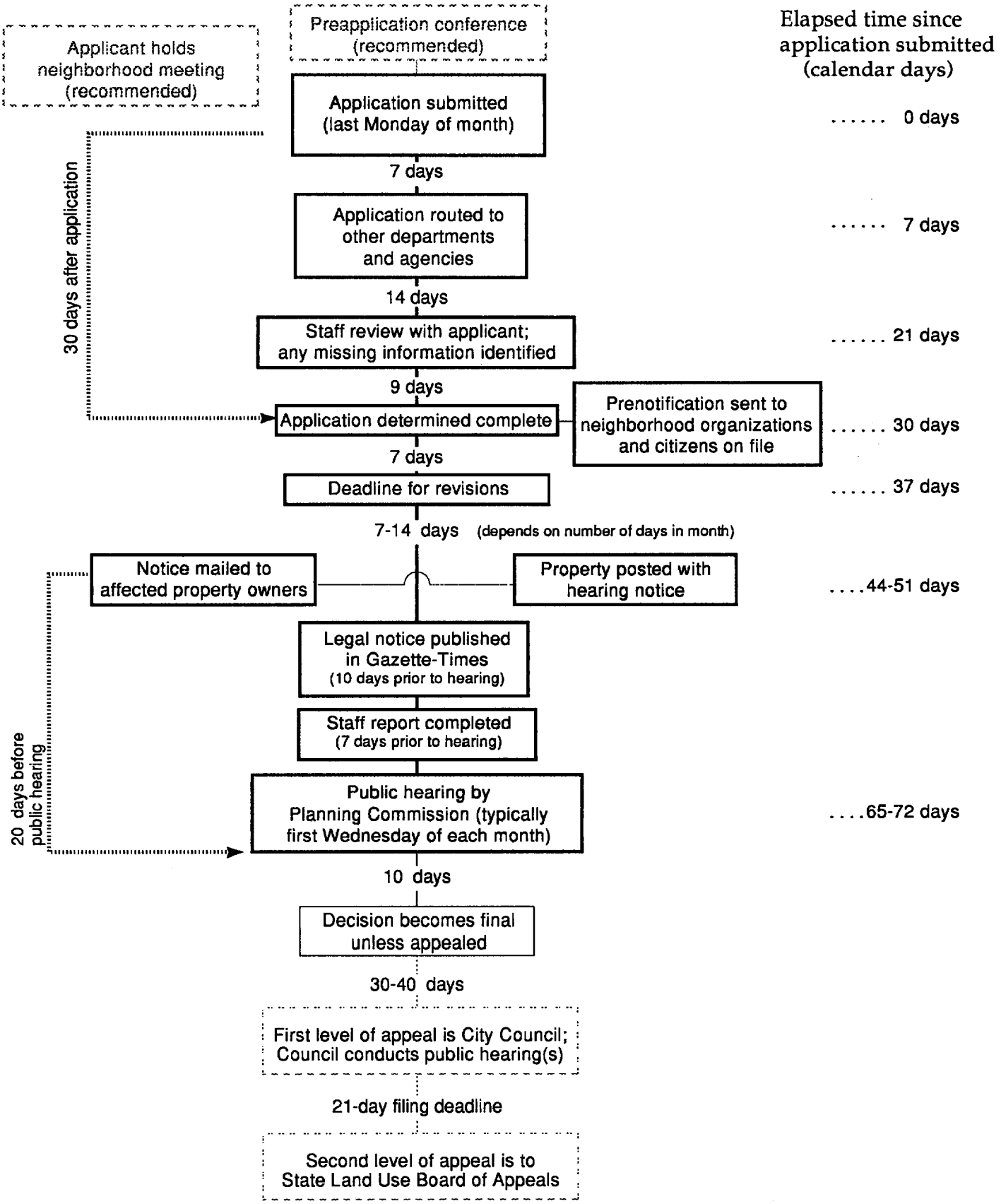
a. The Director shall review applications as soon as possible after they are filed to verify their completeness. Within 30 days of the original filing, each application shall be formally accepted as complete or rejected as being incomplete. The applicant shall be notified of the acceptance or rejection of the application. If the application is rejected, the applicant shall be advised what information is needed to make the application complete. The applicant shall have 10 days in which to submit any additional materials. Applicants shall be advised that the hearing authority will be unable to approve an incomplete application if it cannot assure that required criteria have been met.

b. After an application is accepted as complete, any revisions to it shall be regarded as a new application requiring additional filing fees and rescheduling of the required public hearing.

2.0.50.02 - Conducting a Public Hearing

The hearing authority shall act upon the development proposal application within 60 days after the application is deemed complete, unless such time limitation is extended with the consent of the applicant or as required by law. Unless otherwise ordered by the hearing authority, the Director shall take such applications in the order in which they are filed.

Timeframe for Quasi-judicial Hearings



2.0.50.03 - Prenotification to Neighborhoods

a. As a means to provide information to citizens and to neighborhood associations and organizations on file with the City earlier than required in 2.0.50.04 below, prenotification shall be provided to such association and organizations whose boundaries include or border the subject property. Prenotification 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 identification of the subject property; and

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

b. Prenotification shall be sent to neighborhood contact persons and any citizen who has requested such information. These prenotification mailing lists shall be updated annually.

c. Prenotification shall be mailed upon determination by staff that an application for a pending land use action is complete.

2.0.50.04 - Public Notice

a. Notice of hearings 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 a district change, subdivision, annexations, or conditional developments;

   5. Name and telephone number of a staff member from whom additional information can be obtained;

   6. Where a district change or site development plan is involved, the notice shall include the statement that the hearing authority may consider modifications to what was requested by the applicant;

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 allow the decision-makers an opportunity to respond will preclude appeal to the State Land Use Board of Appeals on that issue;

9. A statement that the following are available for inspection at no cost and will be duplicated upon request at reasonable cost:

   - the application;
   - all documents and evidence relied upon by the applicant;
   - applicable criteria.

10. A statement that the staff report will be available for review at no cost 7 days before the hearing and will be duplicated upon request at reasonable cost;

11. A description of the hearing procedure with encouragement for concerned citizens to submit testimony orally or in writing.

b. 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.

2. Any person who resides on or owns property within **500 ft**, excluding street right-of-way, of a parcel of land for:

   (a) District changes or Comprehensive Plan amendments (excluding Historic Preservation District Overlays and Research Technology Center time extensions).

   (b) Subdivisions and replats that create 10 or more lots.

   (c) Conditional development on parcels greater than 1 acre (including Planned Developments and Willamette River Greenway Permits).

   (d) Annexation proposals.

3. Any person who resides on or owns property within **300 ft**, excluding street right-of-way, of a parcel of land for:

   (a) Subdivisions and major replats that create fewer than 10 lots.

   (b) Conditional development on parcels less than 1 acre (including Planned Developments and Willamette River Greenway Permits).

4. Any person who resides on or owns property within **100 ft**, excluding street right-of-way, of a parcel of land for:

   (a) Appeals of an administrative decision of the Director.

   (b) Establishment/removal of an Historic Preservation Overlay designation and moving/demolition of an historic resource.

   (c) 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.

   (d) Sign variance.

5. Tenants of any existing manufactured-dwelling park for which a development district change is proposed.

6. Vacating public lands, including subdivision plats and street rights-of-way, shall be notified as provided in Chapter 2.8 - Vacating of Public Lands and Plats and ORS 271.080.

7. Any other person, agency, or organization that has filed with the Director a request to receive notices of hearings and has paid a reasonable fee to cover noticing therefor;

8. Any other person, agency, or organization that may be designated by this Code; and

9. Any other person, agency, or organization that may be designated by the City Council or its agencies.

10. Any other resident owner of property whom the Director determines is affected by the application.

c. For the purpose of mailed notification, the County Assessor's most recent property tax assessment roll shall be used. Notices shall be sent to the occupant and owner in each case where the Assessor's records indicate that the owner's address differs from the site address. Persons whose names and addresses are not on file at the time of the filing of the application need not be notified of the action. Failure of the property owners to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to mailed notice.

d. Notice shall also be posted in 3 conspicuous places in the immediate vicinity of the subject property at least 20 days prior to the hearing date.

e. Notice shall also be given by publication in a newspaper of general circulation at least 10 days prior to the date of the hearing. In addition, where the Director determines that persons may be affected outside of the notice area, a display ad may be published in the Gazette Times newspaper at least 7 days prior to the hearing date.

f. Where a hearing is continued by the hearing authority to a date certain, 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

a. The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case and that failure to raise an issue with sufficient specificity to afford the decision-makers and other parties an opportunity to respond will preclude appeal to the State Land Use Board of Appeals on that issue. The presiding officer may establish the time allowed for the presentation of information.

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

c. Any abstentions or disqualifications shall be determined. Members shall announce all conflicts of interest and shall disclose the time, place, and nature of any *ex parte* contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the *ex parte* contact.

d. A staff report shall be presented including a list of the criteria applying to the case. City staff may also present additional information whenever allowed by the presiding officer during the proceedings.

e. The hearing authority may view the area in dispute for purposes of evaluating the proposal, but shall state in the record the place, time, manner, and circumstances of such viewing.

f. The applicant or those representing the applicant shall present information.

g. Those persons who support the proposed change shall present evidence or make inquiries. If additional documents or evidence are provided in support of an application, any party shall, upon request, be entitled to a continuance of the hearing to allow for adequate preparation of rebuttal. Such a continuance is exempt from the time limits established in state law for development review processes.

h. Those persons who oppose the proposed change shall present evidence or offer inquiries.

i. Those persons who do not necessarily support or oppose the proposed change shall present evidence or offer inquiries.

j. Rebuttal testimony may be presented by persons who have testified supporting or opposing the proposed change. The scope of material presented during rebuttal shall be limited to matters raised during the course of the hearing. Rebuttal shall be first presented by the applicant or the applicant's representative followed by those opposed to the proposed change. The presiding officer shall limit rebuttal to avoid repetition and redundancy.

k. At the close of presentation of information, rebuttal, and written argument, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. When the public hearing is not to be continued, the record shall remain open for submittal of additional written testimony for a period of 7 days after the close of the hearing, if requested by any participant in the initial hearing, and may be permitted for a longer period at the discretion of the hearing authority.

l. Once a hearing has been closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence. Opportunity for brief rebuttal shall also be afforded to adverse parties.

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

1. There is evidence 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.

2.0.50.07 - 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 and preserved and shall be transmitted to an appellate body in the event an appeal is filed in accordance with Chapter 2.19 - Appeals. True copies of original information may be substituted for original documents.

d. All evidence and argument shall be as brief as possible, consistent with full presentation.

e. Redundancy shall be avoided.

f. Each person presenting information or argument shall be permitted to complete the presentation without interruption except by the presiding officer to enforce this Code.

g. Discussion of personalities shall be avoided to the extent possible in making a complete presentation.

h. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval, or disapproval, agreement or disagreement. If any person persists in such conduct after warning by the presiding officer, such person may be expelled from the hearing.

i. The presiding officer has complete authority to enforce these provisions to assure that a fair hearing is held including the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any one or more of these provisions.

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 the tapes have been listened to, thus reviving voter eligibility.

2.0.50.09 - Action by Hearing Authority

The hearing authority shall act upon the development proposal application within 60 days after the application is deemed complete unless such time limitation is extended with the consent of the applicant or as required by law. Unless otherwise ordered by the hearing authority, the Director shall take such applications in the order in which they are filed.

a. Action of the hearing authority may be to: 1) continue the public hearing and refer the case to a committee; 2) approve the applications as submitted; 3) deny the request; or 4) approve the request with conditions in accordance with "c" below. Findings in support of any decision shall be required in accordance with 2.0.50.10 below, and shall be in the record of proceedings prior to any final action by the hearing authority to either approve, approve with conditions, or deny a request.

b. The following limitations shall be applicable to conditional approvals:

1. Conditions shall be fulfilled within the time limitations set forth in the approval thereof or, if no time is set forth, within a reasonable and agreed time.

2. Such conditions may concern any matter subject to regulation under this Code, or other law, policy, or ordinance of the City.

c. By vote, the hearing authority may continue any public hearing to a later date and time certain. If a quorum of the hearing authority does not appear for a hearing, the hearing shall automatically be continued to the date and time of the next regularly scheduled meeting.

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 should include, but should not be limited to statements regarding:

1. Size and location of property in question including tax lot number(s) and map number(s).
2. Purpose of application.
3. Date of original application.
4. Statement of applicant's legal interest in the property.
5. Whether or not applicant represents self or another person.
6. Date of all public hearings (if any other) and actions taken at those hearings.
7. Other relevant background facts, as appropriate.

b. Identification of applicable legal criteria for decision making. These may include the Corvallis Charter, Land Development Code, Comprehensive Plan, applicable Statewide Planning Goals, and applicable State statutes.

c. Findings and conclusions, individually numbered. Such findings must relate relevant facts to the legal criteria identified previously. The findings may require an explanation of possible conflict between provisions of identified legal criteria and an explanation of how any such conflicts were resolved.

d. All parties shall be encouraged to prepare and submit written findings for the consideration of the hearing authority. The authority may direct staff to prepare proposed findings or, in the event that the authority does not follow staff's recommendation, the prevailing party may be directed to prepare findings.

2.0.50.11 - Signing of the Order

A written order setting forth the action of the hearing authority shall be rendered, to be signed by the chair of the presiding body or designate, to 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

Following the signing of the order 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 application appeal period deadline. The notice of disposition will be issued to persons who testified at the public hearing or those who submitted written testimony, in addition to those persons who are entitled to receive a notice of disposition by other provisions of this Code.

2.0.50.13 - Public Information

a. A copy of these provisions shall be made available to any interested person requesting such a copy.

b. Copies of the Rules of Procedure (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 - Reapplication Following Denial

Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof may not be heard for a period of one 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.

2.0.50.15 - Multiple Applications Filed Together

When more than one application has been filed at one time for a specific property or development, and any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting. For example, applications for development district changes are ordinarily heard by the Land Development Hearings Board. When a District change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required.

2.0.50.16 - Filing deadlines

Unless otherwise specified in this Code, the following filing deadlines shall apply to any application requiring a public hearing by the Planning Commission. Where an application has been filed by the last Monday of the month, and found to be complete within the next 30 days, it shall be scheduled for public hearing in the third month following. For example, applications filed the last Monday in January, and found to be complete by the end of February, will be heard by the Planning Commission in April.

CHAPTER 2.1
COMPREHENSIVE PLAN AMENDMENT PROCEDURES

Section 2.1.10 - BACKGROUND

The adopted Comprehensive Plan is the official statement of the City that sets forth 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 sets forth review criteria and procedural requirements:

a. Respond to changing conditions and community attitudes;

b. Ensure flexibility while at the same time maintain 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 may 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.

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. Comprehensive Plan Amendments filed in conjunction with an annexation application shall be reviewed concurrently. Comprehensive Plan amendments are exempt from the time limits established in State law for development review processes and shall be exempt from time restrictions set forth in this code.

2.1.30.03 - Application Requirements

An application may be filed jointly by any or all of the property owners of record or their authorized agents within the area of the proposed Comprehensive Plan amendment. Applications shall be on forms provided by the Director and include a description and map of the area to be affected by the proposed change, a statement of the reasons for the change, and other information as may be necessary for an adequate review of the application. Notice shall be provided to the Land Conservation and Development Commission (LCDC) of any proposed amendment or new regulation as provided by State law.

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.

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 should include a recommendation for approval or denial.

2.1.30.06 - Review Criteria

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

a. Amendments shall be approved only when the following findings are made:

    1. There is a public need for the change;
    2. The change being proposed is the best means of meeting the identified public need; and
    3. There is a net benefit to the community that will result from the change.

b. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:

    1. Visual elements (scale, structural design and form, materials, and so forth);
    2. Noise attenuation;
    3. Noxious odors;
    4. Lighting;
    5. Signage;
    6. Landscaping for buffering and screening;
    7. Traffic;
    8. Effects on off-site parking;
    9. Effects on air and water quality.

2.1.30.07 - 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 map amendment. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.1.30.08 - Action by 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 approving the proposed Comprehensive Plan map 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.

2.1.30.09 - 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 City Council's decision, a reference to findings leading to it, and appeal period deadline. A notice of disposition shall also be mailed to persons who presented testimony orally or in writing at the public hearing.

CHAPTER 2.2
DEVELOPMENT DISTRICT CHANGES

Section 2.2.10 - BACKGROUND

The Development District Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Map has also been adopted as part of the Land Development Code. Frequent and piecemeal amendments to the Development District Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Development District Map from time to time to correct errors or to respond to changing conditions or unforseen circumstances.

When a development district is amended there often must be a corresponding change to the Comprehensive Plan map. There are, however, instances where more than one district matches the Comprehensive Plan designation. In these situations, the district can be amended without a Plan map change. The table below illustrates the relationship between the Comprehensive Plan and the District map designations in the City.

Development district changes are classified as legislative or quasi-judicial, depending on the number of properties involved. While only the City Council makes legislative decisions regarding district changes, quasi-judicial decisions may be made by the Planning Commission, Land Development Hearings Board, or upon appeal by the City Council, depending on the nature of proposed change. When a development district application is being 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 district change request is reviewed and approved or denied by the Land Development Hearings Board.

Section 2.2.20 - PURPOSES

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative district map amendments to accomplish the following:

a. Maintain sound, stable, and desirable development within the City;

b. Permit changes in development district boundaries where appropriate;

c. Ensure district changes are consistent with the community's land use policies and goals; and

d. Lessen the influence of private economic interests in the land use decision-making process.

COMPREHENSIVE PLAN & CORRESPONDING DISTRICT MAP DESIGNATIONS [1]

IF THE COMPREHENSIVE PLAN DESIGNATION IS:	DISTRICT MAP DESIGNATION SHALL BE
RESIDENTIAL	**RESIDENTIAL**
Low Density (2-6 units/acre)	RS-3.5 Low RS-5 Low RS-6 Low
Medium Density (6-12 units/acre)	RS-9 & 9(U) Medium
Medium High Density (12-20 units/acre)	RS-12 & 12(U) Medium-High
High Density (over 20 units/acre)	RS-20 High
OFFICE/COMMERCIAL	**COMMERCIAL**
Professional Offices	Professional and Administrative Office (P-AO)
Shopping Area	Shopping Area (SA) Shopping Area-University (SA-U) Special Shopping District (SSD) Community Shopping (CS)
Linear Commercial	Linear Commercial (LC)
Central Business District	Central Business District (CB) Central Business Fringe (CBF)
Regional Shopping Center	Regional Shopping Center (RSC)
INDUSTRIAL	**INDUSTRIAL**
Limited	Limited (LI)
General	General (GI)
Intensive	Intensive (II)
Research Technology Center	Research Technology Center (RTC)
OTHERS	**OTHERS**
Public-Institutional	Oregon State University (OSU) and in any other district for government and public facility uses.
Agriculture/Conservation	Agriculture/Open Space (AG-OS)

[1] Does not include district overlays.

Section 2.2.30 - LEGISLATIVE CHANGE PROCEDURES

A district 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 district change that is legislative in nature may be initiated by either a majority vote of the City Council or Planning Commission upon a finding that there is sufficient cause to initiate a change.

b. Property owners may petition the Planning Commission to initiate a hearing through the following procedure:

   1. A petition shall only be considered if it represents a majority (over 50 percent) of property owners within the area of the proposed district change.

   2. A petition shall include a description and map of the area to be affected and information as may be necessary for an adequate review.

   3. If the Planning Commission makes a determination that there is sufficient cause, it shall initiate the district change in accordance with Chapter 2 - 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.

2.2.30.02 - Staff Evaluation

A report shall be prepared by staff that evaluates whether the proposal complies with the review criteria below. The report should include a recommendation for approval or denial.

2.2.30.03 - Review Criteria

Legislative district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, 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 district 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 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 petition or adopt an ordinance approving the proposed district 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

A Notice of Disposition shall be mailed in accordance with Chapter 2.0 - Public Hearings to persons who presented testimony orally or in writing at the public hearing.

Section 2.2.40 - QUASI-JUDICIAL CHANGE PROCEDURES

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

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); or

   2. A majority vote of the City Council or Planning Commission following the same procedures used for legislative amendments discussed above.

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.

2.2.40.02 - Application Requirements

An application for a district change that requires a quasi-judicial hearing shall be made on forms provided by the Director and shall include the following where applicable:

a. Description of the land (address, lot, block, or similar description);

b. Narrative addressing how the application meets the review criteria in 2.2.40.05 below;

c. Maps, drawings, and such other information as may be needed for an adequate review of the application.

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

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 the Planning Commission if the district change is requested in conjunction with an amendment to the Comprehensive Plan. If no Comprehensive Plan amendment is required to approve the district change, the hearing shall be conducted by the Land Development Hearing Board.

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

Quasi-judicial district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

a. Visual elements (scale, structural design and form, materials, and so forth;
b. Noise attenuation;
c. Noxious odors;
d. Lighting;
e. Signage;
f. Landscaping for buffering and screening;
g. Traffic;
h. Effects on off-street parking;
i. Effects on air and water quality.

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 district change or a modification thereof, 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.

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 appeal period deadline. A notice of disposition shall also be mailed to persons who presented testimony orally or in writing at the public hearing.

2.2.40.08 - Appeals

The decision of the Land Development Hearings Board or Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.

2.2.40.09 - Effective Date

The decision of the Land Development Hearing Board shall become effective 10 days from when the notice of disposition is mailed unless an appeal has been filed.

The decision of the Planning Commission made in conjunction with a Comprehensive Plan amendment shall become final 10 days from when the notice of disposition is mailed unless an appeal has been filed. The district changes will not take effect, however, until and unless the necessary Comprehensive Plan amendment has been implemented by the City Council.

CHAPTER 2.3
CONDITIONAL DEVELOPMENT

Section 2.3.10 - BACKGROUND

Certain use types listed in each district require a public hearing to determine what their effects may be to the surrounding properties, neighborhood, and 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.

Section 2.3.20 - PURPOSES

It is the intent of this chapter to permit Conditional Development where it is consistent with the Comprehensive Plan, subject to procedures and criteria intended to mitigate potentially negative impacts. Procedures and review criteria for Conditional Development 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 flexibility in the implementation of Special District plans; and

e. Permit a mixture of residential development types.

Section 2.3.30 - PROCEDURES

An application filed for Conditional Development shall comply with the following:

2.3.30.01 - Application Requirements

An application for Conditional Development shall be on forms provided by the Director and include the following, where applicable:

a. A description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place;

b. Public notice map (typically a street map at 1 in. = 800 ft as per City's public notice format);

c. Narrative addressing how the application meets the review criteria in 2.3.30.04 below;

d. Site plan drawn to scale and showing existing and proposed:

- Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
- Lot line dimensions;
- Location of structures;
- Vehicle and pedestrian access points and accessways;
- General location of vegetated areas;
- Utility service areas;
- Fences and walls;
- Parking, maneuvering, loading, and refuse areas;
- Direction of traffic flow on the property;
- Drainage controls;
- Proposed 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) to scale indicating:

- Heights of structure;
- Entrances and exits of proposed structures;
- Architectural drawings or sketches, including floor plans, in sufficient detail to permit computation of yard requirements.

g. Landscape plan drawn to scale showing:

- Location of existing trees and vegetation proposed to be removed or retained on the site;
- Location and design of landscaped areas;
- Proposed varieties and sizes of trees and plant materials;
- Other pertinent landscape features, and irrigation systems required to maintain plant materials.

h. Data indicating:

- Square footage of site and structure;
- Building coverage;
- Amount of site to be landscaped;
- Number of parking spaces provided;
- Building materials to be used;
- Specifications as to type, color, and texture of exterior surfaces of proposed structures.

i. Vicinity map showing the site in relation to local and collector streets; plus any other features in the nearby area;

j. Any additional information that may be required by the Director to properly evaluate the proposed site plan. Such additional information shall only be required where its need can be justified on the basis of special and/or unforeseen circumstances.

k. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal. The Director may also require additional information needed to properly evaluate the Conditional Development.

The applicant shall provide 4 sets of plans, not to exceed 24 in. by 36 in. and one set of plans reduced to 8½ in. by 11 in. Where necessary, additional detail sheets shall be provided.

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 shall be regarded as a new application, requiring 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 should 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 assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

a. Basic site design (organization of uses on the site);
b. Visual elements (scale, structural design and form, materials, and so forth);
c. Noise attenuation;
d. Noxious odors;
e. Lighting;
f. Signage;
g. Landscaping for buffering and screening;
h. Traffic;
i. Effects on off-street parking;
j. Effects on air and water quality.

2.3.30.05 - 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 public hearing, the Commission shall either approve, conditionally approve, or deny the conditional use. The Commission'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 Planning Commission's 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 presented testimony orally or in writing at the public hearing.

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

The decision of the hearing authority shall become effective 10 days from when the notice of disposition is mailed unless an appeal has been filed.

2.3.30.09 - Effective Period of Conditional Development Approval

Conditional Development approval shall be effective for a 2-year period from the date of approval. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed 2 additional years. If the applicant has not begun the Conditional Development or its phases before the established effective period expires, all approvals shall expire.

CHAPTER 2.4
SUBDIVISIONS AND MAJOR REPLATS

Section 2.4.10 - BACKGROUND

The division of land is the initial step towards establishing a community's ultimate development pattern. Land divisions can occur through either a subdivision or partition process. A subdivision procedure is used when 4 or more units (generally referred to as "lots") of land are created in a calendar year. Subdivision applications are reviewed by the Planning Commission and frequently involve creation of an internal street to provide access. Subdivision applications may include requests for Planned Developments to permit greater flexibility in design of developments. Procedural provisions for Planned Developments are addressed in Chapter 2.5.

A partition procedure is used when 3 or fewer units (generally referred to as "parcels") are created in a calendar year and may or may not involve creation of a street. Partitions go through a staff review without a public hearing, except upon appeal. Partitions, in addition to procedures for minor replats and lot line adjustments, are addressed in Chapter 2.14.

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 building sites are of sufficient size and appropriate design for their intended uses and lots to be created are within density ranges permitted by the Comprehensive Plan;

b. Minimize negative effects of development upon the natural environment and to 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 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

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

2.4.30.01 - Application Requirements

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

The application shall be accompanied by the following:

- One copy of the narrative on 8.5 in. by 11 in. sheets;
- Four sets of full-scaled black line drawings of the tentative plat and any other graphic(s), with sheet size not to exceed 24 in. by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted; and
- One set of the graphics shall be reduced to fit on 8.5 in. by 11 in. sheets of paper. Graphics and related names/numbers must be legible on this sheet size.

a. **Graphic** - A tentative subdivision plat application shall include the following information where applicable.

1. Public Notice map (typically a street map at 1 in. = 800 ft as per City's public notice format);

2. District map (typically 1 in = 400 ft with a key that identifies each district within 1000 ft of the site as per City format);

3. Existing land use map (typically a topographic map that extends at least a 1000 ft beyond the site. The map includes building footprints and makes a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainageways, parks and schools);

4. Tentative subdivision plat and other graphics drawn to scale and containing sheet titles, date, north arrow, and legend placed in the same location on each sheet and containing the following:

   (a) Name and address of owner(s) of record, applicant, and registered land surveyor who prepared the plat;

(b) Sufficient description to define location and boundaries of the development site;

(c) Location and use of adjacent structures within 150 ft of the development site;

(d) Number of lots and their dimensions including frontage, depth, and area in square feet;

(e) General location of existing and proposed structures including building types and gross density per acre and proposed use restrictions. An indication of approximate building envelopes may be required where necessary to evaluate building relationships;

(f) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses;

(g) Existing and proposed general circulation system including bikeways, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership (public or private) should be included where appropriate;

(h) Existing and proposed general pedestrian circulation system, including its interrelationship with the vehicular circulation system and indicating proposed treatments of points of conflict;

(i) Existing and proposed utility systems including sanitary sewer, storm sewer, drainageways, and water, where appropriate;

(j) Identification of significant natural features including heavily wooded areas and existing native, ornamental, and orchard trees having a trunk diameter of 10 in. or more at a point 24 in. above natural grade including dripline, centers, and species;

(k) Topographic contours at 2-ft intervals for slopes under 20 percent and at 5-ft intervals for slopes at or greater than 20 percent. Where the grade of any part of the subdivision exceeds 10 percent or where the subdivision abuts existing developed lots, a conceptual grading plan may be required to show features adjacent to or within a reasonable distance from the subdivision that would affect the subdivision and adjacent areas. If a grading plan is required, it shall show how runoff or surface water from individual lots will be managed and ultimate disposal of all subdivision surface waters;

(l) Approximate location of proposed easements and/or dedications for drainage, sewage, or other public utilities;

(m) Location of waterways, and drainageways, showing top of existing banks and channel depth, and if requested, a separate sheet showing cross sections at 50-ft intervals of all such water courses for review in accordance with Chapter 4.5;

(n) 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;

(o) For residential development, location of existing structures and trees on site that could reduce solar access to any buildable area within the development. Application must show type and location of trees to be preserved and shadow patterns of trees at their mature height for the reference period from 10 a.m. to 3 p.m. on November 21;

(p) For residential development, location of solar collectors on land adjacent to the development for which solar access permits have been granted;

(q) For residential development, a copy of the tentative 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; and

(r) For residential development, a proposed solar envelope for each lot as necessary for solar access protection consistent with Chapter 4.4 - Land Division Standards.

The Director may waive any of the above requirements when determined the information required by this section is unnecessary to properly evaluate the proposed development. The Director may also require additional information, if determined necessary, to adequately evaluate the proposal.

b. Narrative Requirements - A written statement shall include:

1. Proposed uses and development objectives;

2. Statement of improvements to be constructed or installed and date of their anticipated completion 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 if proposed; and

(d) Proposed landscaping.

3. General description of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements, such as irrigation, private roads and drives, landscape, and maintenance;

4. General data not included on the tentative plat such as:

   (a) Total number and type of dwelling units,

   (b) Parcel size;

   (c) Proposed lot coverage of buildings and structures where known;

   (d) Gross densities per acre;

   (e) Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas); and

   (f) Total amount of nonresidential construction.

2.4.30.02 - 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 shall be regarded as a new application, requiring additional filing fees and rescheduling of the required public hearing.

2.4.30.03 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report should include a recommendation for approval or denial and a list of conditions for the Planning Commission to consider if an approval is granted.

2.4.30.04 - Review Criteria

Requests for approval of a tentative subdivision plat shall be reviewed to assure consistency with the purposes of this Code, pertinent development standards of the Code including Chapters 4.0 - Improvements Required with Development; 4.1 - Parking, Loading, and Access Requirements; 4.2 - Landscaping, Buffering, and Screening; 4.4 - Land Division Standards; and 4.5 - Flood Control and Drainage Provisions; and density requirements of the Comprehensive Plan.

2.4.30.05 - 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 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.

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 appeal period deadline. A notice of disposition shall also be mailed to persons who presented testimony orally or in writing at the public hearing.

2.4.30.07 - Appeals

The decision of the Planning Commission may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

2.4.30.08 - Effective Date

The decision of the Planning Commission shall become effective 10 days from when the Notice of Disposition is mailed unless an appeal is filed.

2.4.30.09 - Effective Period of Tentative Subdivision Plat Approval

Approval of a tentative subdivision plat shall be valid for a period of 2 years from the effective approval date. If the applicant has not submitted a final subdivision plat within 2 years (with appropriate assurances for improvements, if applicable), the Planning Commission approval shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed 1 additional year.

Section 2.4.40 - FINAL PLAT REVIEW PROCEDURES

2.4.40.01 - Application Requirements

The final plat and 2 copies shall be submitted to the Director and meet Benton County's survey and subdivision plat standards. The final plat shall conform to the approved tentative subdivision plat and with Article IV - Development Standards, except where modified by a Planned Development approval (see Chapter 2.5). The plat shall 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 numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a township.

2. Block numbers shall begin with the number "1" and 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 any figure. Block and lot numbers in an addition to a subdivision of the same name shall continue the numbering in the original subdivision. Block numbering sequence shall be the same system as sections are numbered in a township.

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 the subdivision of the same name shall continue numbering of the original subdivision.

g. Street rights-of-way, center lines with dimensions to the nearest 0.01 ft, bearings or deflection angles, radii, arc, 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. Name and width of proposed and existing streets, (subject to approval by the Director) width of any existing right-of-way, and width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to center line dimensions, the radius and center angle shall be indicated;

i. Easements, denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. If an easement is not definitely located or recorded, there shall be a written statement of the easement. The 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 by the plat, it shall be properly referenced in the owner's certificates of dedication. The City Engineer shall approve wording of all easements;

j. Locations and widths of waterway and drainageways, and other water courses for review in accordance with Chapter 4.5 - Flood Control Provisions;

k. Location and widths of railroad rights-of-way and reserve strips at the end of stub streets or along the edge of partial-width streets on the subdivision boundary;

l. Parcels to be dedicated 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. The following certificates, acknowledgments, and other requirements established by State law. Such certificates may be combined where appropriate.

1. Certificate, signed and acknowledged by the owner(s) of record of the land to be subdivided, offering for dedication of all parcels of land for public use; and offering for dedication of 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.

9. Certificate for execution by the Benton County Board of Commissioners.

2.4.40.02 - Additional Materials

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

a. Complete and accurate survey of land to be subdivided made by a registered or licensed surveyor;

b. Traverse data on standard-form work sheets or accurate and complete electronic computations, showing 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 that no such restrictions will be established;

d. Title guarantee by a title company doing business in Benton County, showing names of persons whose consent is necessary for preparation of the final 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 therein to be 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;

f. Copy of solar envelopes for each lot as necessary for solar access protection consistent with Chapter 4.4 - Land Division Standards.

2.4.40.03 - Dedications and Public Utility Requirements

a. The following items shall be offered for dedication 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, pedestrian ways, drainage channels, easements, and other rights-of-way shown for public use on the final subdivision plat.

   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 proposed 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 1 ft wide across the ends of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land may be required. These strips shall be designated on the final subdivision plat. The reserve strip shall be included in the dedication granting to the City right to control access over the reserve strip to assure 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. In making the survey, the surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to standards required by the City Engineer. 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:

    1. The applicant has shown it is necessary and practical to delay interior monumentation.

    2. The applicant 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.

    3. The applicant signs an agreement with the project surveyor and City Engineer. The agreement shall state the amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat, how the surveyor is to be paid for the work of establishing the interior monuments, that the rules for post monumentation as provided in ORS Chapter 92 shall be followed; establishes a date when monumentation will be completed; and sets out other particulars that may be necessary to insure complete monumentation at a later date.

2.4.40.06 - Review of Final Subdivision Plat Application

Within 14 days after receiving an application, the Director shall review it for compliance with the above submittal requirements If an application is found incomplete, the Director shall notify the applicant and state what is needed for a complete application.

2.4.40.07 - Reserved

2.4.40.08 - Coordination by Director

The Director shall coordinate review of the final subdivision plat as required above. 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 make field checks to verify that the map is sufficiently correct on the ground and may enter the property for this purpose.

2.4.40.09 - Installation of Required Improvements

Before the signature of the City Engineer is obtained, the applicant shall install required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of required public street, sanitary sewer, storm drainage, water, pedestrianway and bikeway improvements, and electrical power, natural gas, cable television, and telephone service, 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. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor and the Board of County Commissioners. The subdivision plat shall be kept by the City until the improvements have been completed and approved by the City Engineer. Upon 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 2.4.40.09.01 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 service will be provided as required by 2.4.40.09.02 below; or

c. **Form Improvement District** - The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth 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 and may limit the area of the final subdivision plat to the area to be improved. A performance guarantee shall be required under the improvement district procedure.

2.4.40.09.01 - Performance Guarantee

If the applicant chooses to utilize the options provided under 2.4.40.09 "b" or "c", the following provisions shall apply:

a. When required by the provisions above, the applicant shall provide a performance guarantee to assure full and faithful performance thereof, in one of the following forms:

   1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.

   2. In lieu of the surety bond, the applicant may:

      (a) Deposit with the City Treasurer cash 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 utilized only upon authorization of the City Engineer; or

      (d) Provide bonds in a form approved by the City Attorney.

b. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.

c. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.

2.4.40.09.02 - Franchise Utility Service

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

2.4.40.09.03 - Removal of Existing Services

Existing public utilities or service connections not required, in the judgment of the City Engineer, for the proposed subdivision shall be removed prior to filing of the plat.

2.4.40.10 - Recordation of Final Subdivision Plat

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

2.4.40.11 - Effective Date

Authorization of the final subdivision plat shall become effective when the subdivision plat is recorded by the Director in accordance with 2.4.40.10 above.

2.4.40.12 - Notice of Recordation

After the final subdivision plat is recorded, the Director shall 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 LOT LINE ADJUSTMENTS

Applications for minor replats or lot line adjustments, shall be reviewed and processed in accordance with Chapter 2.14 - Partition, Minor Replats, and Lot 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 with ORS Chapter 271.080.

CHAPTER 2.5
PLANNED DEVELOPMENT

Section 2.5.10 - BACKGROUND

Development regulations with prestated requirements often frustrate innovation and use of new techniques of project and architectural design that are in the public interest, but were not contemplated when requirements were adopted. It is the intent of this chapter to establish those procedures necessary to permit flexibility in the land development process.

The Planned Development process is established to provide the mechanism for achieving greater flexibility and improved design where the scope of proposed modifications to prestated standards exceeds that permitted through a Lot Development Option. A Lot Development Option process allows modifications to required specification standards on an individual lot of record where the objectives of this Code can be met. The procedures for Lot Development Options are identified in Chapter 2.12.

A Planned Development (PD) designation is district overlay that can be applied in conjunction with any other district designation in accordance with the provisions of Chapter 3.32. Although this overlay designation permits modifications to the site development standards of the underlying district standards, it does not permit changes in uses specified by the underlying district.

The procedures of this chapter are applicable when a property owner requests a Planned Development concurrent with a specific project review or on sites where a PD designation exists on the City's Official Development District Map. A Planned Development project proposal is referred to as a "Detailed Development Plan" and, upon Planning Commission approval, building permits are issued consistent with that plan.

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 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 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. Promote and encourage energy conservation; and

h. Provide greater compatibility with surrounding land uses than what may occur with a conventional project.

Section 2.5.30 - GENERAL PROVISIONS

Planned Development is an alternative development process that is permitted as Conditional Development. The following procedure allows for Planning Commission review of a Conceptual Development Plan and/or Detailed Development Plan. The applicant may either select to process the development proposal under a Detailed Development Plan where sufficient information has been submitted, in accordance with Section 2.5.50, or may request only approval of a Conceptual Development Plan in accordance with Section 2.5.40 and later apply for a Detailed Development Plan. However, prior to issuing any building permits a Detailed Development Plan must be approved by the Planning Commission.

Where a Planned Development project has been approved without a Planned Development District designation, the Official Development District Map shall be amended with a Planned Development overlay designation for the subject development site.

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

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

The application shall be accompanied by the following:

- One copy of the narrative on 8.5 in. by 11 in. sheets;
- Four sets of full scaled black line drawings of the conceptual development plan graphic(s), with sheet size not to exceed 24 in. by 36 in. Where necessary, an overall plan with additional detail sheets may be submitted; and
- One set of the graphics shall be reduced to fit on 8.5 in. by 11 in. sheets of paper. Graphics, and related names/numbers must be legible on this sheet size.

a. Graphic Requirements

A Conceptual Development Plan shall include the following information where applicable:

1. Public Notice map (typically a street map at 1 in. = 800 ft as per City's public notice format);

2. District map (typically 1 in = 400 ft with a key that identifies each district within 1000 ft of the site as per City format);

3. Existing land use map (typically a topographic map that extends at least 1000 ft beyond the site. The map includes building footprints and makes a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainageways, parks, and schools);

4. Site plan(s) and other graphics drawn to scale and containing a sheet title, date, north arrow, and legend - placed in the same location on each sheet and containing the following:

   (a) Existing site conditions including contours at intervals sufficient to indicate topographic conditions, water courses, flood plains (for review in accordance with Chapter 4.5 - Flood Control and Drainage Provisions), and any unique natural features;

   (b) Boundary of the Proposed Planned Development and any interior boundaries related to proposed development phases or land divisions;

   (c) General location of existing and proposed structures including building types and gross density per acre. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.

   (d) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses;

   (e) Existing and proposed general circulation system including bikeways, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership (public or private) should be included where appropriate;

   (f) Existing and proposed general pedestrian circulation system, including its interrelationship with the vehicular circulation system and indicating proposed treatments of points of conflict;

   (g) Existing and proposed utility systems including sanitary sewer, storm sewer, drainageways, and water, where appropriate;

(h) Sufficient information on land areas within at least 150 ft of the subject property to indicate their relationships with the proposed development including land uses, lot lines, circulation systems, public facilities, and unique natural features of the landscape;

(i) Identification of heavily wooded areas and other significant natural features;

(j) For residential developments, 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;

(k) For residential development, indication of which buildings will have solar access protection and appropriate documentation to verify how solar access will be protected.

The Director may waive any of the above requirements when determined the information required by this section is unnecessary to properly evaluate the proposed Planned Development. The Director may also require additional information to evaluate the proposal.

b. Narrative Requirements

A written statement shall include the following information:

1. Statement of planning objectives to be achieved by the Planned Development. This statement should indicate a description of the character of the proposed development, rationale behind the assumptions and choices made, and a discussion indicating how the application meets the review criteria in 2.5.40.04 below.

2. Statement of intentions with regard to future selling or leasing of all or portions of the Planned Development;

3. Quantitative data for the following where appropriate:

   - Total number and type of dwelling units;
   - Parcel size;
   - Proposed lot coverage of buildings and structures where known;
   - Gross densities per acre;
   - Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas);
   - Total amount of nonresidential construction; and
   - Economic feasibility studies or market analysis where necessary;

4. General statement of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements, such as irrigation, private roads and drives, landscape, and maintenance;

5. For residential development, a statement or map describing existing and proposed buildings with protected solar access consistent with Chapter 4.4 - Land Division Standards; and

6. Statement describing project phasing, if proposed. Phases shall be:

   (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development;

   (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.

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 the application is accepted as complete, any revisions to it shall be regarded as a new application, requiring 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 approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- Basic site design (the organization of uses on a site);
- Visual elements (scale, structural design and form, materials, and so forth);
- Noise attenuation;
- Noxious odors;
- Lighting;
- Signage;
- Landscaping for buffering and screening;
- Traffic;
- Effects on off-site parking;
- Effects on air and water quality.

2.5.40.05 - Action by 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 either 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 appeal period deadline. A notice of disposition shall also be mailed to persons who presented testimony orally or in writing 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

The decision of the Planning Commission shall become effective 10 days from when the Notice of Disposition is mailed unless an appeal is filed.

2.5.40.09 - Effective Period of Conceptual Development Plan Approval

Approval of a Conceptual Development Plan shall be valid for a 3-year period from the date of approval. If the applicant has not submitted a Detailed Development Plan for the Planned Development or phases thereof before the 3-year effective period expires, the approval shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed 2 additional years.

2.5.40.10 - Modification of a Conceptual Development Plan

a. An applicant may petition for review of previously approved plans for purposes of modifying such plans, stating the reasons.

b. The Planning Commission, upon finding that the petition is reasonable and valid, may consider redesign in whole or in part of the original Conceptual Development Plan.

c. In reviewing a modification request, the Commission shall follow the procedures required for a Conceptual Development Plan submittal. The Commission's decision must be consistent with the review criteria in 2.5.40.04 above.

Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES

2.5.50.01 - Application 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 include the following:

a. Graphic Requirements

In addition to the graphic requirements specified for a Conceptual Development Plan in 2.5.40.01, a Detailed Development Plan shall include:

1. Topographic contours at 2-ft intervals for slopes under 20 percent and at 5-ft intervals for slopes at or greater than 20 percent. Where the grade exceeds 10 percent or where the development site abuts existing developed lots, the Director may require a grading plan. If a grading plan is required, it shall show how runoff or surface water from the subject property will be managed, including ultimate disposal of surface waters;

2. 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 and walkways;

3. Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development;

4. Landscape plan drawn to scale showing location of existing trees and vegetation proposed to be removed from or to be retained on the site, location and design of landscaped areas, varieties and sizes of trees and plant materials to be planted, other landscape features including walls and fences, and irrigation systems required to maintain plant materials;

5. Detailed utilities plan indicating how sanitary sewer, storm sewer, drainage, and water systems will function;

6. Circulation plan showing street, driveway, parking area, service area, loading area, pedestrian way, and bikeway improvements and their dimensions;

7. Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas;

8. Exterior lighting plan indicating the location, size, height, typical design, material, color, and method and direction of illumination;

9. For residential developments, types and locations of trees to be preserved or planted and the shadow pattern of the trees at their mature height between 9 a.m. and 3 p.m. on June 21 and November 21;

10. For residential developments, all existing and proposed structures and their shadow patterns between 9 a.m. and 3 p.m. on June 21 and November 21.

b. Narrative Requirements

In addition to the narrative requirements specified for a Conceptual Development Plan in 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 (in ratio to gross floor area or 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;

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 plat may also be submitted in accordance with Chapter 2.4 - Subdivisions and Major Replats to permit simultaneous review.

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 the application is accepted as complete, any revisions to it shall be regarded as a new application, requiring 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 below. The report should 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 substantial compliance with the Conceptual Development Plan. The Detailed Development Plan shall be deemed to be in substantial conformance with the Conceptual Development Plan provided it is consistent with the review criteria in 2.5.40.04 above and does not involve any of the following factors that constitute a major change in the Planned Development [see 2.5.50.06 - Major Modification(s) of a Detailed Development Plan].

a. Land use;

b. Increase in dwelling unit density;

c. Ratio of number of different types of dwelling units;

d. Type of commercial or industrial structures;

e. Type and location of accessways and parking areas where off-site traffic would be affected;

f. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified;

g. Reduction of more than 10 percent of the area reserved for common open space and/or usable open space from what was previously specified;

h. Increase in the total ground area proposed to be covered by structures by more than 5 percent from what was previously specified;

i. Reduction of specific setback requirements by more than 25 percent where previously specified;

j. Reduction of project amenities provided such as recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified; and

k. Any other modification to specific requirements established at the time of Conceptual Development Plan approval.

2.5.50.05 - Action by the Planning Commission

a. 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 either 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.

b. If a Conceptual Development Plan was previously approved, the Planning Commission shall limit its review of the Detailed Development Plan to the additional requirements in 2.5.50.01 above, and to the review criteria in 2.5.40.04, but only for those aspects of the development not previously reviewed.

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

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 Modification from one or more of the review criteria listed above in 2.5.50.04, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public Hearings.

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 2.5.40.04 to determine whether to authorize a Major Modification.

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

A modification within the description of a Major Modification but which involves less of a change shall be considered a Minor Modification and may be approved conditionally, approved, or denied by the Director. Notice shall be provided in accordance with Chapter 2.16 - Request for Interpretation, except as provided below:

Exception:

A modification determined by the Director to reduce the negative effects or to have no effect on the surrounding area. For example, a proposed reduction in density or increase in percentage of open space may be approved by the Director without mailing notice.

2.5.50.08 - 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 appeal period deadline. A notice of disposition shall also be mailed to persons who presented testimony orally or in writing at the public hearing.

2.5.50.09 - 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 only be heard by the City Council for those items specifically addressed by the Planning Commission for the Detailed Development Plan.

2.5.50.10 - Effective Date

The decision of the Planning Commission shall become effective 10 days from when the Notice of Disposition is mailed unless an appeal is filed.

2.5.50.11 - Effective Date of Detailed Development Plan Approval

a. Approval of a Detailed Development Plan shall be valid for a 3-year period from the date of approval. If the applicant has not begun construction within this time frame, all approvals shall expire. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed 2 additional years.

b. The Planning Commission may permit implementation of the Detailed Development Plan in phases. Such phases shall be during the established time period discussed in "a" above.

Section 2.5.60 - 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 2.5.70 - PLANNED DEVELOPMENT NULLIFICATION

a. Property owner(s) or their authorized agents may apply to nullify an established Planned Development designation by filing an application form provided by the Director.

   The Planning Commission shall conduct a public hearing and provide notice of the hearing and decision shall be in accordance with Chapter 2.0 - Public Hearings.

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

   1. Developing the property under conventional district standards and regulations will not create nonconforming development.

   2. Special circumstances such as building relationships, drainageways, public improvements, topography, and so forth that were to be responded to specifically through the Planned Development process can be dealt with as effectively with conventional standards.

   3. Conditions attached to the approved Planned Development by the hearing authority can be met or are no longer necessary.

   4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

c. If the Planned Development is nullified, the PD overlay designation shall be removed from the Official Development District Map after the appeal period has expired.

CHAPTER 2.6
ANNEXATIONS

Section 2.6.10 - BACKGROUND

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

Section 2.6.20 - PURPOSES

The procedures and standards established in this chapter are required for review of proposed annexations in order to:

a. Allow for simultaneous review and comparative evaluation of annexation proposals;

b. Provide adequate public information and sufficient time for public review before an annexation election;

c. Maximize citizen involvement in the annexation review process;

d. Establish a system for measuring the physical, environmental, and related social effects of proposed annexations; and

e. Ensure adequate time for staff review.

Section 2.6.30 - PROCEDURES

Whenever an application for annexation is filed, it 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 Major or Minor Annexation as follows:

a. **Major Annexation** - An annexation shall be considered major if one or more of the following exist:

1. More than one property is involved;

2. City services do not abut the site;

3. The land is vacant and the request involves more than one district designation; or,

4. The land is developed with more than one type of existing land use and more than one district designation is needed or requested.

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

b. **Minor Annexation** - Any annexation not meeting the description provided above for a major annexation is considered a minor annexation. In general an annexation is considered minor if measurement of the physical, environmental and related social effects is easier than with a major annexation.

2.6.30.02 - Application Filing Deadlines

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

a. A **Major Annexation** must be filed with the Community Development Department before 5:00 p.m. on the last working day in October for a ballot election in May and the last working day in April for a ballot election in November.

b. A **Minor Annexation** must be filed with the Community Development Department before 5:00 p.m. on the last working day in November for a ballot election in May and the last working day in May for a ballot election in November.

2.6.30.03 - Application Requirements

Applications for annexation shall be made on forms provided by the Director and include the following material:

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

b. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.

c. Map of the area to be annexed including adjacent City territory.

d. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park, and school facilities.

e. Statement of increased demand for such facilities to be generated by the proposed development.

f. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand.

g. Statement outlining method and source of financing required to provide additional facilities.

h. General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.

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

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

k. Narrative demonstrating need for the urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:

   1. Availability within the City of undeveloped land designated for proposed urban development.

   2. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development.

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

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.

2.6.30.05 - Reserved

2.6.30.06 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report should include a recommendation whether or not to submit the annexation to the electorate.

2.6.30.07 - Review Criteria

Annexations shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and other applicable policies and standards adopted by the City Council and State of Oregon. In addition, a finding shall be made that the City is capable of providing services to the subject property(ies) commensurate with the needs of existing and any proposed increases.

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 the appropriate development district designation upon annexation. The public hearing shall be conducted as follows:

a. **Major Annexations** - The Planning Commission shall conduct its hearing in the first half of January for applications filed in October and in the first half of July for applications filed in April.

b. **Minor Annexations** - The Planning Commission shall conduct its public hearing in the second half of January for applications filed in November and in the second half of July for applications filed in May.

Following the close of the public hearing, the Commission shall establish the appropriate development district(s) upon annexation and forward its recommendation concerning the annexation to the City Council. The Planning Commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria. The Planning Commission shall specify such consideration as findings in support of its decision and recommendation.

2.6.30.09 - Effective Date of District Designation

The decision of the Planning Commission regarding establishment of the district designation shall become effective upon expiration of the appeal period unless an appeal has been filed in accordance with Chapter 2.19 - Appeals.

2.6.30.10 - Action by 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. The Council shall review all proposals prior to the City application deadline for submitting measures to the voters in May or November. The Council shall only set for an election annexations consistent with the above review criteria. The City Council shall specify such considerations as findings in support of its decision to schedule an annexation for an election.

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.

2.6.30.11 - Public Information

Public information identified above in 2.6.30.07 - Review Criteria for each annexation scheduled for an election shall be reviewed by the Council and published in a newspaper of general circulation in the City. The information shall include positive and negative effects contained in the staff report, as well as the findings upon which the City Council based its decision to schedule the annexation for an election. This information shall be published at least 10 days before the election.

Section 2.6.40 - EXCEPTIONS

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

CHAPTER 2.7
EXTENSION OF CITY SERVICES OUTSIDE THE CITY LIMITS

Section 2.7.10 - BACKGROUND

The usual and preferred method of urbanization for the City is to annex land and extend services to it, thereby allowing for the orderly, logical expansion of the City and efficient, economic provision of public services. However, City Charter Section 84 allows extension of services outside the City limits after a City Council public hearing and adoption of an ordinance approving the extension. To implement the City Charter, this chapter contains criteria and procedures for use in considering extension of service requests. In the context of this chapter, "services" refer to City sanitary and storm sewer and water services.

Section 2.7.20 - PURPOSES

Extension of services review procedures have been established in order to:

a. Implement City Charter Section 84;

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; or

d. Expedite provision of services needed to alleviate an identified health hazard.

Section 2.7.30 - ELIGIBILITY FOR EXTENSION OF SERVICES

City water or sewer 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 above:

a. Properties with a written commitment of service on record prior to passage of City Charter Amendment 84, obligating the City to furnish City services outside the City limits; or

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 above shall include the following:

a. Consent to annexation in a form suitable for recording with the Benton County Recorder and meeting 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 served and a boundary survey certified by a registered surveyor;

d. Site plan indicating types and intensities of existing and proposed development, watercourses, significant natural features, and adjoining development;

e. Statement of the availability, capacity, and condition of existing water and sewer services.

f. Statement indicating type and capacity of the proposed services and intended phasing of such services;

g. Statement outlining the method and source of financing for proposed services;

h. 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;

i. Statement explaining why the subject property should not be annexed prior to the extension of services;

j. Statement committing all service facilities required by the subject property to be built to City standards; and

k. Brief descriptive narrative addressing compliance of the development with the Comprehensive Plan.

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.

2.7.50.04 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The reports should 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 assure consistency with the purposes of this chapter, 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 may specify or limit uses. In addition, the ordinance shall include appropriate conditions, 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 conformance 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 that includes a written statement of the hearing authority's 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 presented testimony orally or in writing at the public hearing.

2.7.50.10 - Effective Date

As required by the City Charter, the ordinance adopted by the City Council shall contain a provision that it shall not become effective until expiration of 30 days after its passage by the Council and approval by the Mayor.

Section 2.7.60 - ENFORCEMENT

In addition to the penalties listed in Chapter 1.3 - Enforcement, a violation 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 2.8.15 - Exemptions

a. Notwithstanding any other provision of the Land Development Code, the release of public easements for subsurface water, sanitary sewer, and storm drainage lines owned and operated by the City of Corvallis which are no longer necessary to serve surrounding properties, as determined by the City Engineer, is exempt from this chapter. The City does not consider such easements to be public places for the purposes of ORS 271. Vacation of these easements may be initiated by City staff or private parties. It will be the responsibility of the initiator to:

    1. Obtain a statement from all owners of property adjacent to the proposed vacation verifying that they have been notified and do not oppose it;
    2. Provide a completed easement release form for signature by the City Manager;
    3. Record the easement release and provide the City a copy of the recorded document.

Section 2.8.20 - PURPOSES

The procedures and review criteria established in this chapter are used for vacating public lands and plats for the following purposes:

a. Permit vacation of public lands not needed for municipal purposes where it is consistent with the community land use policies and goals; or
b. Permit private ownership of public land where the proposed use of the lands promotes the public welfare; and
c. Permit vacating of all or part of undeveloped plats.

Section 2.8.30 - PROCEDURES

2.8.30.01 - Initiation

Initiation may be accomplished by one of the following ways:

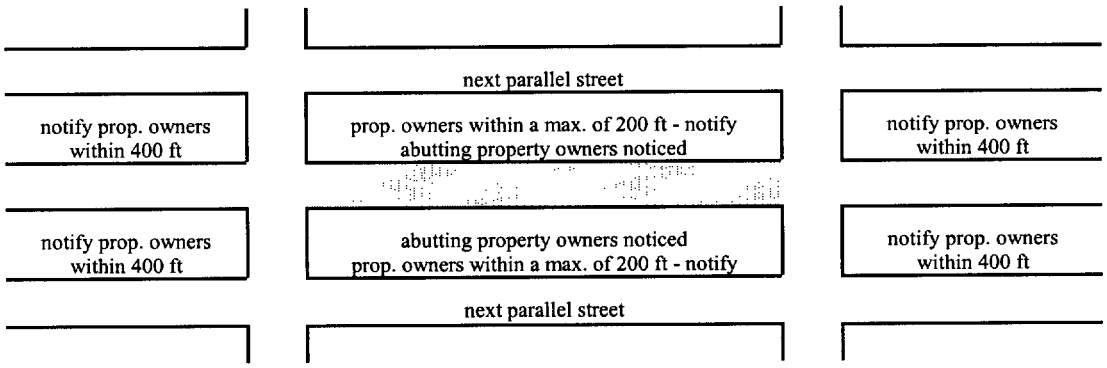
a. Filing of an application by persons in accordance with this chapter and ORS 271; or
b. A majority vote of the City Council.

2.8.30.02 - Application Requirements

a. Applications submitted by property owners shall be made on forms provided by the Director and be accompanied by a map of the area proposed to be vacated and such other information as may be necessary for an adequate review of a petition.

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

1. All abutting property owners, and
2. Owners of not less than two-thirds in area of the real property affected thereby. "Real property" shall be deemed to be the land lying on either side of the street or portion thereof to be vacated and extending laterally to the next street serving as a parallel street, but not in any case to exceed 200 ft, and the land for a lateral distance on either side of the street for 400 ft, as shown in the following illustrated example.



3. In the case of vacating a plat or part thereof, consent of the owners of two-thirds of the land area of the property included within the plat or part thereof, except where the vacation includes a street, the requirements in "2" above shall apply.

c. Consent of the owners of the required amount of property shall be submitted in writing 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, utility connections may be required to be removed or abandoned by the applicant prior to final approval.

2.8.30.03 - Acceptance of Application

The Director shall review the application in accordance with Chapter 2.0 - Public Hearings and ORS 271. After accepting a completed application, the Director shall schedule a public hearing to be held by the City Council.

2.8.30.04 - Notice of the Public Hearing

Notice of the public hearing shall be in accordance with ORS 271.110.

2.8.30.05 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report should include a recommendation for approval or denial.

2.8.30.06 - Review Criteria

A vacation may be approved if the City Council finds that the request:

a. Is consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council;

b. Will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, or public facilities/utilities;

c. Will not have a negative effect on traffic circulation or emergency service protection; and

d. Will serve the public interest, present and future.

2.8.30.07 - 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. 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 on the lands covered by the plat or portion to be vacated.

No street area shall be vacated without consent of owners of abutting properties if the vacation would substantially affect the market value of these properties unless the City Council provides for paying damages. Provisions for paying such damages may be made by a local assessment or in such other manner as the City charter may provide. Two or more streets, alleys, avenues, and boulevards, or parts thereof, may be joined in one proceeding provided they intersect or are adjacent and parallel to each other.

2.8.30.08 - 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, reference to findings leading to it, any conditions of approval, and appeal period deadline. A notice of disposition shall also be mailed to all persons who presented testimony orally or in writing at the public hearing.

2.8.30.09 - Effective Date

The effective date of the vacation shall be the effective date of the ordinance vacating the property.

2.8.30.10 - Existing Service Connections

Existing public utilities or service connections not required, in the judgment of the City Engineer, for the proposed vacated land shall be removed prior to final action being taken by the City Council.

Section 2.8.40 - VACATION RECORDS TO BE FILED

A certified copy of the ordinance vacating any street or plat or other record in regard to a vacation required or provided for by law shall be filed for record with the County Recorder by the City. The applicant shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of such ordinance shall then be filed by the City with the County Assessor and County Surveyor.

CHAPTER 2.9
HISTORIC PRESERVATION PROVISIONS

Section 2.9.10 - BACKGROUND

The Historic Preservation Overlay (HPO) is a zoning district overlay applied to properties listed on the Corvallis Register of Historic Landmarks and Districts in compliance with the Statewide Planning Goals and Chapter 3.31 - Historic Preservation Overlay District. Uses permitted in the HPO are the same as in the underlying district.

Section 2.9.20 - PURPOSES

Purposes of the HPO are to:

a. Implement historic and cultural resource policies of the Comprehensive Plan;

b. Encourage preservation, rehabilitation, and adaptive use of sites and structures that are indicative of Corvallis' history and architectural and cultural heritage;

c. Provide a process for review of exterior modifications proposed for any site or structure listed on the Corvallis Register of Historic Landmarks and Districts; and

d. Provide a process for adding significant historic sites, structures, features or objects to the Corvallis Register of Historic Landmarks and Districts.

Section 2.9.30 - PROCEDURES FOR HISTORIC LANDMARK AND DISTRICT DESIGNATION

The Historic Preservation Overlay designation may be requested for a site, structure, landmark or district. Establishment of this overlay requires review by the Historic Preservation Advisory Board and approval by the Land Development Hearings Board. At the time this overlay is designated, the property is added to the Corvallis Register of Historic Landmarks and Districts. Properties that have been designated are subject to the provisions of Sections 2.9.40, 2.9.50 and 2.9.60 below.

2.9.30.01 - Initiation

An application for the Historic Preservation Overlay designation may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, property owner, or any interested person who submits a complete application for designation.

2.9.30.02 - Application Requirements

a. The following application process shall be followed for an historic land mark or district designation. An application shall be made on forms provided by the Director.

b. The application shall include the following:

1. Applicant's name and address;

2. Owner's name and address, if different from applicant's;

3. Address of the proposed landmark or site, or a written description of boundaries of the proposed district, including tax assessor map and tax lot numbers;

4. Map illustrating boundaries of the proposed district or location of the proposed landmark;

5. Statement explaining the following:

a. Reasons why the proposed district or landmark should be designated;

b. Reasons why the boundaries of a proposed district, if applicable, are appropriate for designation; and

c. Potential positive and negative effects, if any, the designation of a proposed district or landmark would have on residents and property owners in the area.

6. Black and white photograph of the proposed landmark or of each property within a proposed district (5 in. by 7 in. or 8 in. by 10 in. glossy);

7. Color slide transparencies showing front and side views of the proposed landmark or sufficient slides to illustrate properties and significant features within a proposed district;

8. Any other information deemed necessary by the Director.

2.9.30.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements above in 2.9.30.02. If the application is incomplete, the Director shall notify the applicant within 5 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.30.04 - Review by the Historic Preservation Advisory Board

a. The Director shall schedule a public meeting to be held by the Historic Preservation Advisory Board upon acceptance of a complete application for an historic landmark or district designation. Notice of this meeting shall be published in a newspaper of general circulation at least 5 days in advance of the meeting.

b. The applicant, property owner, and any other interested parties shall have the opportunity to be present at this meeting and provided the opportunity to present information pertaining to the historic designation request.

c. At this meeting the Historic Preservation Advisory Board shall complete its review, unless the applicant agrees to continue proceedings to the next scheduled meeting of the Advisory Board, and make a written recommendation that the application be approved, approved subject to conditions, disapproved or postponed pending additional specific information.

d. The Historic Preservation Advisory Board's written recommendation shall specify findings and criteria needed to be relied upon in reaching decision and forward these to the Director, and the Land Development Hearings Board within 7 days of the Advisory Board's meeting.

2.9.30.05 - Action by the Land Development Hearings Board

a. The Land Development Hearings Board shall hold a public hearing on the application upon receipt of the Advisory Board's recommendation. The quasi-judicial hearing procedures and notice requirements set forth in Chapter 2.0 - Public Hearings shall apply.

b. Based on applicable criteria, staff comments, property owner's comments, and public testimony, the Land Development Hearings Board shall approve, approve subject to conditions or modifications, deny the Historic Preservation Overlay designation, or remand the matter back to the Historic Preservation Advisory Board for consideration of additional specific information.

2.9.30.06 - Review Criteria for Historic Designation

The structure, site, landscape feature or district may be designated historic upon consideration of the following:

a. **Integrity of setting, location, materials or workmanship** - To establish integrity of location, design, setting, materials or workmanship, the applicant must demonstrate the resource either partially fulfills all of the following criteria or totally fulfills two or more of the criteria:

1. The property is in its original setting and remains essentially as originally constructed or fabricated;

2. Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given period;

3. The immediate setting of the property retains land uses or landscaping consistent with the relevant historic period;

4. The property contributes materially to the architectural continuity or scheme of the street or neighborhood.

5. The site contains artifacts related to pre-history or early history of the community.

b. **Proposed landmark or district has historic significance or contributes to the historical and cultural resources of the community** - To establish historic significance, the applicant must show at least one of the following applies to the proposed historic resource:

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

2. It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State or nation in the past;

3. It embodies distinctive characteristics of a type, period or method of construction used in the past. The property may be a prime example of an architectural style or design or may represent a type that was once common and is now one of few remaining examples;

4. It represents work of a master; such as being a noteworthy example of the work of a craftsman, builder, architect or engineer significant in City, County, State, or national history;

5. It possesses high artistic values in its workmanship or materials;

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

7. It is a visual landmark;

8. It contributes to continuity or historic character of the street, neighborhood, and/or community; or contributes to the integrity of the historic period represented;

9. It is 50 years old or older in conjunction with other criteria listed above;

10. It is listed on the National Register of Historic Places.

c. **Value of preserving the historic resource outweighs the value of a conflicting use of the resource** - If a resource is found to be historically significant through applying the criteria in "a" and "b" above, then the Board shall determine whether the value of preserving the historic resource outweighs the value of other uses permitted in the district. To determine this, the Board shall consider the economic, social, environmental, and energy consequences of the proposed and conflicting uses as defined by Oregon Administrative Rule 660-16-000.

Section 2.9.40 - PROCEDURES FOR DEMOLITION OR MOVING AN HISTORIC RESOURCE

A permit is required to move, demolish, or cause to be demolished any structure listed on the Corvallis Register of Historic Landmarks and Districts. The permit shall be reviewed by the Historic Preservation Advisory Board and approved by the Land Development Hearings Board.

2.9.40.01 - Initiative

a. An application may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, or property owner.

b. Nothing in this section shall prevent the demolition or removal of an historic resource when the City Engineer, Building Official or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chair of the Historic Preservation Advisory Board shall be notified.

2.9.40.02 - Application Requirements

The following application process shall be followed for consideration of demolition or moving an historic structure:

a. An application shall be made to the Building Official on forms and in such detail as prescribed by the Building Official.

b. The application shall include the following:

1. Plans, drawings, and photographs of the historic resource;

2. A description of the physical condition of the resource;

3. A statement addressing the economic, social, environmental, and energy consequences of demolishing or moving the resource compared to preserving it in its existing location;

4. If within an historic district, the resource's contribution to the district and subsequent integrity of the district if the resource is demolished or removed;

5. Whether denial of the request will involve substantial hardship to the applicant.

2.9.40.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements above in 2.9.40.02. If the application is incomplete, the Director shall notify the applicant within 5 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.40.04 - Review by the Historic Preservation Advisory Board

The review procedures are the same as those established for an historic designation, in 2.9.30.04 above.

2.9.40.05 - Action by the Land Development Hearings Board

The review process and public notice requirements for demolition or moving an historic resource application are the same as for those establishing an historic overlay designation in Section 2.9.30 above, with the following exceptions:

a. The Department of Land Conservation and Development and the State Historic Preservation Office will receive notice of the application at least 45 days prior to the public hearing of the Land Development Hearings Board to review the application.

b. The Historic Preservation Advisory Board may recommend and the Land Development Hearings Board may order that action on the demolition or moving request be deferred for a period not to exceed 150 days. During this period, the Historic Preservation Advisory Board shall attempt to determine if public or private acquisition and preservation is feasible, or other alternatives are possible which could be carried out to prevent demolition or removal of the site or structure.

c. The Historic Preservation Advisory Board may recommend and the Land Development Hearings Board may require the following actions to be taken during that period:

    1. Post a "For Sale" sign and a public notice on the historic property that shall read: **HISTORIC BUILDING TO BE MOVED OR DEMOLISHED -- FOR SALE.** Lettering on the sign shall be at least 5 in. in height and posted in a prominent and conspicuous place on the property for at least 90 continuous days.

    2. List the property for sale in newspapers of local and state circulation for a minimum of 5 days over a 5 week period.

    3. List the property in at least two preservation newspapers or magazines at least 30 days prior to issuance of the demolition or moving permit.

    4. Issue a press release to newspapers of local and state circulation which describes the significance of the resource, the physical dimensions of the property, and the reasons for the proposed demolition or move.

d. The Historic Preservation Advisory Board may recommend and the Land Development Hearings Board may require the owner to produce one or more of the following:

1. Documentation of the building using the Historic American Buildings Survey guidelines (includes architectural drawings, photographs, and historical narrative);

2. Historic and contemporary photographs of the historic building and site;

3. Salvage of significant architectural or historic artifacts from the structure or site.

Documentation materials shall be the property of the City or its designee. The Historic Preservation Advisory Board shall determine where the documentation is to be deposited and where any artifacts, architectural features, materials, or equipment saved from the building are to be stored.

2.9.40.06 - Review Criteria for Demolition or Moving Permits

a. In determining whether demolishing or moving the historic resource is appropriate, the Historic Preservation Advisory Board shall consider the economic, social, environmental, and energy consequences, as defined by OAR 660-16-000, and the following criteria. The Land Development Hearings Board shall recommend approval of the permit if it finds that:

- The request satisfies the OAR 660-16-000 criteria;

- Issuance of the permit would not act to the substantial detriment of the public welfare or be contrary to the purpose and scope of the historic preservation policies of the Comprehensive Plan; and

- One or more of the following apply:

  1. Physical condition of the historic resource is deteriorated beyond economically feasible rehabilitation;

  2. It is not economically feasible to relocate the historic resource;

  3. If within an historic district, demolition or removal of the resource will not adversely affect the integrity of the district; or

  4. Denial of the request will involve substantial hardship to the applicant.

b. Status of a Relocated Historic Resource. The historic status of a structure is automatically retained when it is relocated to a new location unless the Land Development Hearings Board, using the review process for removal of the historic designation, determines that the historic designation is no longer appropriate.

Section 2.9.50 - PROCEDURES FOR REMOVING AN HISTORIC DESIGNATION

Removal of this Historic Preservation Overlay designation requires an application, review by the Historic Preservation Advisory Board, and approval by the Land Development Hearings Board. At the time this overlay is removed, the property is taken off the Corvallis Register of Historic Landmarks and Districts.

2.9.50.01 - Initiation

An application to remove an historic designation may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, or by any interested person who submits a complete application to the Director.

2.9.50.02 - Application Requirements

An application for removal or amendment of the historic preservation overlay designation shall follow the procedures for an Historic Landmark and District Designation in Section 2.9.30 above. In addition, the Department of Land Conservation and Development and the State Historic Preservation Office shall receive notice of the application at least 45 days prior to the public hearing of the Land Development Hearings Board to review the application.

2.9.50.03 - Acceptance of Application

The Director shall review the application for compliance with the applicable application requirements above in 2.9.30.02. If the application is incomplete, the Director shall notify the applicant within 5 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.50.04 - Criteria for Removing an Historic Designation

The Historic Preservation Advisory Board shall evaluate the request for removal of a landmark or historic district designation based on an analysis of the economic, social, environmental, and energy consequences of the proposed and existing uses as defined by OAR 660-16-000 and upon finding that removal of the historic designation will not adversely impact properties in the surrounding area or integrity of an historic district, if applicable. Also, in order to approve an application it must be found that at least one of the following has occurred since the site was listed as an historic resource:

a. Significance of the resource or district has been substantially reduced or diminished;

b. Integrity of the resource or district has been substantially reduced or diminished;

c. Value of a proposed conflicting use outweighs the value of preserving the historic nature of the resource or district;

Section 2.9.60 - PROCEDURES FOR ALTERATION OF AN HISTORIC RESOURCE

Approval is required for alteration of the exterior appearance of any structure listed on the Corvallis Register of Historic Landmarks and Districts (even if no building permit is required by the Building Official). Exterior appearance as governed by this section includes alterations of a facade, texture, design, material, fixtures, including replacement of windows and doors with dissimilar styles or materials, or other such treatment. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this section, including painting, that does not involve a change in design, material, or external appearance.

These provisions shall not prevent construction, reconstruction, alteration, or restoration of any such feature when the City Engineer, Building Official or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chair of the Historic Preservation Advisory Board shall be notified.

2.9.60.01 - Initiation

An application for altering an historic structure may be initiated by a property owner.

2.9.60.02 - Application Requirements

For consideration of an alteration of an historic structure required under 2.9.60.01 above, the applicant shall provide the Director with a narrative and construction plans to review the proposal:

2.9.60.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements above in 2.9.60.02. If the application is incomplete, the Director shall notify the applicant within 5 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.60.04 - Review by the Historic Preservation Advisory Board

a. The Historic Preservation Advisory Board shall hold a public meeting within 30 days to review the request upon receipt of an application by the Director. Notice of this meeting shall be published in a newspaper of general circulation 5 days in advance of the meeting. In addition, if the proposed alteration shall be visible from any public street, the Director shall provide written notice to the owner and occupants of all properties within 100 ft of the subject property advising them that they have 14 days to comment on the application. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

b. The applicant and any other interested parties shall have the opportunity to present information pertaining to the permit request. At this meeting the Historic Preservation Advisory Board shall complete its review, unless the applicant agrees to continue the proceedings to the next scheduled meeting of the Advisory Board, and recommend approval or denial of the request to the Director.

c. Recommendation of the Historic Preservation Advisory Board shall be transmitted to the Director within 3 days of its review of the request. The recommendation shall be made in writing and specify reasons relied upon in rendering the recommendation.

2.9.60.05 - Action by the Director

Based on the review criteria below, recommendation of the Historic Preservation Advisory Board, and comments received from affected parties, the Director shall either approve, conditionally approve, or deny the request.

2.9.60.06 - Review Criteria for Alteration Review

An application request shall be based upon the following criteria:

a. Consistency with the purposes of this chapter and Corvallis Comprehensive Plan.

b. The Secretary of the Interior's *Standards for Rehabilitation*, U.S. Department of the Interior.

c. Building Code, as adopted and amended by the State of Oregon, with particular reference to Section 3110-3113.

d. Other applicable State and local codes and ordinances related to building, fire, health, and safety.

e. An evaluation of the economic, social, environmental, and energy consequences, as defined by Oregon Administrative Rule 660-16-000 if applicable to the request.

Section 2.9.70 - NOTICE OF DISPOSITION

Immediately following a decision of the Land Development Hearings Board on an application to demolish a historic structure or establish or remove an HPO designation, or of the Director on an application to alter a designated historic structure, a notice of disposition shall be mailed to persons who presented oral or written comments.

Section 2.9.80 - APPEALS

Appeals of any decision of the Land Development Hearings Board or Director shall be made in accordance with Chapter 2.19 - Appeals.

Section 2.9.90 - EFFECTIVE DATE

The decision of the Land Development Hearings Board or Director shall become effective 10 days from when the notice of disposition is mailed, unless an appeal has been filed.

CHAPTERS 2.10 and 2.11 - RESERVED

CHAPTER 2.12
LOT DEVELOPMENT OPTION

Section 2.12.10 - BACKGROUND

Lot Development Options provide a means to vary the development standards normally applied in a particular district. The option exists for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot. A typical example is permitting a structure to be located closer to a property boundary than normally allowed by the development district regulations.

Lot Development Options apply only to individual lots and therefore cannot be used by applicants seeking to vary development standards for lots to be created through a subdivision or partition process. Modifications that exceed the scope of a Lot Development Option should be sought through the Planned Development process described in Chapter 2.5.

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. Permit building location and encourage construction techniques that conserve energy; and

d. Minimize procedural delays and ensure due process in the review of unique development situations.

Section 2.12.30 - PROCEDURES

An application filed for a Lot Development Option shall comply with the following (see table below):

2.12.30.01 - Application Requirements

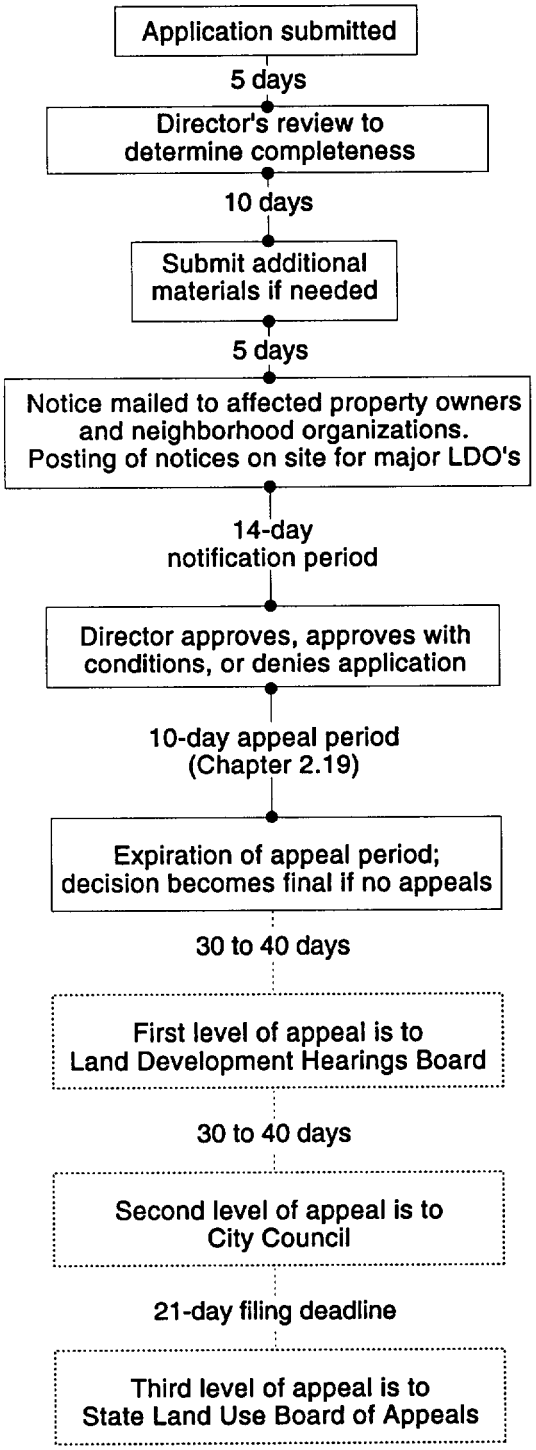
An application for a Lot Development Option shall be made on forms provided by the Director and include the following, where applicable:

a. Description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place;

b. Narrative addressing how the application meets the review criteria in 2.12.30.06 below;

Timeframe for Lot Development Options (LDO's)

(Showing maximum length of time;
process typically requires less time)



c. Site plan no larger than 11 in. by 17 in. suitable for photocopy reproduction. The site plan shall be drawn to scale and show:

- Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
- Lot line dimensions;
- Existing and proposed structures;
- Structures on adjacent property(ies) affected by the request;
- Vehicle and pedestrian access points and accessways;
- Drainageways and any other prominent features;
- Location of trees and shrubs over 3 ft in height;
- Fences and walls;
- Off-street parking facilities;
- Any other information relevant to the proposal.

2.12.30.02 - Acceptance of Application

The Director shall review the Lot Development Option application for compliance with the application requirements above in 2.12.30.01. If the application is incomplete, the Director shall notify the applicant within 5 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.12.30.03 - Determination of Lot Development Option Type

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

a. **Major Lot Development** - A Lot Development Option shall be considered major if one or more of the following would result:

1. Reducing any setback in a residential district by more than 40 percent or by more than 20 percent in any nonresidential district;

2. Increasing the height of a structure by more than 10 percent;

3. Reducing lot area by more than 5 percent of the required lot area (only for those lots to be created through the land partition or minor replat process described in Chapter 2.14);

4. Reducing required lot width by more than 5 ft, excluding accessway widths required for flag lots created through the land partition or minor replat process;

5. Increasing the total ground area proposed to be covered by structure or impervious surfaces by more than 5 percent than what is permitted in the district;

6. Reducing by more than 10 percent the area reserved for private outdoor space and/or usable open space;

7. Reducing project site amenities such as screening and/or landscaping provisions by more than 10 percent;

8. Reducing the required number of parking spaces by more than 10 percent or increasing the number of compact parking spaces by more than 10 percent.

9. Increasing fence height outside of clear-vision areas by more than 33 percent.

10. Reducing the designated solar access by more than 20 percent except as provided in Chapter 4.6.

11. The Director may allow as a Lot Development Option similar types of modifications to development standards to those listed above using the procedures set forth in Chapter 2.16 - Interpretations. Part of this interpretation shall consist of determining whether the modification is a Major or Minor Lot Development Option.

b. **Minor Lot Development** - Any Lot Development Option within the description of a Major Lot Development Option above but which involves less of a modification to the standard.

2.12.30.04 - Public Notice

a. The Director shall notify affected parties that an application for a Lot Development Option 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 is 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 Lot Development Option must be 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. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

5. Include name and phone number of staff contact person;

6. State that notice of disposition shall be provided to the applicant and any person who submits comments;

7. An explanation of appeal rights;

8. A summary of the local decision making process.

d. For Major Lot Development Options, the development site shall be posted in conspicuous locations at least 10 days prior to the decision being made. The posting shall contain the applicant's name and address, type of action requested, date by which comments concerning the action shall be received by the Director, date the Director shall render a decision concerning the requested Lot Development Option, deadline for appeals, and address and phone number of the City staff contact person.

2.12.30.05 - Staff Evaluation

The application and any comments that have been received shall be reviewed to assure consistency with the review criteria in 2.12.30.06 below.

2.12.30.06 - Review Criteria

Lot Development Options shall be reviewed to determine if the following have been met:

a. The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City;

b. The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures if the development were located as specified by this Code;

c. The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks, and the potential for abutting properties to use solar energy devices any more than would occur if the development were located as specified in this Code; and

d. Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.

2.12.30.07 - Action on Application

On the basis of 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.

2.12.30.08 - 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 the 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.

2.12.30.09 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

2.12.30.10 - Effective Date

The decision of the Director shall become effective 10 days from when the notice of disposition is mailed, unless an appeal has been filed.

2.12.30.11 - Effective Period of Approval

Lot Development Option approval shall be effective for a 2-year period from the date of approval. In the event that the applicant has not begun the development or its phases prior to the expiration of the established effective period, the approval shall expire.

CHAPTER 2.13
PLAN COMPATIBILITY REVIEW

Section 2.13.10 - BACKGROUND

Each development district is intended for a predominant type of land use. Certain other uses are permitted, but the intensity and characteristics of those uses require additional 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:

- Building's size in relationship to other buildings in the area;
- Residential, commercial, or industrial aspects of a proposed development;
- Character of surrounding development;
- Traffic capacity of adjacent streets;
- Potential environmental effects.

Developments requiring Plan Compatibility Review are specified in each development district. For such uses Plan Compatibility Review is required before a building permit can be issued.

Section 2.13.20 - PURPOSES

Development required to be reviewed for plan compatibility shall be done so 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 assuring reasonable provision has been made for such matters as surface water drainage, suitable sound and sight buffers, preservation of views, light, and air, and such other aspects of design that may have substantial effects on neighboring land uses;

c. Preserve the City's natural beauty and quality of its visual character by assuring 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, 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 between individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area; and

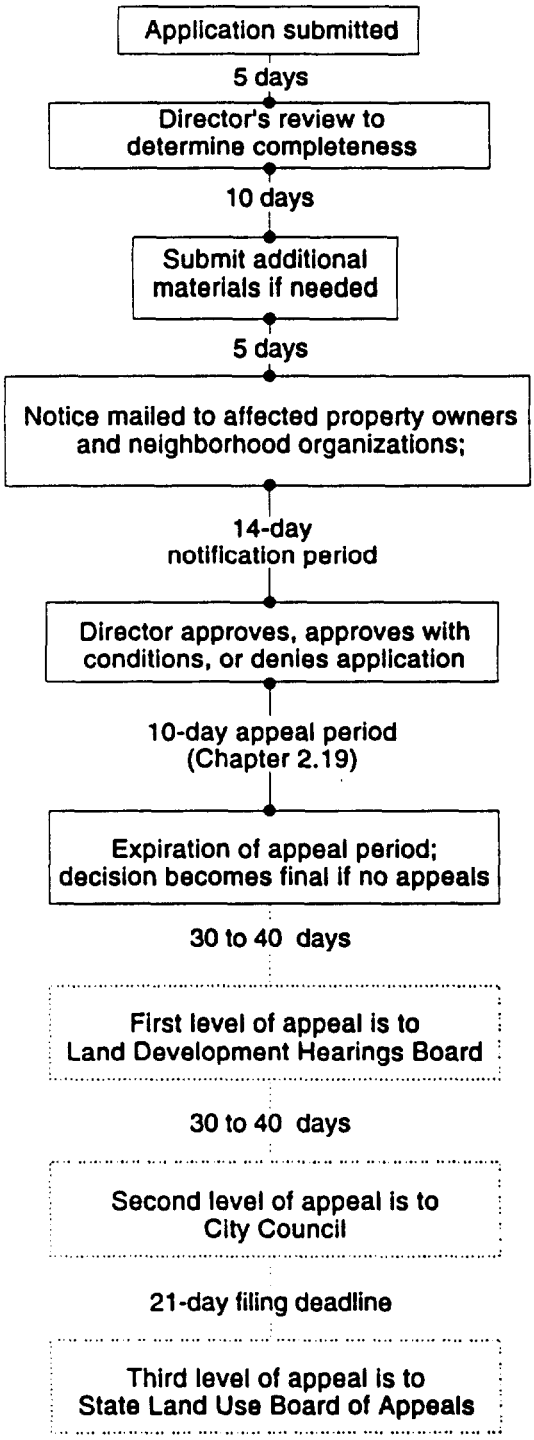
f. Promote and encourage conservation of energy.

Section 2.13.30 - PROCEDURES

When Plan Compatibility Review is required by this Code it shall be accomplished in accordance with the following procedures (see table below):

Timeframe for Plan Compatibility Review

(Showing maximum length of time; process typically requires less time)



2.13.30.01 - Application Requirements

An application for Plan Compatibility Review shall include the following:

a. Narrative addressing how the application meets the review criteria in 2.13.30.05 below;

b. Description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place.

c. Site plan drawn to scale and showing existing and proposed:

- Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
- Lot line dimensions;
- Location of structures;
- Vehicle and pedestrian access points and accessways;
- General location of vegetated areas;
- Utility service areas;
- Fences and walls;
- Parking, maneuvering, loading, and refuse areas;
- Direction of traffic flow on the property;
- Drainage controls;
- Proposed modifications to existing grades.

d. Exterior lighting plan (which may be shown on the site plan) indicating location, size, height, typical design, material, color, and method of illumination.

e. Plans and elevations of structure(s) to scale indicating:

- Heights of structure;
- Entrances and exits of proposed structures;
- Architectural drawings or sketches, including floor plans, in sufficient detail to permit computation of yard requirements.

f. Landscape plan drawn to scale showing:

- Location of existing trees and shrubs over 3 ft in height proposed to be removed or retained on the site;
- Location and design of landscaped areas;
- Proposed varieties and sizes of trees and plant materials;
- Other pertinent landscape features, and irrigation systems required to maintain plant materials.

g. Data indicating:

- Square footage of site and structure;
- Building coverage;
- Amount of site to be landscaped;
- Number of parking spaces provided;
- Building materials to be used;
- Specifications as to type, color, and texture of exterior surfaces of proposed structures.

h. Any additional information that may be required by the Director to properly evaluate the proposed site plan. Such additional information shall only be required where its need can be justified on the basis of special and/or unforeseen circumstances.

i. The Director may waive any of the requirements above where it is determined that the information required is unnecessary to properly evaluate the proposal.

The applicant shall provide one set of plans, not to exceed 24 in. by 36 in. and one set of plans reduced to no larger than 11 in. by 17 in. Where necessary, additional detail sheets shall be provided.

2.13.30.02 - Acceptance of Application

The Director shall review the Plan Compatibility Review application for compliance with the application requirements above in 2.13.30.01. If the application is incomplete, the Director shall notify the applicant within 5 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

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 is 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 Plan Compatibility Review must be 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. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

5. Include name and phone number of staff contact person;

6. State that notice of disposition shall be provided to the applicant and any person who submits comments;

7. An explanation of appeal rights;

8. A summary of the local decision making process.

2.13.30.04 - Staff Evaluation

The application and any comments that have been received shall be reviewed to assure consistency with the review criteria in 2.13.30.05 below.

2.13.30.05 - Review Criteria

Developments requiring Plan Compatibility Review shall be reviewed to assure compatibility with existing and potential uses on nearby lands. The following factors shall be considered:

a. The proposed development will be in conformance with the purposes of this chapter; and

b. Neighboring property owners and residents can be protected by assuring reasonable provisions have been made for such matters as surface water drainage, suitable sound and site buffers, preservation of views, light, air, and such other aspects of design that may have substantial effects on neighboring land uses.

c. The proposed development will not have an adverse effect on traffic, parking, and access.

2.13.30.06 - 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.

2.13.30.07 - Revisions of Proposed Plan

Any revisions for 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 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.

2.13.30.09 - 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

The decision of the Director shall become effective 10 days from when the notice of disposition is mailed, unless an appeal has been filed.

2.13.30.11 - Effective Period of Approval

Plan Compatibility Review approval shall be effective for a 2-year period from date of approval. In the event that the applicant has not begun the development prior to the expiration of the established effective period, the approval shall expire.

CHAPTER 2.14
PARTITIONS, MINOR REPLATS, AND LOT LINE ADJUSTMENTS

Section 2.14.10 - BACKGROUND

The division of land through a subdivision process is addressed in Chapter 2.4. A subdivision occurs where 4 or more lots are created in a calendar year, and requires review and approval by the Planning Commission. This chapter provides procedural requirements for partitions, which involve creation of 3 or fewer lots in a calendar year, and for minor replats and lot line adjustments. Each of these are reviewed through an administrative process without a public hearing except on appeal. As with subdivisions, partitions 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 building sites of sufficient size and appropriate design and that lots to be created are within the density ranges permitted by the Comprehensive Plan;

b. Minimize negative effects of development upon the natural environment and to incorporate natural features into the proposed development where possible;

c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;

d. Ensure appropriate level 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

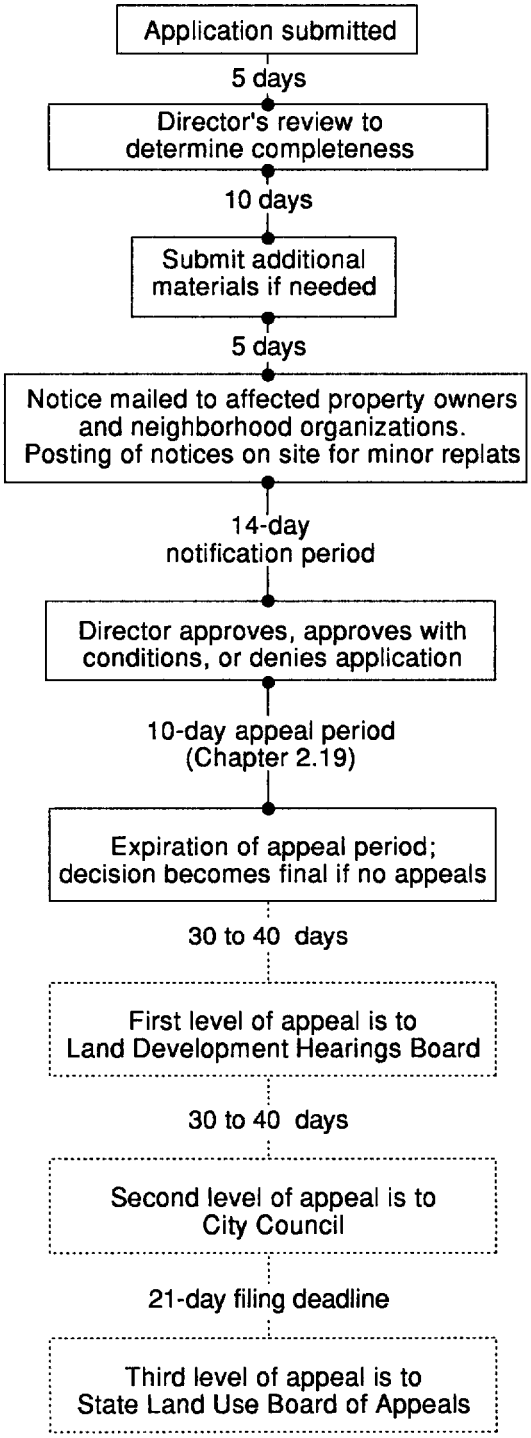
f. Promote energy efficiency.

Section 2.14.30 - TENTATIVE PLAT REVIEW PROCEDURES

Whenever an application is filed for a partition, it shall be reviewed in accordance with the following procedures (see table below):

Time frame for Partitions and Minor Replats

(Showing maximum length of time;
process typically requires less time)



2.14.30.01 - Application Requirements

Applications shall be on forms provided by the Director and shall be accompanied by the tentative partition plat. The tentative plat shall be sufficiently accurate to ensure proper review and shall not exceed 24 in. by 36 in. The tentative plat shall include the following information where applicable:

a. Names of the owner, partitioner, engineer, and surveyor as appropriate.

b. Date, scale, and north arrow.

c. Property line boundaries of all contiguous land in the same ownership as the area encompassed in the application.

d. Sufficient description to define location and boundaries of the area to be partitioned.

e. Location of existing structures.

f. Number and type of units proposed where known and appropriate.

g. Location and width of all existing or proposed public or private accessways (rights-of-way) including any reserve strips and parking areas.

h. Location of all existing and proposed public and private utilities, including water, sewer, and storm drainage.

i. Proposed parcel layout indicating dimensions, parcel lines and lot areas of parcels.

j. Approximate location and width of watercourses for review in accordance with Chapter 4.5.

k. All areas to be dedicated to the public and their proposed uses including street rights-of-way, drainageways, easements and reserve strips.

l. Location and use of adjacent structures within 150 ft of the development site.

m. Identification of significant natural features including heavily wooded areas and existing native, ornamental, and orchard trees having a trunk diameter of 10 in. or more at a point 24 in. above the natural grade.

n. Where it is evident that the subject parcel can be further partitioned the applicant shall show, either on the tentative plat or as an attachment, that the land partition will not preclude efficient division of land in the future.

The Director may waive any of the requirements where determined that the information is unnecessary to properly evaluate the proposed development. The Director may also require any additional information needed to evaluate the proposal.

2.14.30.02 - Acceptance of Application

The Director shall review the tentative plat application for compliance with the application requirements above in 2.14.30.01. If the application is incomplete, the Director shall notify the applicant within 5 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

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 owner and occupants of property within 100 ft of the subject property and any persons whom the Director determines is 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 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. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

    5. Include name and phone number of staff contact person;

    6. State that notice of disposition shall be provided to the applicant and any person who submits comments;

    7. An explanation of appeal rights;

    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 assure consistency with the review criteria in 2.14.30.05 below.

2.14.30.05 - Review Criteria

Requests for approval of a tentative partition plat shall be reviewed to assure:

a. Consistency with the purposes of this chapter, pertinent development standards of the Code, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council; and

b. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities including provision of City services and access from a public street.

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

The decision of the Director shall become effective 10 days from when the notice of disposition is mailed, unless an appeal has been filed.

2.14.30.10 - Effective Period of Tentative Partition Plat Approval

Approval of a Tentative Partition Plat shall be valid for a period of 1 year from the effective approval date.

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. The partition plat shall be prepared in accordance with ORS Chapters 92 and 209 by an Oregon licensed land surveyor and conform to the partition plat standards established by the County Surveyor.

c. An Oregon licensed land surveyor shall survey and monument the parcels. All monuments on the exterior boundary and all parcel corner monuments of a partition shall be placed before the partition is offered for recording.

d. The 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 dedicating land to the City signed by the grantor.

   4. A description of streets, driveways, utilities, and improvements proposed to be made or installed, as well as a time within which such improvements are to be completed.

   5. A designated space for approval signatures in accordance with 2.14.40.03 below shall be placed on the plat.

   6. All easements and adjacent streets shall be placed on the plat.

e. The surveyor shall submit one copy of the plat to the Development Services Division and shall submit the original and one copy, and the appropriate recording fee, to the County Surveyor.

2.14.40.02 - 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 found 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 2.4.40.09 of Chapter 2.4 - Subdivisions and Major Replats.

2.14.40.03 - Final Plat Approval

a. Prior to final approval, the City shall be assured that:

The applicant has installed or agreed to install required improvements in accordance with the provisions of 2.4.40.09.

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 shall review a signed and notarized deed for any areas being dedicated to the City prior to the final signing of the partition plat.

d. The partition plat shall be signed by the Director and City Engineer.

e. 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 Recordation

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 contained in Section 2.14.30.

b. A final minor replat shall be prepared by a licensed surveyor in accordance with Section 2.4.40 - Plat Review Procedures (Chapter 2.4 - Subdivision and Major Replats) except the Director shall sign the final plat instead of the Planning Commission Chair.

Section 2.14.60 - LOT LINE ADJUSTMENT

a. An application for a lot line adjustment shall be administered in accordance with the tentative partition plat procedures contained in Section 2.14.30 except the application shall be exempt from public notice provisions in 2.14.30.03 and review criteria in 2.14.30.05.

b. A lot line adjustment shall be approved if the following criteria have been met:

1. The lot line adjustment shall not result in creation of an additional unit of land.

2. Any unit of land reduced in size by the lot line adjustment shall comply with all applicable development district regulations.

3. Any nonconforming development on lots subject to a lot line adjustment shall not have the degree of nonconformity increased as a result of the lot line adjustment.

4. The availability of both public and private utilities and required access shall not be adversely affected by a lot line adjustment.

c. Approvals shall be subject to the following minimum conditions:

1. Deeds, based on a metes and bounds legal description, for all adjusted lots resulting from the lot line adjustment shall be recorded with the Benton County Recorder's Office.

2. A Certified Boundary Survey map that reflects the approved lot line adjustment shall be filed with Benton County. Prior to the filing of the survey map with Benton County, the map shall be reviewed by the City and signed by the Director and the City Engineer.

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

Section 2.14.70 - MAJOR REPLATS

An application for 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.

CHAPTER 2.15
HILLSIDE DEVELOPMENT AND DENSITY TRANSFER

Section 2.15.10 - BACKGROUND

These administrative procedures were incorporated into the Code in 1983 to provide density transfer options in several significant hillside areas. Areas considered "significant" are identified in the Open Space/Hillside Report (1982) adopted as part of the Comprehensive Plan and include portions of Locke Cemetery Hill, IV Hill and Bald Hill. These procedures are intended to be used in conjunction with development of land through a subdivision, partition, or planned development process.

Section 2.15.20 - PURPOSES

This chapter establishes a mechanism that:

a. Encourages density transfer from significant hillside areas as an incentive for preservation of natural resources and open space; and

b. Provides protection from natural hazards.

Section 2.15.30 - APPLICABILITY

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

Applicants may use the provisions for Planned Development (Chapter 2.5), Subdivisions and Major Replats (Chapter 2.4), Partitions (Chapter 2.14) or other applicable Code provisions for obtaining development approval.

Section 2.15.40 - PROCEDURES

An application filed for a density transfer shall comply with the following:

2.15.40.01 - Application Requirements

Applications for a density transfer consistent with Option 1 or Option 3 discussed below shall be on forms provided by the Director and include the following information:

a. Name and address of the owner(s) of record;

b. Location and use of adjacent structures within 100 feet of property lines;

c. Number of proposed lots and dimensions of lots, including frontage, depth, and area in square feet;

d. Type of housing or other uses to be developed;

e. A deed restriction executed on behalf of property owners of the significant hillside areas assuring permanent retention of the density transfer land area as Open Space. If the application is not approved, the deed restriction shall be returned. In the event the density transfer application is approved, staff shall ensure that this deed restriction is recorded with the Benton County Recorder;

f. For developers using Option 3, an identification by survey and legal description of the land areas within the significant hillside area proposed for development and the land areas proposed for permanent open space.

2.15.40.02 - Selection of Development Option

The developer of applicable properties may use Options 1, 2, or 3 for determining maximum allowable density and applicable development standards.

- Option 1 describes procedures and development standards for density transfer from the significant hillside areas.
- Option 2 describes procedures and standards for development within a significant hillside area.
- Option 3 describes procedures and standards for partial transfer of density and partial development within a significant hillside area.

2.15.40.02.01 - Option 1, Density Transfer

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

a. **Allowed density transfer:** Allowed density transfer of open space hillside areas is 4 units per acre. When density is to be transferred outside the hillside area to the remaining portion of the ownership, multiply size of the area by allowed density transfer per acre (4 units per acre) to determine total number of residential units that can be transferred from the hillside boundary area.

b. **Applicable development standards:** When density is transferred, use types, minimum lot area, setback, height requirements, and other development standards of the RS-9 district shall apply and may be used when preparing the density transfer plan.

c. **Condition of approval:** As a condition of approval for density transfer plans, a deed restriction that assures permanent retention of the density transfer land area as open space shall be recorded with the Benton County Recorder within 30 days of the decision of the Director.

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

When an identified significant hillside area is to be developed, the following provisions shall be used:

a. **Calculate allowed density:** Allowed density for development of hillside area is 2 units per acre. When a hillside area is to be developed, multiply size of the hillside area by 2 units per acre to determine total potential residential units allowed within the hillside area.

b. **Applicable development standards:** When a hillside area is to be developed, development standards of the underlying development district shall apply.

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

When a developer chooses to develop a part of a significant hillside area and to retain as permanent open space other portions, hillside density transfer proposals shall comply with Option 1 for density to be transferred and Option 2 for development within the hillside boundary area.

2.15.40.03 - Applicable Development Standards

All hillside density transfer proposals shall comply with Option 1 for density that is to be transferred and Option 2 for development within the hillside boundary area.

2.15.40.04 - Approval of the Density Transfer Plan

The Director shall approve density transfer plans consistent with this chapter and subject to all other approvals required in the development review process.

2.15.40.05 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

2.15.40.06 - Effective Date

The decision of the Director shall become effective 10 days from when the decision is made unless an appeal is filed in accordance with Chapter 2.19.

CHAPTER 2.16
REQUEST FOR INTERPRETATION

Section 2.16.10 - BACKGROUND

Property owners and developers often seek interpretations of the Land Development Code or Comprehensive Plan from the Director or other City staff persons. These interpretations may be "legislative" in that they apply to a large geographic area, for example all properties within a given development district, or they may be "quasi-judicial", applying to a specific site or area. Through the process 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. Assure uniformity of Code and Comprehensive Plan interpretations through a formal process; and,

b. Provide for a reasonable 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 Comprehensive Plan shall be accomplished by the following procedures:

2.16.30.01 - Application Requirements

Any person may file a request for interpretation. Requests shall be in writing that is legible, reproducible and readily understood. The form of the request shall be as specified by the Director.

2.16.30.02 - Acceptance of Application

The Director shall review a request for interpretation within 10 days 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.

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 owner of property whom the Director determines is 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 interpretation must be 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. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

5. Include name and phone number of staff contact person;

6. State that notice of disposition shall be provided to the applicant and any person who submits comments;

7. An explanation of appeal rights;

8. A summary of the local decision making process.

2.16.30.04 - Staff Evaluation

After accepting a request for an interpretation meeting 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 the Code or Comprehensive Plan, but shall not issue any legal opinion or interpretation of case law.

c. The Director is not authorized to issue any interpretation that could have the effect of prejudging any application required by another chapter of this Code.

d. Interpretations by the Director are advisory only and do not bind the Land Development Hearings Board, Planning Commission, or City Council in making their decisions.

e. The Director may modify previously issued interpretations if there are specific circumstances that warrant such notification.

2.16.30.06 - Notice of Disposition

A notice of disposition and all applicable information shall be available in the Planning Division of the Community Development Department. Notification of the 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 that includes a statement of the decision and reasons leading to it, and 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 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

a. **Legislative Interpretation:** The decision of the Director shall become effective 10 days from the date that the notice of disposition is published, unless an appeal is filed.

b. **Quasi-judicial Interpretation:** The decision of the Director shall become effective 10 days from when the notice of disposition is mailed, unless an appeal is filed.

CHAPTER 2.17 - RESERVED

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 this energy can be encouraged by providing and protecting solar access for use of property owners. A Type I Solar Access Permit limits shading of a solar collector by trees. A Type II Solar Access Permit includes protection provided by a Type I Permit plus additional protection and remedies to prevent 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 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 that is more than 150 ft south of the solar collector location;

b. A lot located on a slope of 20 percent or more and facing within 45 degrees of true north;

c. Any lot located in the Central Business (CB) Development District;

d. Any tree or structure on a neighboring lot existing at the time the Solar Access Permit application is accepted;

e. New structures resulting in shading of the solar collector unless a Type 2 Solar Access Permit has been approved and recorded;

f. Proposed new structures resulting in shading of a Type 2 solar collector between 9 a.m. and 3 p.m. on November 21 in an amount to not exceed the shading that would be caused by a flat-roofed structure half the allowed building height at the minimum setbacks; or

g. Any new tree that is approved in the Solar Access Permit as a "solar access friendly tree" listed by location and species consistent with review criteria "f" in 2.18.40.06 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, its dimensions, its height above ground level, its orientation, and its slope from the horizontal;

c. Sunchart for the proposed location as seen from the center of the lower edge of the site of the solar collector and, if applicable, alternative locations for the solar collector. If the solar collector is more than 20 feet in length, a sunchart photograph shall also be provided from each end of the collector;

d. Site plan showing lot lines and dimensions of the solar user's lot and neighboring lots which will be affected by the Solar Access Permit. The site plan shall indicate topography using 2- or 5-ft contour intervals and the location of the solar collector, structures, and trees. The site plan information shall indicate tree species;

e. Documentation that the solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a 6-foot high fence located on the applicant's lot lines;

f. Documentation that there is no reasonable alternative location for the solar collector that would result in fewer restrictions on a neighboring lot;

g. Documentation that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the solar collector that would result in fewer restrictions on a neighboring lot;

h. A list by owner of record and address for all affected lots, together with an identification by lot of exempt structures and vegetation as defined above in "d" of Section 2.18.30 - Limits on Solar Permits; and

i. Proposed solar envelopes for affected properties and, if applicable, proposed "solar-access-friendly trees" permitted to grow so as to partly obstruct the solar access.

2.18.40.02 - Application Requirements for Type 2 Solar Access Permit

An application for a Type 2 Permit shall include information required above in 2.18.40.01 in addition to the following:

a. Evidence that minimum setbacks and allowable building height for the district do not assure solar access protection; and

b. Proposed solar envelopes prescribing allowed building heights for affected properties.

2.18.40.03 - Acceptance of Application

The Director shall review the Solar Access Permit application for compliance with the application requirements above in 2.18.40.01 or 2.18.40.02. If the application is incomplete, the Director shall notify the applicant within 5 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

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 is 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 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. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

    5. Include name and phone number of staff contact person;

    6. State that notice of disposition shall be provided to the applicant and any person who submits comments;

    7. An explanation of appeal rights;

    8. A summary of the local decision making process.

2.18.40.05 - Staff Evaluation

The application and any comments shall be reviewed to assure consistency with the review criteria in 2.18.40.06 below.

2.18.40.06 - Review Criteria

Solar Access Permit applications shall be reviewed to assure the following criteria are met:

a. Location of the solar collector shall have at least four hours per day of unobstructed solar access between 9 a.m. and 3 p.m. during the season of the year for which solar access protection is applied for;

b. After exempt vegetation has reached a mature height, there shall still be sufficient solar access for operation of the solar collector;

c. The solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a 6-ft high fence located on the applicant's lot lines;

d. There is no reasonable alternative location for the solar collector that would result in fewer restrictions on neighboring lots;

e. Removing or trimming vegetation on the applicant's lot would not permit an alternative location that would result in fewer restrictions on a neighboring lot; and

f. To provide for residential privacy, street trees, or for other energy conservation benefits, the Director may specify as a condition of approval of the Solar Access Permit that "solar access friendly trees" may be planted or allowed to grow so as to partly obstruct solar access. "Solar access friendly trees," if applicable, shall be designated at the time the permit is approved by location, species, and amount of future shading allowed by the tree.

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 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 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

The decision of the Director shall become effective 10 days from when the notice of disposition is mailed, unless an appeal has been filed.

Section 2.18.50 - PERMIT RECORDATION

Within 30 days after a Solar Access Permit and building permit for the solar energy system have been granted, the Director shall file the Solar Access Permit with the Benton County Recorder in such form as required by State law. The permit shall include approved solar envelopes for affected properties, exemptions to or limits on the solar right being created, and the solar collector drawing, sunchart, and site plan.

Section 2.18.60 - OBLIGATION CREATED BY SOLAR ACCESS PERMIT

The owner of any lot burdened by a Solar Access Permit shall trim any nonexempt vegetation if subsequent vegetation growth is inconsistent with the Solar Access Permit. The cost of such trimming shall be paid by the owner of the vegetation.

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 order to achieve the goals of the Comprehensive Plan. Provisions of this Code therefore allow considerable discretion in decision making by the City Council and its agencies and officers.

Criteria and standards have been adopted as part of this Code to ensure consistency in discretionary decisions. To ensure due process it is also necessary to provide for review of discretionary decisions that are allegedly 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 discretionary land use decisions may request review of such decisions;

b. Establish the basis for valid appeals;

c. Establish who may appeal a discretionary 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. Filing of an appeal to a higher level City hearings authority, in accordance with the provisions of this chapter, shall initiate the appeal process and stays the order or decision appealed. The process shall include adequate public notice, a public hearing, and preparation of findings by the authority that either affirms, amends, or reverses the decision appealed.

c. All hearings on appeals shall be held *de novo* (as a new public hearing).

2.19.30.02 - Hearings Authority

a. Appeals from decisions of the Director shall be reviewed by the Land Development Hearings Board.

b. Appeals from decisions of the City Engineer shall be reviewed by the Land Development Hearings Board.

c. Appeals from decisions of the Planning Commission or the Land Development Hearings Board shall be reviewed by the City Council.

d. Appeals from decisions of the City Council shall conform with applicable ORS provisions.

2.19.30.03 - Standing

Appeals may only be filed by parties affected by a discretionary 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 decision-maker whose decision is being appealed.

c. Any neighborhood organization that testified orally or in writing before the decision-maker 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 is entitled to appeal a land use decision pursuant to State law.

2.19.30.04 - Appeal Periods

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

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. Where the final day of an appeal period falls on a weekend or holiday the appeal period shall be extended to 5:00 p.m. on the next work day.

2.19.30.05 - Filing Requirements

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

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.

d. Statement of the applicant's standing to appeal as an affected party.

e. Appropriate filing fee.

2.19.30.06 - Notice and Hearing

a. The Director shall schedule complete and properly filed appeals for public hearing. Such hearing is to be held not later than 60 days after the receipt of the notice of appeal. Appeals that are not complete or properly filed 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 10 days prior to the hearing, notice shall be published in the newspaper; and at least 20 days prior to the hearing, notice shall be sent by mail to the appellant(s), to the applicant (in the event they are not one and the same), and those persons and neighborhood organizations who originally received notice of the application and anyone who testified or submitted written information for the record of the case. In the event that the decision being appealed was an administrative decision of the Director, 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 not complete, filed late, or improperly filed may be denied by the hearing authority without further review.

2.19.30.07 - Effective Date of Decision

Approval of any development request shall become effective upon expiration of the appeal period, unless an appeal has been filed. 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 21 days after the notice of disposition of the Council's action has been mailed.

ARTICLE III

DEVELOPMENT DISTRICTS

ARTICLE III - DEVELOPMENT DISTRICTS

Table of Contents

Chapter 3.0: Use Classifications

Section	3.0.10	Purposes
	3.0.20	Classification of Combination of Principal Uses
	3.0.30	Listing of Classifications

Chapter 3.1: RS-3.5 (Low Density) District

Section	3.1.10	Purpose
	3.1.20	Permitted Uses
	3.1.30	RS-3.5 Development Standards

Chapter 3.2: RS-5 (Low Density) District

Section	3.2.10	Purpose
	3.2.20	Permitted Uses
	3.2.30	RS-5 Development Standards

Chapter 3.3: RS-6 (Low Density) District

Section	3.3.10	Purpose
	3.3.20	Permitted Uses
	3.3.30	RS-6 Development Standards

Chapter 3.4: RS-9 (Medium Density) District

Section	3.4.10	Purpose
	3.4.20	Permitted Uses
	3.4.30	RS-9 Development Standards
	3.4.40	Open Space Requirements
	3.4.50	Conversion from a Single Detached Dwelling Unit to Duplex
	3.4.60	Conversion of Structure to Professional and Administrative Services Use Type
	3.4.70	Redevelopment of Existing Multi-Dwellings in North Campus Area
	3.4.80	Expansion and Redevelopment of Existing Offices in North Campus Area

Chapter 3.5: RS-9(U) (Medium Density - University) District

Section	3.5.10	Purpose
	3.5.20	Permitted Uses
	3.5.30	Standards Option
	3.5.40	Guideline Option
	3.5.50	Conversion from a Single Detached Dwelling Unit to Duplex
	3.5.60	Conversion of Structure to Professional and Administrative Services Use Type
	3.5.70	Redevelopment of Existing Multi-Dwellings
	3.5.80	Expansion and Redevelopment of Existing Offices

Chapter 3.6: RS-12 (Medium-High Density) District

Section	3.6.10	Purpose
	3.6.20	Permitted Uses
	3.6.30	RS-12 Development Standards
	3.6.40	Open Area, Landscaping, and Screening
	3.6.50	Conversion of Unit to Professional and Administrative Services Use Types

Chapter 3.7: RS-12(U) (Medium-High Density - University) District

Section	3.7.10	Purpose
	3.7.20	Permitted Uses
	3.7.30	Standards Option
	3.7.40	Guideline Option
	3.7.50	Conversion of Unit to Professional and Administrative Services Use Type
	3.7.60	Redevelopment of Existing Multi-Dwellings
	3.7.70	Expansion and Redevelopment of Existing Offices

Chapter 3.8: RS-20 (High Density) District

Section	3.8.10	Purpose
	3.8.20	Permitted Uses
	3.8.30	RS-20 District Development Standards
	3.8.40	Open Area, Landscaping, and Screening
	3.8.50	Conversion of Unit to Professional and Administrative Services Use Type

Chapters 3.9 and 3.10 are Reserved

Chapter 3.11: P-AO (Professional and Administrative Office) District

Section	3.11.10	Purposes
	3.11.20	Permitted Uses
	3.11.30	Development Standards
	3.11.40	Development Criteria and Requirements List
	3.11.50	Off-Street Parking Facilities

Chapter 3.12: SA (Shopping Area) District

Section	3.12.10	Purposes
	3.12.20	Permitted Uses
	3.12.30	Development Standards
	3.12.40	Development Criteria and Requirements List
	3.12.50	Off-Street Parking Facilities

Chapter 3.13: SA(U) (Shopping Area - University) District

Section	3.13.10	Purpose
	3.13.20	Permitted Uses
	3.13.30	Development Standards
	3.13.40	Environmental Standards
	3.13.50	Landscaping, Screening and Weather Protection
	3.13.60	Off-Street Parking

Chapter 3.14: CS (Community Shopping) District

Section	3.14.10	Purpose
	3.14.20	Permitted Uses
	3.14.30	Development Standards
	3.14.40	Parking, Loading, and Access Requirements

Chapter 3.15: LC (Linear Commercial) District

Section	3.15.10	Purpose
	3.15.20	Permitted Uses
	3.15.30	Development Standards
	3.15.40	Landscaping and Screening
	3.15.50	Off-Street Parking Facilities

Chapter 3.16: CB (Central Business) District

Section	3.16.10	Purpose
	3.16.20	Permitted Uses
	3.16.30	Development Standards
	3.16.40	Landscaping and Screening
	3.16.50	Off-Street Parking

Chapter 3.17: CBF (Central Business Fringe) District

Section	3.17.10	Purpose
	3.17.20	Permitted Uses
	3.17.30	Development Standards

Chapter 3.18: RSC (Regional Shopping Center) District

Section	3.18.10	Purpose
	3.18.20	General Provisions
	3.18.30	Permitted Uses
	3.18.40	Development Standards

Chapter 3.19: SSD (Special Shopping) District

Section	3.19.10	Purposes
	3.19.20	Nonconforming Development
	3.19.30	SSD - Home and Garden

Chapter 3.20: MUC (Mixed Use Commercial) District

Section	3.20.10	Purpose
	3.20.20	General Provisions
	3.20.30	Permitted Uses
	3.20.40	Development Criteria and Requirements
	3.20.50	Design Guidelines and Standards

Chapters 3.21 through 3.22 are Reserved

Chapter 3.23: LI (Limited Industrial) District

Section	3.23.10	Purpose
	3.23.20	Permitted Uses
	3.23.30	Development Standards

Chapter 3.24: GI (General Industrial) District

Section	3.24.10	Purpose
	3.24.20	Permitted Uses
	3.24.30	Development Standards

Chapter 3.25: II (Intensive Industrial) District

Section	3.25.10	Purpose
	3.25.20	Permitted Uses
	3.25.30	Development Standards

Chapter 3.26: RTC (Research Technology Center) District

Section	3.26.10	Purpose
	3.26.20	General Provisions
	3.26.30	Permitted Uses
	3.36.40	Development Standards

Chapter 3.27: MUE (Mixed Use Employment) District

Section	3.27.10	Purpose
	3.27.20	General Provisions
	3.27.30	Permitted Uses
	3.27.40	Development Standards
	3.27.50	Design Guidelines and Standards

Chapters 3.28 through 3.29 Reserved

Chapter 3.30: WRG (Willamette River Greenway) District Overlay

Section	3.30.10	Purposes
	3.30.20	Type I: Conditional Development
	3.30.30	Exemptions
	3.30.40	Review Criteria
	3.30.50	Development Standards

Chapter 3.31: HPO (Historic Preservation Overlay) District

Section	3.31.10	Purposes
	3.31.20	Permitted Uses
	3.31.30	Implementation

Chapter 3.32: PD (Planned Development) District Overlay

Section	3.32.10	Purposes
	3.32.20	Permitted Uses
	3.32.30	Implementation
	3.32.40	Initiation

Chapters 3.33 through 3.35 are Reserved

Chapter 3.36: OSU (Oregon State University) District

Section	3.36.10	Purposes
	3.36.20	General Provisions
	3.36.30	Permitted Uses
	3.36.40	Development Standards

Chapter 3.37: AG-OS (Agriculture-Open Space) District

Section	3.37.10	Purpose
	3.37.20	Permitted Uses
	3.37.30	Performance Standards
	3.37.40	Setbacks
	3.37.50	Special Buffering

CHAPTER 3.0
USE CLASSIFICATIONS

Section 3.0.10 - PURPOSE

The provisions of Chapter 3.0 shall be known as Use Classifications. The purpose is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. 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 type 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 district 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 PRINCIPAL USES

The following rules shall apply where a lot contains uses that resemble two or more different use types and are not classified as either special development, as defined in Section 1.2.110 - Development Review Process, or as accessory uses (See Chapter 4.3 - Accessory Development Regulations).

a. **Separate Classification of Several Establishments.** The principal uses conducted on a lot or development site by two or more individual establishments, managements, or institutions shall be classified separately into use types.

b. **Classification of Different Uses Conducted by Individual Establishment.** If principal uses conducted on a lot or development site by a single establishment, management, or institution resemble two or more different use types, all such principal uses shall be classified in the use types whose description most closely portrays the nature of such uses.

Section 3.0.30 - LISTING OF USE CLASSIFICATIONS

All uses are classified into one or more of the following use types. In order of listing in this chapter, they are: Residential, Civic, Commercial, Industrial, Agricultural and Extractive. Use types listed within each category are presented in alphabetical order.

In addition to use types, the Code defines residential and non-residential building types in Chapter 1.6. Residential building types are listed in each district that permits residential use types and are listed from least intensive to most intensive uses (for example, "Single Detached" is listed above "Single Attached", and both of these building types are listed above "Multi-Dwelling").

3.0.30.01 - Residential Use Types

Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis. They also include certain development accessory to the above, as specified in Chapter 4.3 - Accessory Development Regulations and Home Business, as defined in Chapter 1.6.

a. **Family Residential** - Residential occupancy of living units by individual(s) or family(ies). It excludes "Transient Habitation" and "Group Care".

b. 1. **Group Residential** - Residential occupancy of living units by persons other than an individual or family, as defined in this Code, and providing communal kitchen/dining facilities. Typical uses include occupancy of fraternity and sorority houses, retirement homes, boarding houses and cooperatives. This use type does not include "Group Care" facilities as specified below.

2. **Group Residential/Group Care** - Residential occupancy of facilities authorized, certified, or licensed by the State to provide board, room, and personal care to 6 or more physically disabled, mentally disordered, handicapped, elderly or drug or alcohol dependent persons receiving treatment, or dependent or neglected children; or of facilities authorized to provide supervisory or day-care services to 13 or more persons, but excluding those uses classified under "Major Services and Utilities" where communal kitchen/dining facilities are provided. Typical uses include halfway houses, intermediate care facilities, or day care centers.

c. **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.

d. **Residential Care Facility** - A dwelling unit licensed by the State to accommodate more than 5 and fewer than 16 mentally or physically handicapped, elderly, or drug or alcohol dependent persons and resident staff persons engaged in their care.

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. They also include certain development accessory to the above, as specified in Chapter 4.3 - Accessory Development Regulations.

a. **Administrative Services** - Consulting, record keeping, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles, excluding the following commercial use type: "Professional and Administrative Services." Typical use types are governmental offices.

b. **Community Recreation** - Recreational, social, or multi-purpose uses typically associated with parks, play fields, golf courses, 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 and 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 "Transient Habitation" use types. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations.

f. **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 transcends the usual restraints of the district for reasons of necessary location and community wide interest. Typical uses include: sanitary landfills, airports, hospitals, detention and correction institutions, mass transit waiting stations or turnarounds, and schools. **Excludes** "University Services and Facilities" use type.

g. **Minor Utilities** - Public utilities that have a local impact on surrounding properties. Typical uses include electrical and gas distribution substations, wind generators, and radio facilities. **Excludes** "Wireless Telecommunication Facilities" use types.

h. **Parking** - Parking garages and lots.

i. **Postal Services** - Mailing services and processing as traditionally operated or leased by postal and parcel service companies.

j. **Public Safety** - Services that provide protection to a district or entity according to Fire, Life, and Safety Code Sections, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

k. **Religious Assembly** - Religious services involving public assembly such as customarily occurs in synagogues, temples and churches.

l. **University Services and Facilities** - Services and facilities customarily associated with a major university. Typical uses include housing facilities, classrooms, research services, recreational amenities and parking facilities.

m. **Wireless Telecommunication Facilities** - The site, structures, equipment, and appurtenances used to send and receive radio frequency transmissions for wireless telecommunications for wireless telecommunication services such as cellular telephone, personal communication services, enhanced/specialized mobile radio, and commercial paging services. Such facilities include, but are not limited to: antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

1. **Colocated/attached wireless telecommunication facility.** A wireless telecommunication facility that is 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. They also include certain development accessory to the above as specified in Chapter 4.9 - Accessory Development Regulations.

a. **Agricultural Sales** - On-site sale of feed, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.

b. **Agricultural Services** - Provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include crop dusting and tree service firms.

c. **Animal Sales and Services** - Animal-related 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 produced off property not exceeding a 72-hour period. Typical uses include animal auctions and livestock auction yards.

   2. **Grooming.** Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and 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 keeping of transient 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 (large animals) and veterinary hospitals (large animals).

   7. **Veterinary (Small Animals).** Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, and animal hospitals (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. **Cleaning.** Washing and polishing of automobiles. Typical uses include auto laundries and car washes.

2. **Fleet Storage.** Fleet storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include taxi fleets, mobile-catering truck storage, and auto storage garages.

3. **Parking.** Parking of motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots and garages.

4. **Heavy Equipment Repairs.** Repair of trucks and other heavy equipment as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include engine repair shops, body shops and motor freight maintenance groups.

5. **Light Equipment Repairs.** Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages and auto glass shops.

6. **Farm Equipment Sales/Rentals.** Sale, retail or wholesale, and/or rental from the premises of farm equipment together with incidental maintenance. Typical uses include farm equipment dealers.

7. **Heavy Equipment Sales/Rentals.** Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft, together with incidental maintenance. Typical uses include aircraft dealers, heavy construction equipment dealers and tractor trailers.

8. **Light Equipment Sales/Rentals.** Sale, retail, wholesale, or rental from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motorhomes and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicles sales and 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 the firms themselves rather than to individuals. **Excludes** automotive, construction, and farm equipment. 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 of buildings or other structures other than retail sale of paint, fixtures, and hardware, but excludes those uses classified as "Automotive" and/or "Heavy Equipment" use types. Typical uses include building materials stores, tool and equipment rental or sales and building contracting/construction offices.

j. **Convenience Sales and Personal Services** - Provision of small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery stores, drugstores, laundromats/dry cleaners and barbershops.

k. **Eating and Drinking Establishments** - Sale of prepared food and beverages for on and off premises consumption. The following are eating and drinking establishment use types:

1. **Fast Order Food:** An establishment whose primary business is the sale of food: a) primarily intended for immediate consumption; b) available within a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold. Does not include drive-in fast order food establishments.

2. **Fast Order Food - Drive-in:** Sale of food directly to patrons in motor vehicles or to patrons that intend to use the motor vehicle as an eating area. Typically, this use is either dependent 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 to be generally consumed on the premises. Typically, clientele does not turn over rapidly.

l. **Explosive Storage** - Storage of any quantity of explosives in accordance with ORS 57.21. Typical uses include storage in the course of manufacturing, selling, or transporting explosives or in the course of blasting operations.

m. **Financial, Insurance and Real Estate Services** - Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies and real estate firms.

n. **Food and Beverage Retail Sales** - Retail sale of food and beverages for home consumption. Typical uses include groceries and delicatessens.

o. **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 keeping of human bodies other than in cemeteries. Typical uses include columbariums and mausoleums.

3. **Undertaking.** Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

4. **Cemeteries.**

p. **Fuel Sales** - Retail sale, from the premises, of petroleum products with incidental sale of tires, batteries, and replacement items, lubricating services, and minor repair services. Typical uses include automobile service stations, filling stations and truck stops.

q. **Laundry Services** - Laundering, dry cleaning, or dyeing services other than those classified as "Personal Services, General". Typical uses include laundry agencies, diaper services and linen supply services.

r. **Medical Services** - Personal health services including prevention, diagnosis and treatment, 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** uses types classified under "Civic" or as "Group Residential/Group Care".

s. **Participant Sports and Recreation** - Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

1. **Indoor.** Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

2. **Outdoor.** Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.

t. **Personal Services, General** - Informational, instructional, personal improvement, and similar services of a nonprofessional nature. **Excludes** services classified as "Spectator Sports and Entertainment", "Participant Sports and Recreation" or "Transient Habitation". Typical uses include photography studios, driving schools and weight reducing salons.

u. **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.

v. **Regional Shopping Center** - A grouping of commercial uses contained within an enclosed structure with at least 400,000 square feet of leasable retail floor area, with the smaller stores arranged on opposite sides of a pedestrian walkway. Uses shall include at least two full-line department stores and other uses customarily allowed in a regional shopping center.

w. **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.

x. **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.

y. **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", "Gasoline 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 other similar uses that cater to students, faculty, and university visitors.

z. **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.

aa. **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.** Those uses conducted within an enclosed building with a capacity of 299 or less people. Typical uses include small theaters and meeting halls.

2. **Other.** Those uses generating an attendance of 300 or more people, such as theaters, large exhibition halls and sports stadiums.

bb. **Swap Meets** - Display, exchange, barter, or sale of new or used 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.

cc. **Transient Habitation** - Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are transient habitation use types:

1. **Campground.** Transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreation vehicle parks.

2. **Lodging.** Provision of room or room and board. Typical uses include hotels, motels and transient boarding houses.

dd. **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 are defined as the on-site production of goods by methods that are not commercial, agricultural or extractive in nature. They also include certain developments accessory to the above as specified in Chapter 4.3 - Accessory Development Regulations.

a. **Limited Manufacturing** - Establishments generally employing fewer than 20 persons, 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 goods by hand manufacturing 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 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; or

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 is a subordinate part of total sales.

b. **Technological Production** - 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. This use type does not include uses that require State or Federal air quality discharge permits except for parking.

c. **General Industrial**

1. Production, processing, assembling, packaging, or treatment of food and non-food products; or

2. Manufacturing and/or assembly of electronic instruments and equipment and electrical devices.

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:

- continuous, frequent, or repetitive noises or vibrations;
- noxious or toxic fumes, odors, or emissions;
- electrical disturbances; or
- 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 less than 15 minutes per day; an odor detected for less than 15 minutes per day; 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. They also include certain development accessory to the above 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, but not limited to, animal manure, animal bedding waste, and similar by-products of animal husbandry operations, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes.

c. **Aquaculture** - Aquacultural research and specialties.

d. **Horticulture** - Horticultural and floracultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. 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 but does not include 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 such as vines, field, forage, and other plant crops intended to provide food or fibers.

g. **Tree Crops** - Cultivation for personal use of tree-grown agricultural products such as orchards for apples and cherries.

3.0.30.06 - Extractive Use Types

Extractive use types include the on-site production of mineral products by extractive methods. They also include certain development accessory to the above, as specified in Chapter 4.3 - Accessory Development Regulations.

a. **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, or concrete batch plants.

CHAPTER 3.1
RS-3.5 (LOW DENSITY) DISTRICT

Section 3.1.10 - PURPOSE

This district implements the Low Density Comprehensive Plan designation, which allows a range of 2-6 dwelling units per acre. It is intended to provide low density family residential areas together with a full range of urban services in order to maintain stable residential neighborhoods.

Section 3.1.20 - PERMITTED USES

3.1.20.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
   - Family

   (b) Residential Building Types
   - Single Detached

2. Civic Use Types:
   - Community Recreation
   - Public Safety Services

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticulture (personal use)
5. Model Dwelling Units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)
8. Required off-street parking for uses permitted in this district in accordance with Chapter 4.1
9. Other development customarily incidental to the primary use in accordance with Chapter 4.3
10. Accessory Dwelling Units subject to provisions in Chapter 4.9.40.
11. 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

3.1.20.02 - Special Development - Uses Allowed through Discretionary Review

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

1. Cultural Exhibits and Library Services
2. Funeral and Interment Services (interring and cemeteries only)
3. Lodges, Fraternal and Civil Assembly
4. Major Services and Utilities
5. Minor Utilities subject to standards in Chapter 4.9
6. Planned Developments in accordance with Chapter 2.5
7. Religious Assembly
8. Sports and Recreation (Participant and Spectator - General)
9. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9.
10. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*

Section 3.1.30 - RS-3.5 DEVELOPMENT STANDARDS

	Standard
a. Lot Area	8,000 sq. ft (minimum)
b. Lot Width	65 ft - (minimum average)
c. Setbacks Front yard Rear yard Side yard (interior) Corner Lot	 25 ft minimum 25 ft minimum 8 ft minimum 20 ft on side abutting the street
d. Structure Height	30 ft maximum - nor shall it exceed a solar envelope approved under Chapter 2.18 or 4.6
e. Building Site Coverage	No maximum
f. Off-Street Parking	See Chapter 4.1

CHAPTER 3.2
RS-5 (LOW DENSITY) DISTRICT

Section 3.2.10 - PURPOSE

This district implements the Low Density Comprehensive Plan designation, which allows a range of 2-6 dwelling units per acre. It specifically allows single detached, zero lot line and duplex developments. The district is intended to provide low density residential areas with a full range of urban services in order to maintain stable residential neighborhoods.

Section 3.2.20 - PERMITTED USES

3.2.20.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
   - Family

   (b) Residential Building Types:
   - Single Detached
   - Single Detached (Zero Lot Line)
   - Duplex (built prior to February 7, 1981)

2. Civic Use Types:
   - Community Recreation
   - Public Safety Services

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticulture (personal use)
5. Model Dwelling Units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)
8. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1
9. Other development customarily incidental to the primary uses in accordance with Chapter 4.3
10. Accessory Dwelling Units subject to provisions in Chapter 4.9.40.
11. 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

3.2.20.02 - Special Development - Uses Allowed through Discretionary Review

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

1. Cultural Exhibits and Library Services
2. Funeral and Interment Services (interring and cemeteries only)
3. Lodges, Fraternal and Civic Assembly
4. Major Services and Utilities
5. Minor Utilities, subject to standards in Chapter 4.9.
6. Planned Developments in accordance with Chapter 2.5
7. Religious Assembly
8. Sports and Recreation (Spectator and Participant - General)
9. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9.
10. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*

Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS

	Standard
a. Lot Area	6,500 sq. ft minimum
b. Lot Width	65 ft - minimum average [1]
c. Setbacks Front yard Rear yard Combined front and rear yard Side yard (except corner lot) Corner Lot	 10 ft minimum 10 ft minimum 40 ft minimum 5 ft on one side of the dwelling unit and 8 ft minimum on the opposite side - OR - 8 ft minimum on one side of dwelling unit with zero setback (0 ft) on opposite side [2] On side abutting the street, vision clearance areas in accordance with Section 4.1.40
d. Garage/Carport Vehicle Entrance	19 ft minimum to back of designated sidewalk
e. Structure Height	30 ft maximum - nor shall it exceed a solar envelope approved under Chapter 2.18 or 4.6
f. Lot Coverage	No maximum
g. Off-Street Parking	See Chapter 4.1

---

[1] Not applicable to duplexes built prior to February 7, 1981.

[2] 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 5 ft in width.

CHAPTER 3.3
RS-6 (LOW DENSITY) DISTRICT

Section 3.3.10 - PURPOSE

This district implements the Low Density Comprehensive Plan designation, which allows a range of 2-6 dwelling units per acre. It is intended to provide a broader variety of single family housing types than in other Low Density districts. This district also permits smaller lots than generally allowed in the RS-3.5 and RS-5 districts and encourages greater efficiencies in provision of streets, utilities, and usable open space.

Section 3.3.20 - PERMITTED USES

3.3.20.01 - General Development

a. Primary Uses Permitted Outright

1. a. Residential Use Types:
   - Family

   b. Residential Building Types:
   - Single Detached
   - Single Detached (Zero Lot Line)
   - Duplex
   - Single Attached (Zero Lot Line, 2 units)

2. Civic Use Types:
   - Community Recreation
   - Public Safety Services

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticulture (personal use)
5. Model Dwelling Units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)
8. Other development customarily incidental to the primary uses in accordance with Chapter 4.3
9. Accessory Dwelling Units subject to provisions in Chapter 4.9.40.
10. 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

Section 3.3.20.02 - Special Development - Uses Allowed Through Discretionary Review

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

1. Cultural Exhibits and Library Services
2. Funeral and Interment Services (interring and cemeteries only)
3. Lodges, Fraternal and Civic Assembly
4. Major Services and Utilities
5. Minor Utilities subject to standards in Chapter 4.9
6. Planned Developments in accordance with Chapter 2.5
7. Religious Assembly
8. Sports and Recreation (Spectator and Participant, General)
9. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9.
10. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Attached dwelling units (maximum of five attached units), not to exceed a gross density of six units per acre, to be reviewed in accordance with Chapter 2.13 - Plan Compatibility Review.
2. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*

Section 3.3.30 - RS-6 DEVELOPMENT STANDARDS

	Standard
a. Lot Area	
All single family building types	5,000 sq. ft minimum
Duplex	10,000 sq. ft minimum
b. Lot Width	
Single Attached (Zero Lot Line)	50 ft minimum average
Single Detached	50 ft minimum average
Single Detached (Zero Lot Line)	50 ft minimum average
Duplex	100 ft minimum average
c. Setbacks	
Front yard	10 ft minimum
Rear yard	15 ft minimum [1]
Combined front and rear yard	35 ft minimum [2]
Side yard	
Single Detached	5 ft for each side yard
Single Detached and Attached (Zero Lot Line)	8 ft minimum on one side of dwelling unit with zero setback (0 ft) on opposite side [3]
Duplex	10 ft for each side yard
Corner Lot	On side abutting the street, vision clearance areas in accordance with Section 4.1.40
d. Garage/Carport Vehicle Entrance	19 ft minimum to back of designated sidewalk
e. Structure Height	30 ft maximum - nor shall it exceed a solar envelope approved under Chapter 2.18 or 4.6
f. Lot Coverage	40% of lot area maximum
g. Off-Street Parking	See Chapter 4.1

---

1 Minimum average rear yard may be reduced to 5 ft in cases where the provision and protection of solar access to the proposed building and to buildings and buildable areas on adjacent lots can be assured consistent with Chapter 2.18.

2 Where the average rear yard setback is reduced below 15 ft, then combined front and side yard setbacks must be at least 35 ft.

3 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 5 ft in width.

CHAPTER 3.4
RS-9 (MEDIUM DENSITY) DISTRICT

Section 3.4.10 - PURPOSE

This district implements the Medium Density Comprehensive Plan designation, which allows a range of 6-12 dwelling units per acre. It is intended to provide areas where single detached, single attached, duplexes, and townhouses may be constructed under various ownership patterns. The district provides a higher density and more intensive use of land than the RS-3.5, RS-5 and RS-6 districts, while maintaining the direct relationship of each dwelling unit to its own building site. The district is intended to achieve efficiencies in provision of streets and utilities and encourage provision of usable open space.

Section 3.4.20 - PERMITTED USES

3.4.20.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
   - Family
   - North Campus Area (defined in Chapter 1.6) only: Group Residential existing prior to August 3, 1992 in accordance with Section 3.4.70 below
   - North Campus Area only: Group Residential/Group Care existing prior to August 3, 1992 in accordance with Section 3.4.70 below

   (b) Residential Building Types:
   - Single Detached
   - Single Detached (Zero Lot Line)
   - Duplex
   - Single Attached (Zero Lot Line, 2 units)
   - Attached (Townhouse, maximum of 5 units)
   - Manufactured Dwelling Park in accordance with Chapter 4.8
   - North Campus Area only: Multi-Dwellings existing prior to August 3, 1992 in accordance with Section 3.4.70 below

2. Civic Use Types:
   - Community Recreation
   - Public Safety Services

3. Commercial Use Types:
   - North Campus Area only: Offices, as defined in Chapter 1.6, existing prior to February 7, 1981, and in accordance with Section 3.4.80 below

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticulture (personal use)
5. Model Dwelling Units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)
8. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1
9. Other development customarily incidental to the primary use in accordance with Chapter 4.3
10. Accessory Dwelling Units subject to provisions in Chapter 4.9.40.
11. 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

3.4.20.02 - Special Development - Uses Allowed Through Discretionary Review

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

1. Conversion of structure to Professional and Administrative Services use type in accordance with Section 3.4.60
2. Cultural Exhibits and Library Services
3. Funeral and Interment Services (interring and cemeteries only)
4. Lodges, Fraternal and Civic Assembly
5. Major Services and Utilities
6. Minor Utilities subject to standards in Chapter 4.9
7. Offices, as defined in Chapter 1.6, existing prior to February 7, 1981 and located outside of the North Campus Area
8. Planned Developments in accordance with Chapter 2.5
9. Religious Assembly
10. Sports and Recreation (Spectator and Participant - General)
11. Construction/Roofing Storage and Sales existing prior to February 7, 1981.
12. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9.
13. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

b. Type II: Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Conversion of a single detached dwelling unit to a duplex in accordance with Section 3.4.50
2. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*

Section 3.4.30 - RS-9 - DEVELOPMENT STANDARDS

	Standard	
	One Dwelling Unit on a Lot	Two Dwelling Units on a Lot
a. Lot Area	3,250 sq. ft minimum	6,500 sq. ft minimum (or 3,250 sq. ft per dwelling unit) [1]
b. Lot Width	40 ft - minimum average 30 ft - minimum where 3 to 5 units are attached at common property lines and in accordance with Section 3.4.40 below	50 ft - minimum average
c. Setbacks Front Yard Rear Yard Side Yards [2]	 15 ft minimum 20 ft minimum None, except: 1. Exterior side yards: 10 ft and vision clearance area in accordance with Section 4.1.40 2. Side yard on an interior lot: 5 ft minimum 3. Side yard abuts a more restrictive district: 5 ft minimum 4. Side yard abuts a more restrictive district and proposed structure is more than one story: 10 ft minimum	
d. Garage/Carport Vehicle Entrance	19 ft minimum to back of designated sidewalk	
e. Structure Height	30 ft maximum - nor shall it exceed a solar envelope approved under Chapter 2.18 or 4.6	
f. Lot Coverage	60% of lot area maximum [3]	
g. Off-Street Parking	See Chapter 4.1	

---

[1] In subdivisions platted after February 7, 1981, lots smaller than 6,500 sq. ft may be created, provided that: 1) lots are created through the subdivision process; 2) building types are designated on the plat; 3) minimum average lot widths are maintained; and 4) no lot shall be less than 5,000 sq. ft (250 sq. ft per dwelling unit).

[2] Where side yard setbacks are provided, there shall be a minimum of 10 ft between structures.

[3] Includes area occupied by buildings, parking and circulation of automobiles.

Section 3.4.40 - OPEN SPACE REQUIREMENTS

a. A minimum of 40 percent of the gross lot area shall be retained and developed as permanent open space designed and arranged to offer maximum benefits to occupants of the development.

b. Within the area retained as permanent open space, an outdoor living area equal to at least 10 percent of the total lot area shall be designed to be directly related to the interior space by doors and windows. The area or portions thereof shall be screened for privacy with sight-obscuring landscaping not less than 4 ft in height upon installation and/or a sight-obscuring fence or wall not less than 5 ft in height.

Section 3.4.50 - CONVERSION FROM A SINGLE DETACHED DWELLING UNIT TO DUPLEX

Conversion of detached dwelling unit (or detached zero lot line dwelling unit) to a duplex may be permitted where the subject lot is less than 6,500 sq. ft. Conversion may be appropriate where it is shown that the surrounding area in which the subject lot is located has been developed predominately for duplexes. Conditional development may be granted, provided that:

a. Before and after conversion all requirements of the RS-9 District shall be complied with, for two dwelling units on a lot.

b. Minimum lot size shall be 5,000 sq. ft.

c. Off-street parking for 2 dwellings shall be required in accordance with Chapter 4.1.

d. Adequate provision is made for drainage, water, sewage, and waste disposal access, and applicable building code requirements for duplex units.

Section 3.4.60 - CONVERSION OF STRUCTURE TO PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE

The predominate purpose of this district is to retain residential unit availability; however, within the district there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically, and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3 to the "Professional and Administrative Services" use type, except the review criteria to evaluate the proposal shall be as follows where the following conditions exist:

3.4.60.01 - Size Limitation

Structures must be 4,000 sq. ft or more and built before February 7, 1981.

3.4.60.02 - Burden of Proof

It is the burden of the developer to prove that:

a. The structure cannot feasibly be used for the uses permitted in Section 3.4.20 above without creating undue financial hardship for both tenants and owners. This may be accomplished by meeting both of the following:

   1. Providing factual data and information on the potential costs of utilizing the structure for residential use (*e.g.,* heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, and construction for parking, *etc.*) as those costs compare to estimated potential rent or purchase prices for tenants or owners; and

   2. It must be demonstrated that an earnest effort has been made to retain the structure for residential use through established marketing procedures (*e.g.,* advertising, brochures, telephone contact, contact with real estate and marketing professionals, *etc.*).

OR

b. It is in the best interest of the community to allow the structure to be used for "Professional and Administrative Services" use type. This may be accomplished by meeting both of the following:

   1. Inclusion on the Corvallis Register of Historic Landmarks and Districts; and

   2. Determination that substantial alterations would be necessary for retention of the structure for residential use, and such alterations would result in the loss or reduction of historical or architectural significance.

3.4.60.03 - Project Design

To assure 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) that indicate the following:

a. Proposed exterior facade treatment;

b. Interior remodeling plans (showing major structural changes);

c. Landscaping plan;

d. Proposed signage;

e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of historically or architecturally significant elements of the structure and site;

f. Any other structural or site changes that would affect the structure's character.

3.4.60.04 - Required Off-Street Parking

The City recognizes that Section 3.4.60 generally applies to large structures with little or no remaining available property for off-street parking either on or off site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development, have been met, the following exception to Chapter 4.1 shall be permitted:

a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 3.4.70 - 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 August 3, 1992 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 shall be met even if these requirements interferes with reestablishment of the original structure.

Section 3.4.80 - EXPANSION AND REDEVELOPMENT OF EXISTING OFFICES IN NORTH CAMPUS AREA

Existing offices are permitted uses and may be expanded in accordance with Chapter 1.4 and may be redeveloped if desired. The redeveloped building may occupy the same building envelope occupied by the existing structure but current parking standards contained in Chapter 4.1 shall be met.

CHAPTER 3.5
RS-9(U) (MEDIUM DENSITY - UNIVERSITY) DISTRICT

Section 3.5.10 - PURPOSE

This district implements the Medium Density Comprehensive Plan designation, which allows a range of 6-12 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 district 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 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
   - Family
   - Group Residential existing prior to August 3, 1992, in accordance with Section 3.5.70 below
   - Group Residential/Group Care existing prior to August 3, 1992, in accordance with Section 3.5.70 below

   (b) Residential Building Types:
   - Single Detached
   - Single Detached (Zero Lot Line)
   - Duplex
   - Single Attached (Zero Lot Line, 2 units)
   - Attached (Townhouse, maximum of 5 units) Standards Option (3.5.30.01 below)
   - Multi-Dwellings existing prior to August 3, 1992 in accordance with Section 3.5.70 below
   - Manufactured Dwelling Park in accordance with Chapter 4.8

2. Civic Use Types:
   - Community Recreation
   - Public Safety Services

3. Commercial Use Types:
   - Offices, as defined in Chapter 1.6, existing prior to February 7, 1981, and in accordance with Section 3.5.80 below

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticulture (personal use)
5. Model Dwelling Units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)
8. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1
9. Other development customarily incidental to the primary use in accordance with Chapter 4.3
10. Accessory Dwelling Units subject to provisions in Chapter 4.9.40.
11. 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

3.5.20.02 - Special Development - Uses Allowed Through Discretionary Review

a. Type I: Conditional Development - Subject to review in accordance with Chapter 2.3 and all other applicable provisions of this code.

1. Attached (Townhouse, maximum of 5 units) Guideline Option (Section 3.5.40 below)
2. Conversion of structure to Professional and Administrative Services use type in accordance with Section 3.5.60
3. Cultural Exhibits and Library Services
4. Funeral and Interment Services (interring and cemeteries only)
5. Lodges, Fraternal and Civic Assembly
6. Major Services and Utilities
7. Minor Utilities subject to standards in Chapter 4.9
8. Planned Developments in accordance with Chapter 2.5
9. Religious Assembly
10. Sports and Recreation (Spectator and Participant - General)
11. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of existing structures, subject to the standards in Chapter 4.9.
12. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

b. Type II: Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Conversion of a single detached dwelling unit to a duplex in accordance with Section 3.5.50.
2. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*

Section 3.5.30 - STANDARDS OPTION

A developer has the option of selecting to develop RS-9(U) property in accordance with either this section or with the Guideline Option discussed in Section 3.5.40 below. In the Standards Option, Staff reviews proposals to determine compliance with the Standards while in the Guideline Option, the Planning Commission reviews proposals following a public hearing.

3.5.30.01 - RS-9(U) - Development Standards - Standards Option

	Standard	
	One Dwelling Unit on a Lot	Two Dwelling Units on a Lot
a. Lot Area	3,250 sq. ft minimum	6,500 sq. ft minimum (or 3,250 sq. ft per dwelling unit) [1]
b. Lot Width	40 ft - minimum average 30 ft - minimum where 3 to 5 units are attached at common property lines and in accordance with Section 3.5.40 below	50 ft - minimum average
c. Setbacks Front Yard [2] Rear Yard Side Yards [3]	 15 ft minimum 20 ft minimum None, except: 1. Exterior side yards: 10 ft and vision clearance areas in accordance with Section 4.1.40 2. Side yard on an interior lot: 5 ft minimum 3. Side yard abuts a more restrictive district: 5 ft minimum 4. Side yard abuts a more restrictive district and proposed structure is more than one story: 10 ft minimum	
d. Garage/Carport Vehicle Entrance	19 ft minimum to back of designated sidewalk (garage front setback shall be at least 4 ft behind the front face of the dwelling)	
e. Structure Height	30 ft maximum - see 3.5.30.03	
f. Lot Coverage	60% of lot area maximum [4]	
g. Off-Street Parking	See Chapter 4.1	

---

[1] In subdivisions platted after February 7, 1981, lots smaller than 6,500 sq. ft may be created, provided that: 1) lots are created through the subdivision process; 2) building types are designated on the plat; 3) minimum average lot widths are maintained; and 4) no lot shall be less than 5,000 sq. ft (250 sq. ft per dwelling unit).

[2] If over 50% of the front face of a building includes a partially enclosed and covered front porch of at least 125 sq. ft in area, then the front yard setback may be reduced to 15 ft.

[3] Where side yard setbacks are provided, there shall be a minimum of 10 ft between structures.

[4] Includes area occupied by buildings, parking and circulation of automobiles.

3.5.30.02 - Exterior Elevations

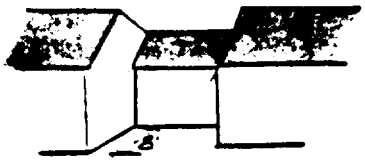
Exterior elevations of buildings shall incorporate design features such as offsets, balconies, projections, or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Director may refer the proposal to the Land Development Hearings Board.

Additionally:

a. Structures shall not have a continuous horizontal distance exceeding 60 ft;

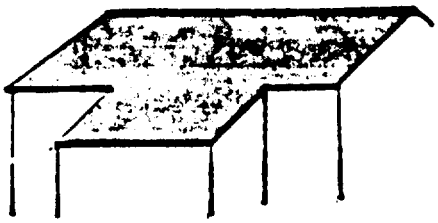
b. Along the vertical face of a structure, offsets shall occur at a minimum of every 20 ft by providing any two of the following:

1. Recesses (decks, patios, entrances, floor area, *etc.*) of a minimum depth of 8 ft.



AND/OR

2. Extensions (decks, patios, entrances, floor area, *etc.*) a minimum depth of 8 ft, a maximum length of an overhang shall be 25 ft.



AND/OR

3. Offsets or breaks in roof elevation of 3 or more ft in height.

c. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is 8 ft deep and at least 125 sq. ft in area.

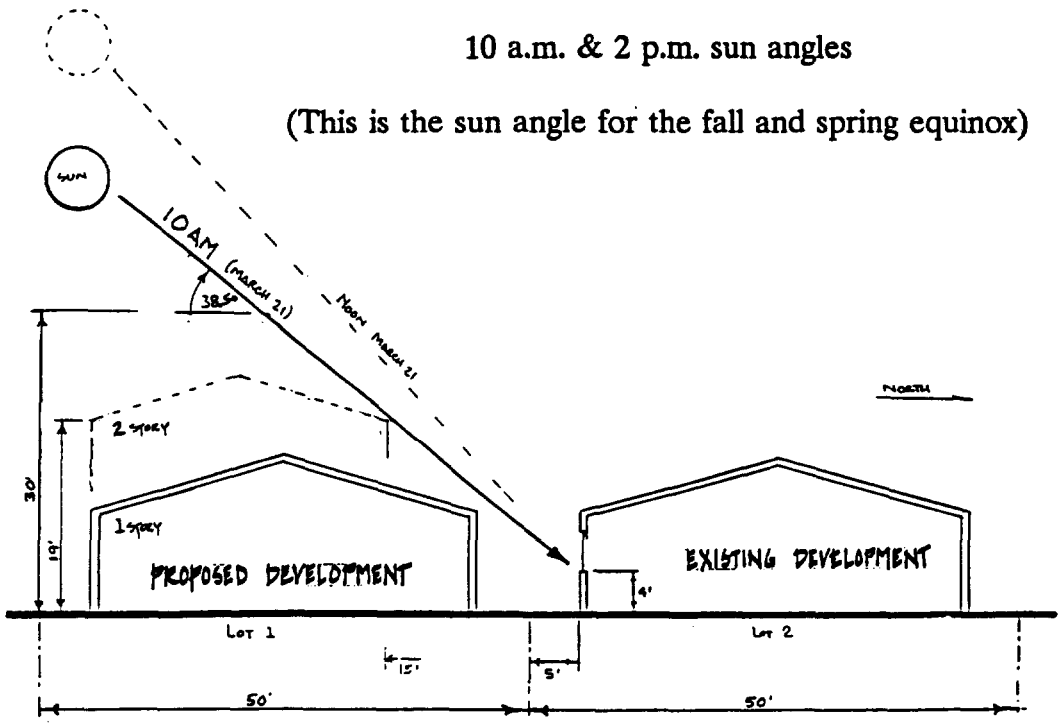
3.5.30.03 - Height of Structures

Maximum height shall be 30 ft provided the following is satisfied: Shadows from new buildings shall not shade more than the lower 4 ft of a south wall of an existing structure on adjacent property between 10 a.m. and 2 p.m. on March 21 (see illustration).

March 21

10 a.m. & 2 p.m. sun angles

(This is the sun angle for the fall and spring equinox)



3.5.30.04 - Building Roof

Roofs shall be gabled or hip type roofs (minimum pitch 3 to 1) with at least a 30-inch 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.

3.5.30.05 - 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.

3.5.30.06 - Open Space Requirements

a. A minimum of 40 percent of the gross lot area shall be retained and developed as permanent open space designed and arranged to offer maximum benefits to occupants of the development.

b. Within the area retained as permanent open space, an outdoor living area equal to at least 10 percent of the total lot area shall be designed to be directly related to the interior space by doors and windows. The area or portions thereof shall be screened for privacy with sight-obscuring landscaping not less than 4 ft in height upon installation and/or a sight-obscuring fence or wall not less than 5 ft in height.

Section 3.5.40 - GUIDELINE OPTION

3.5.40.01 - Purpose

This option is intended to implement the City's Comprehensive Plan policies requiring compatibility of new development with existing development in the surrounding area. The intent is to permit a mixture of residential building types while minimizing negative impacts.

3.5.40.02 - Background

Current development patterns tend to be different from earlier patterns in both the way a site is arranged and the way building features are presented. Since this district contains a substantial amount of early 1900's development, concerns exist that new development be consistent with the patterns of this earlier development.

3.5.40.03 - Procedures

Whenever a development application using the Guideline Option is filed, it shall be reviewed in accordance with the procedures specified in Chapter 2.3 - Conditional Development and the criteria contained in 3.5.40.05 below.

3.5.40.04 - Minimum Requirements

Development according to the Guideline Option shall meet the same minimum standards as required for the Standards Option in 3.5.30 above for Lot Area, Lot Width and Off-Street Parking.

3.5.40.05 - Special Review Criteria

In addition to meeting the minimum requirements of 3.5.40.04 above, Attached (Townhouse) building type shall meet the following:

a. **Site Layout:** New development shall be located in a manner consistent with surrounding development. Such development shall maintain similar front yard landscape areas, alignment of structure with street, and separation between buildings as exist in the surrounding area. Building shadows should not prevent sunlight from shining on the south side of existing dwellings or intensively used outdoor areas during the spring equinox. The intent of avoiding excessive shadows is to maintain a solar energy option and provide increased livability.

b. **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, offsets in the building's exterior walls and in its roof, types of materials, and other architectural details.

Section 3.5.50 - CONVERSION FROM A SINGLE DETACHED DWELLING UNIT TO DUPLEX

Conversion of detached dwelling unit (or detached zero lot line dwelling unit) to a duplex may be permitted where the subject lot is less than 6,500 sq. ft. Conversion may be appropriate where it is shown that the surrounding area in which the subject lot is located has been developed predominately for duplexes. Conditional development may be granted, provided that:

a. Before and after conversion all requirements of the RS-9(U) District shall be complied with, for two dwelling units on a lot.

b. Minimum lot size shall be 5,000 sq. ft.

c. Off-street parking for 2 dwellings shall be required in accordance with Chapter 4.1.

d. Adequate provision is made for drainage, water, sewage, and waste disposal access, and applicable building code requirements for duplex units.

Section 3.5.60 - CONVERSION OF STRUCTURE TO PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE

The predominant purpose of this district is to retain residential unit availability; however, within the district there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically, and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3 to the "Professional and Administrative Services" use type, except the review criteria to evaluate the proposal shall be as follows where the following conditions exist:

3.5.60.01 - Size Limitation

Structures must be 4,000 sq. ft or more and built before February 7, 1981.

3.5.60.02 - Burden of Proof

It is the burden of the developer to prove that:

a. The structure cannot feasibly be used for the uses permitted in Section 3.5.20 without creating undue financial hardship for both tenants and owners. This may be accomplished by meeting both of the following:

   1. Providing factual data and information on the potential costs of utilizing the structure for residential use (*e.g.*, heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, and construction for parking, *etc.*) as those costs compare to estimated potential rent or purchase prices for tenants or owners; and

   2. It must be demonstrated that an earnest effort has been made to retain the structure for residential use through established marketing procedures (*e.g.*, advertising, brochures, telephone contact, contact with real estate and marketing professionals, *etc.*).

OR

b. It is in the best interest of the community to allow the structure to be used for "Professional and Administrative Services" use type. This may be accomplished by meeting both of the following:

   1. Inclusion on the Corvallis Register of Historic Landmarks and Districts; and

   2. Determination that substantial alterations would be necessary for retention of the structure for residential use, and such alterations would result in the loss or reduction of historical or architectural significance.

3.5.60.03 - Project Design

To assure 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) that indicate the following:

a. Proposed exterior facade treatment;

b. Interior remodeling plans (showing major structural changes);

c. Landscaping plan;

d. Proposed signage;

e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of historically or architecturally significant elements of the structure and site;

f. Any other structural or site changes that would affect the structure's character.

3.5.60.04 - Required Off-Street Parking

The City recognizes that Section 3.5.60 generally applies to large structures with little or no remaining available property for off-street parking either on or off site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development, have been met, the following exception to Chapter 4.1 shall be permitted:

a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 3.5.70 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS

"Group Residential" and "Group Residential/Group Care" use types and "Multi-Dwelling" building types established prior to August 3, 1992, 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 shall be met.

Section 3.5.80 - EXPANSION AND REDEVELOPMENT OF EXISTING OFFICES

Existing offices may be expanded in accordance with Chapter 1.4, and may be redeveloped if desired. The redeveloped building may occupy the same building envelope occupied by the existing structure but current parking standards contained in Chapter 4.1 shall be met.

CHAPTER 3.6
RS-12 (MEDIUM-HIGH DENSITY) DISTRICT

Section 3.6.10 - PURPOSE

This district implements the Medium High Density Comprehensive Plan designation, which allows a range of 12-20 dwelling units per acre. It is intended to provide areas for family and group residential uses and to serve as transition areas between lower density family residential housing and more intensively developed group residential housing and related uses. Through the following standards this district provides higher density housing designed to provide spatial territory for each unit through the promotion of:

a. Individual entries and transition from public and communal areas to private areas;

b. Building projections, level changes and so forth, to effectively define areas for a variety of outdoor functions as well as privacy; and

c. Landscaping and open space to serve as extension of living areas.

Section 3.6.20 - PERMITTED USES

3.6.20.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
   - Family
   - Group Residential
   - Group Residential/Group Care
   - Residential Care Facilities

   (b) Residential Building Types:
   - Single Detached
   - Single Detached (Zero Lot Line)
   - Duplex
   - Single Attached (Zero Lot Line, 2 units)
   - Attached (Townhouse)
   - Multi-Dwelling
   - Manufactured Dwelling Park (in accordance with Chapter 4.8)

2. Civic Use Types:
   - Community Recreation
   - Public Safety Services
   - Religious Assembly

3. Commercial Use Types:
   - Commercial use types existing prior to February 7, 1981, along SW 5th and SW 6th Streets, from SW Adams Avenue to Western Boulevard.

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticultural (personal use)
5. Model Dwelling Units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)
8. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1
9. Other development customarily incidental to the primary uses in accordance with Chapter 4.3
10. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 10 ft, subject to the standards in Chapter 4.9.
11. 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.

3.6.20.02 - Special Development - Uses Allowed Through Discretionary Review.

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

1. Conversion of structure to Professional and Administrative Services use types in accordance with Section 3.6.50
2. Cultural Exhibits and Library Services
3. Funeral and Interment Services (interring and cemeteries only)
4. Lodges, Fraternal and Civic Assembly
5. Major Services and Utilities
6. Minor Utilities subject to standards in Chapter 4.9
7. Offices, as defined in Chapter 1.6, existing prior to February 7, 1981
8. Planned Development in accordance with Chapter 2.5
9. Sports and Recreation (Spectator and Participant - General)
10. Commercial use types in existence as of February 7, 1981 (*i.e.,* Automotive and Equipment - Light Equipment Repairs and Light Equipment Sales and Rentals), in the RS-12 District at 2220 SW 3rd 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 District standards.
11. Colocated/attached facilities on multi-family (3 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.
12. 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.
13. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

b. Type II: Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. (Reserved)
2. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*

Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

	Standard
a. Lot Area	2,200 sq. ft minimum per dwelling unit
b. Lot Width	25 ft minimum
c. Setbacks Front yard Rear yard Side Yards [1]	 10 ft minimum 20 ft minimum None if units are attached, otherwise: 1. Exterior side yards: 10 ft and visions clearance areas in accordance with Chapter 4.1 2. Side yard on an interior lot: 5 ft minimum 3. Side yard abuts a more restrictive district: 5 ft minimum 4. Side yard abuts a more restrictive district and proposed structure is more than one story: 10 ft minimum
d. Garage/Carport Vehicle Entrance	19 ft minimum to back of designated sidewalk
e. Structure Height	35 ft maximum - nor shall it exceed a solar envelope approved under Chapter 2.18 or 4.6
f. Lot Site Coverage	60% of lot area maximum [2]
g. Off-Street Parking	See Chapter 4.1

3.6.30.01 - Exterior Elevations

Exterior elevations of buildings shall incorporate design features such as offsets, balconies, projections, or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Director may refer the proposal to the Land Development Hearings Board.

Additionally:

a. No more than 4 units shall enter from a common entrance (vestibule, lobby, *etc.*,)

b. Structures shall not have a continuous non-interrupted horizontal distance exceeding 60 ft.

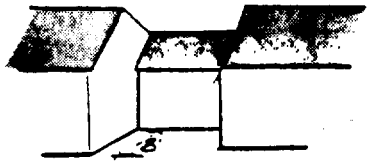
---

[1] Where side yard setbacks are provided there shall be a minimum of 10 ft between structures.

[2] Includes area occupied by buildings, parking and circulation of automobiles.

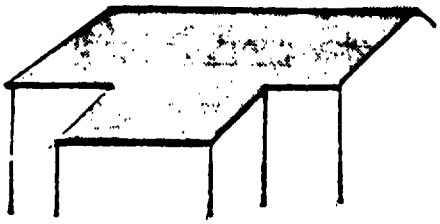
c. Along the vertical face of a structure, offsets shall occur at a minimum of every 30 ft by providing any two of the following:

1. Recesses (decks, patios, entrances, floor area, *etc.,*) of a minimum depth of 8 ft.



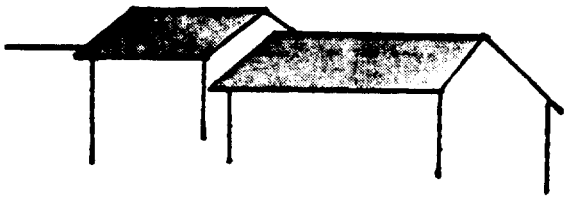
AND/OR

2. Extensions (decks, patios, entrances, floor area, *etc.,*) a minimum depth of 8 ft, a maximum length of an overhang shall be 25 ft.



AND/OR

3. Offsets or breaks in roof elevation of 3 or more ft in height.



3.6.30.02 - Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

a. Buildings with windowed walls facing buildings with windowed walls - 25 ft separation.

b. Buildings with windowed walls facing buildings with a blank wall - 15 ft separation.

c. Buildings with opposing blank walls - 10 ft separation.

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", "b" and "c" above for walls in separate buildings.

f. Where buildings exceed a horizontal dimension of 60 ft or exceed 30 ft in height, the minimum wall separation shall be increased. The rate of increased wall separation shall be 1 ft for each 15 ft of building length over 60 ft and 2 ft for each 10 ft of building height over 30 ft.

g. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 ft of the ground level.

1. Driveways and parking lots shall be separated from windowed walls by at least 8 ft; walkways running parallel to the face of the structures shall be separated by at least 5 ft.

2. Driveways and parking lots shall be separated from living room windows by at least 10 ft; walkways running parallel to the face of the structure shall be separated by at least 7 ft.

3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 ft.

Section 3.6.40 - OPEN AREA, LANDSCAPING, AND SCREENING

a. A minimum of 40 percent of the gross lot area shall be developed as permanent open area. The minimum open area shall be landscaped and permanently maintained in accordance with Chapter 4.2. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the area. Within the permanent open area, a minimum open area of 0.25 sq. ft shall be provided for each sq. ft of residential gross floor area. These provisions shall apply to all new projects and to an addition or remodeling of existing structures that creates new dwelling units. The open area may be allocated as follows:

1. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 60 sq. ft with a minimum dimension of 6 ft may be included as part of the required open space and be given credit for 2 sq. ft of open area for each 1 sq. ft so provided, not to exceed 200 sq. ft of total open space credit for any one dwelling unit.

2. Required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

3. Balconies required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.

4. Roofed Structures shall not be included as open space except for open unenclosed private patios or balconies.

5. Driveways and parking areas shall not be included as open space.

b. Garbage collection areas, and service facilities such as gas meters and air conditioning facilities located outside the building shall be appropriately screened and landscaped in accordance with Chapter 4.2.

Section 3.6.50 - CONVERSION OF UNIT TO PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES

The predominant purpose of this district is to retain residential unit availability; however, within the district there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3, to the "Professional and Administrative Services" use type, except the review criteria to evaluate the proposal shall be as follows where the following conditions exist:

3.6.50.01 - Size Limitation

Structures must be 4,000 sq. ft or more and built before February 7, 1981.

3.6.50.02 - Burden of Proof

It is the burden of the developer to prove that:

a. The structure cannot feasibly be used for the uses permitted in Section 3.6.20 above without creating undue financial hardship for both tenants and owners. This may be accomplished by meeting both of the following:

1. Providing factual data and information on the potential costs of utilizing the structure for residential use (*e.g.,* heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, and construction for parking, *etc.*) as those costs compare to estimated potential rent or purchase prices for tenants or owners; and

2. It must be demonstrated that an earnest effort has been made to retain the structure for residential use through established marketing procedures (*e.g.,* advertising, brochures, telephone contact, contact with real estate and marketing professionals, *etc.*).

OR

b. It is in the best interest of the community to allow the structure to be used for "Professional and Administrative Services" use type. This may be accomplished by meeting both of the following:

1. Inclusion on the Corvallis Register of Historic Landmarks and Districts; and that

2. Determination that substantial alterations would be necessary for retention of the structure for residential use, and such alterations would result in the loss or reduction of historical or architectural significance.

3.6.50.03 - Project Design

In order to assure that the residential character of the structure and site will be preserved after conversion, the developer will be required to submit plans (in addition to the site plan required in Chapter 2.3) with the application, which indicates the following:

a. Proposed exterior facade treatment;

b. Interior remodeling plans (showing major structural changes);

c. Landscaping plan;

d. Proposed signage;

e. Changes resulting from the conversion which will upgrade the structure and site and aid in the retention of historically or architecturally significant elements of the structure and site;

f. Any other structural or site changes which would affect its character.

3.6.50.04 - Required Off Street Parking

The City recognizes that Section 3.6.50 generally applies to large structures with little or no remaining available property for off-street parking either on or off site. Where it is found that the provisions of Chapter 2.13 have been met, the following exception to Chapter 4.1, may be permitted:

a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

CHAPTER 3.7
RS-12(U) - (MEDIUM HIGH DENSITY - UNIVERSITY) DISTRICT

Section 3.7.10 - PURPOSE

This district implements the Medium High Density Comprehensive Plan designation, which allows a range of 12-20 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 District. This district also contains development standards and design options to help address compatibility issues associated with the North Campus Area.

Section 3.7.20 - PERMITTED USES

3.7.20.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
   - Family
   - Group Residential
   - Group Residential/Group Care
   - Residential Care Facility

   (b) Residential Building Types:
   - Single Detached
   - Single Detached (Zero Lot Line)
   - Duplex
   - Single Attached (Zero Lot Line, 2 units)
   - Attached (Townhouse), Standards Option (3.7.30.01 below)
   - Multi-Dwelling, Standards Option (3.7.30.01 below)
   - Manufactured Dwelling Park (in accordance with Chapter 4.8)

2. Civic Use Types:
   - Community Recreation
   - Public Safety Services
   - Religious Assembly

3. Commercial Use Types:

   - Offices, as defined in Chapter 1.6, existing prior to February 7, 1981, and in accordance with Section 3.7.70 below.

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticultural (personal use)
5. Model dwelling units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)
8. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1
9. Other development customarily incidental to the primary uses in accordance with Chapter 4.3
10. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 10 ft, subject to the standards in Chapter 4.9.
11. 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.

3.7.20.02 - Special Development - Uses Allowed Through Discretionary Review

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

1. Conversion of structure to Professional and Administrative Services use type in accordance with Section 3.7.50
2. Cultural Exhibits and Library Services
3. Funeral and Interment Services (interring and cemeteries only)
4. Lodges, Fraternal and Civic Assembly
5. Major Services and Utilities
6. Minor Utilities subject to standards in Chapter 4.9
7. Multi-Dwelling, Guideline Option (Section 3.7.40 below)
8. Planned Development in accordance with Chapter 2.5
9. Sports and Recreation (Spectator and Participant - General)
10. Colocated/attached facilities on multi-family (3 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.
11. 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.
12. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

b. Type II: Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. (Reserved)
2. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*

Section 3.7.30 - STANDARDS OPTION

A developer has the option of selecting to develop RS-12 (U) property in accordance with either this section or with the Guideline Option discussed in Section 3.7.40 below. In the Standards Option, staff reviews proposals to determine compliance with the standards while in the Guideline Option, the Planning Commission reviews proposals following a public hearing.

3.7.30.01 - RS-12(U) Development Standards - Standards Option

	Standard
a. Lot Area	2,200 sq. ft minimum per dwelling unit
b. Lot Width	25 ft minimum
c. Setbacks	
Front yard [1]	20 ft minimum
Rear yard	20 ft minimum
Side Yards [2]	None if units are attached, otherwise: 1. Exterior side yards: 10 ft and vision clearance areas in accordance with Chapter 4.1.40 2. Side yard on an interior lot: 5 ft minimum 3. Side yard abuts a more restrictive district: 5 ft minimum 4. Side yard abuts a more restrictive district and proposed structure is more than one story: 10 ft minimum
d. Garage/Carport Vehicle Entrance	19 ft minimum to back of designated sidewalk. Garage front setback shall be at least 4 ft behind the front face of the dwelling.
e. Structure Height	35 ft maximum - See 3.7.30.03
f. Lot Site Coverage	60% of lot area maximum [3]
g. Off-Street Parking	See Chapter 4.1. In addition, parking shall not be permitted in a front yard (with the exception that parking on a driveway is permitted provided it does not exceed 2 car spaces).

[1] If over 50% of the front face of a building includes a partially enclosed and covered front porch of at least 125 sq. ft in area then the front setback may be reduced to 15 ft.

[2] Where side yard setbacks are provided there shall be a minimum of 10 ft between structures.

[3] Includes area occupied by buildings, parking and circulation of automobiles.

3.7.30.02 - Exterior Elevations

Exterior elevations of buildings shall incorporate design features such as offsets, balconies, projections, or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Director may refer the proposal to the Land Development Hearings Board.

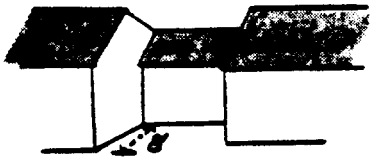
Additionally:

a. No more than 4 units shall enter from a common entrance (vestibule, lobby, *etc.*).

b. Structures shall not have a continuous horizontal distance to exceed 60 ft.

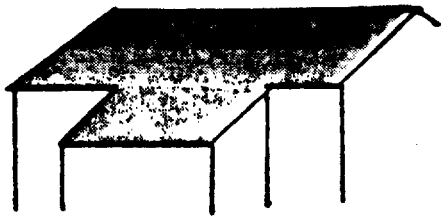
c. Along the vertical face of a structure, offsets shall occur at a minimum of every 20 ft by providing any **two** of the following:

1. Recesses (decks, patios, entrances, floor area, *etc.*) of a minimum depth of 8 ft.



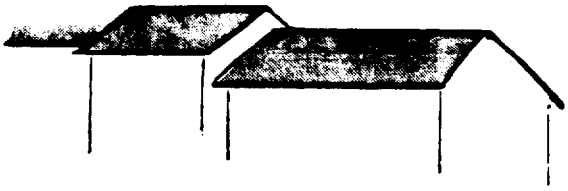
AND/OR

2. Extensions (decks, patios, entrances, floor area, *etc.*) a minimum depth of 8 ft, a maximum length of an overhang shall be 25 ft.



AND/OR

3. Offsets or breaks in roof elevation of 3 or more ft in height.



d. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is 8 ft deep and at least 125 sq. ft in area.

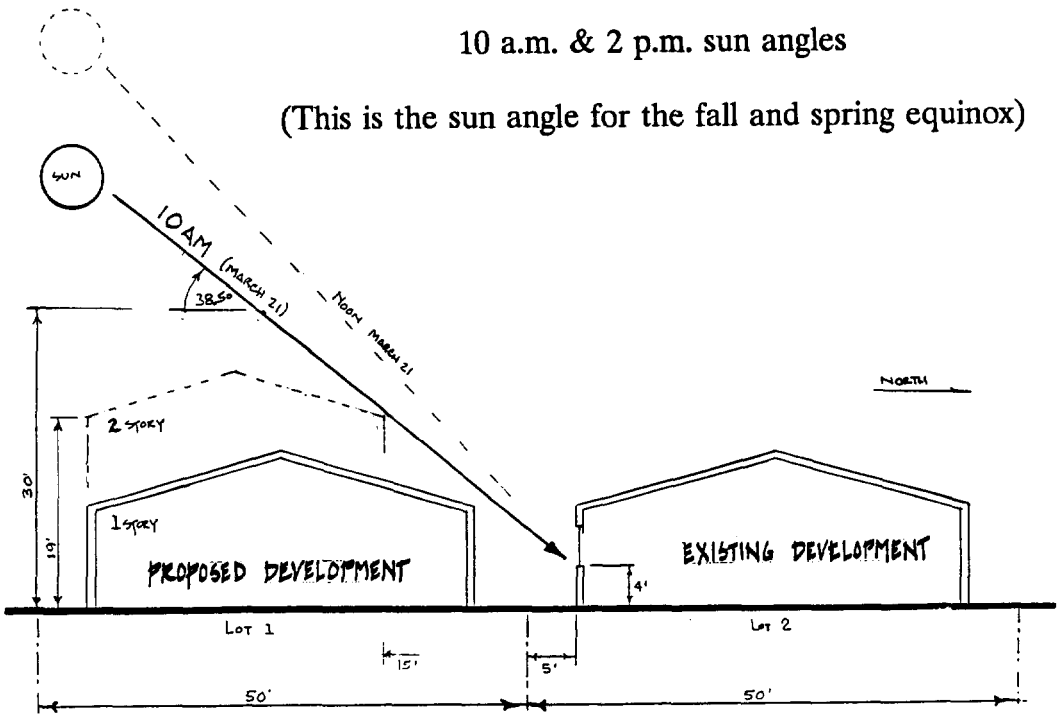
3.7.30.03 - Height of Structures

Maximum height shall be 35 ft provided the following is satisfied: Shadows from new buildings shall not shade more than the lower 4 ft of a south wall of an existing structure on adjacent property between 10 a.m. and 2 p.m. on March 21 (see illustration).

March 21

10 a.m. & 2 p.m. sun angles

(This is the sun angle for the fall and spring equinox)



3.7.30.04 - Building Roof

Roofs shall be gabled or hip type roofs (minimum pitch 3 to 1) with at least a 30-inch 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.

3.7.30.05 - 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.

3.7.30.06 - Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

a. Buildings with windowed walls facing buildings with windowed walls - 25 ft separation.

b. Buildings with windowed walls facing buildings with a blank wall - 15 ft separation.

c. Buildings with opposing blank walls - 10 ft separation.

d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.

e. Buildings with courtyards to maintain separation of opposing walls as listed in "a", "b" and "c" above for walls in separate buildings.

f. Where buildings exceed a horizontal dimension of 60 ft or exceed 30 ft in height, the minimum wall separation shall be increased. The rate of increased wall separation shall be 1 ft for each 15 ft of building length over 60 ft and 2 ft for each 10 ft of building height over 30 ft.

g. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 ft of the ground level.

    1. Driveways and parking lots shall be separated from windowed walls by at least 8 ft; walkways running parallel to the face of the structures shall be separated by at least 5 ft.

    2. Driveways and parking lots shall be separated from living room windows by at least 10 ft; walkways running parallel to the face of the structure shall be separated by at least 7 ft.

    3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 ft.

3.7.30.07 - Open Area, Landscaping, and Screening

a. A minimum of 40 percent of the gross lot area shall be developed as permanent open area. The minimum open area of all sites shall be landscaped and permanently maintained in accordance with Chapter 4.2. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the area. Within the permanent open area, a minimum open area of 0.25 sq. ft shall be provided for each sq. ft of residential gross floor area. These

provisions shall apply to all new projects and to an addition or remodeling of existing structures that creates new dwelling units. The open area may be allocated as follows:

1. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 60 sq. ft with a minimum dimension of 6 ft may be included as part of the required open space and be given credit for 2 sq. ft of open area for each 1 sq. ft so provided, not to exceed 200 sq. ft of total open space credit for any one dwelling unit.

2. The required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

3. Balconies. Balconies that are required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.

4. Roofed Structures. Allocated open space shall not include roofed or enclosed structure; except for open unenclosed private patios or balconies.

5. Driveways and Parking. Open space areas shall not include vehicular circulation areas such as driveways, driveway easements, or open parking areas.

b. Garbage collection areas, and service facilities such as gas meters and air conditioning facilities located outside the building shall be appropriately screened and landscaped in accordance with Chapter 4.2.

Section 3.7.40 - GUIDELINE OPTION

3.7.40.01 - Purpose

This option is intended to implement the City's Comprehensive Plan policies requiring compatibility of new development with existing development in the surrounding area. The intent is to permit a mixture of residential building types while minimizing negative impacts.

3.7.40.02 - Background

Current development patterns tend to be different from earlier patterns in both the way a site is arranged and the way building features are presented. Since this district in the North Campus Area contains a substantial amount of early 1900's development, concerns exist that new development be consistent with the patterns of this earlier development.

3.7.40.03 - Procedures

Whenever a development application using the Guideline Option is filed, it shall be reviewed in accordance with the procedures specified in Chapter 2.3 - Conditional Development and substantive criteria contained in 3.7.40.05 below.

3.7.40.04 - Minimum Requirements

Development according to the Guideline Option shall meet the same minimum standards as required for the Standards Option in 3.7.30 above for Lot Area, Lot Width and Off-Street Parking.

3.7.40.05 - Special Review Criteria

In addition to meeting the minimum requirements of 3.7.40.04 above, "Attached" and "Multi-Dwellings" building types shall meet the following:

a. **Site Layout:** New development shall be located in a manner consistent with surrounding development. Such development shall maintain similar front yard landscape areas, alignment of structure with street, and separation between buildings as exist in the surrounding area. Building shadows should not prevent sunlight from shining on the south side of existing dwellings or intensively used outdoor areas during the spring equinox. The intent of avoiding excessive shadows is to maintain a solar energy option and provide increased livability.

b. **Structure Features:** New 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, offsets in the building's exterior walls and in its roof, types of materials, and other architectural details.

Section 3.7.50 - CONVERSION OF UNIT TO PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES

The predominate purpose of this district is to retain residential unit availability. However, within the district there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3 to the "Professional and Administrative Services" use type, except the review criteria to evaluate the proposal shall be as follows where the following conditions exist:

3.7.50.01 - Size Limitation

Structures must be 4,000 sq. ft or more and built before February 7, 1981.

3.7.50.02 - Burden of Proof

It is the burden of the developer to prove that:

a. The structure cannot feasibly be used for the uses permitted in Section 3.7.20 without creating undue financial hardship for both tenants and owners. This may be accomplished by meeting both of the following:

1. Providing factual data and information on the potential costs of utilizing the structure for residential use (*e.g.,* heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, and construction for parking, *etc.*) as those costs compare to estimated potential rent or purchase prices for tenants or owners; and,

2. It must be demonstrated that an earnest effort has been made to retain the structure for residential use through established marketing procedures (*e.g.*, advertising, brochures, telephone contact, contact with real estate and marketing professionals, *etc.*).

OR

b. It is in the best interest of the community to allow the structure to be used for "Professional and Administrative Services" use type. This may be accomplished by meeting both of the following:

1. Inclusion on the Corvallis Register of Historic Landmarks and Districts; and,

2. Determination that substantial alterations would be necessary for retention of the structure for residential use and such alterations would result in the loss or reduction of historical or architectural significance.

3.7.50.03 - Project Design

To assure 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) that indicate the following:

a. Proposed exterior facade treatment;

b. Interior remodeling plans (showing major structural changes);

c. Landscaping plan;

d. Proposed signage;

e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of historically or architecturally significant elements of the structure and site;

f. Any other structural or site changes that would affect the structure's character.

3.7.50.04 - Required Off Street Parking

The City recognizes that Section 3.7.50 generally applies to large structures with little or no remaining available property for off-street parking either on or off site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development, have been met, the following exception to Chapter 4.1 shall be permitted:

a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 3.7.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS

"Group Residential" and "Group Residential/Group Care" use types and "Multi-Dwelling" building types established prior to August 3, 1992, but which do not meet current standards of the district 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 shall be met.

Section 3.7.70 - EXPANSION AND REDEVELOPMENT OF EXISTING OFFICES

Existing Offices may be expanded in accordance with Chapter 1.4, and may be redeveloped if desired. The redeveloped building may occupy the same building envelope occupied by the existing structure but current parking standards contained in Chapter 4.1 shall be met.

CHAPTER 3.8
RS-20 (HIGH DENSITY) DISTRICT

Section 3.8.10 - PURPOSE

This district implements the High Density 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 uses in various areas within the City.

Section 3.8.20 - PERMITTED USES

3.8.20.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
   - Family
   - Group Residential
   - Group Residential/Group Care
   - Residential Care Facilities

   (b) Residential Building Types:
   - Single Detached
   - Single Detached (Zero Lot Line)
   - Duplex
   - Single Attached (Zero Lot Line, 2 units)
   - Attached (Townhouse)
   - Multi-Dwelling

2. Civic Use Types:
   - Community Recreation
   - Lodges, Fraternal and Civic Assembly
   - Public Safety Services
   - Religious Assembly

3. Commercial Use Types:
   - Offices, as defined in Chapter 1.6, existing prior to February 7, 1981

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticulture (personal use)
5. Model dwelling units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)

8. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1
9. Other development customarily incidental to the primary use in accordance with Chapter 4.3
10. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 10 ft, subject to the standards in Chapter 4.9.
11. 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.

3.8.20.02 - Special Development - Uses Allowed Through Discretionary Review

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

1. Conversion of structure to Professional and Administrative Services use type in accordance with Section 3.8.50
2. Cultural Exhibits and Library Services
3. Major Services and Utilities
4. Minor Utilities subject to standards in Chapter 4.9
5. Parking Services
6. Planned Developments in accordance with Chapter 2.5
7. Sports and Recreation (Spectator and Participant - General)
8. Colocated/attached facilities on multi-family (3 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.
9. 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.
10. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. (Reserved)
2. Projections, such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50

Section 3.8.30 - RS-20 DISTRICT DEVELOPMENT STANDARDS

	Standard		
a. Lot Area	10,000 sq. ft minimum		
b. Lot Width	75 ft minimum average		
c. Minimum Site Area per Dwelling Unit		Less than 3 Stories	3 or More Stories
	Studio or Efficiency	625 sq. ft	365 sq. ft
	1 Bedroom	835 sq. ft	485 sq. ft
	2 Bedroom	1,250 sq. ft	725 sq. ft
	3 Bedroom	1,870 sq. ft	1,090 sq. ft
	4 Bedroom	2,080 sq. ft	1,210 sq. ft
d. Setbacks Front, exterior side yard [1], side yard and rear yard	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 horizontal dimension 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.		
e. Structure Height	75 ft above grade maximum, not exceed 6 stories in height nor exceed the height of a solar envelope approved under Chapter 2.18 or 4.6 [2]		
f. Lot Coverage	75% of lot area maximum [3]		
g. Off-Street Parking	See Chapter 4.1		

[1] A vision clearance area on exterior side yards shall be provided in accordance with Section 4.1.40.

[2] Where the RS-20 District is adjacent to an RS-3.5, RS-5, RS-9 or RS-9(U) District, the height of structures shall be limited as provided in the RS-12 District, Section 3.6.30(e).

[3] Includes area occupied by buildings, parking and circulation of automobiles.

3.8.30.01 - Exterior Elevations

The exterior elevations of buildings shall incorporate design features such as off-sets, balconies, projections, or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Director may refer the proposal to the Land Development Hearings Board.

3.8.30.02 - Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

a. Buildings with windowed walls facing buildings with windowed walls - 25 ft separation.

b. Buildings with windowed walls facing buildings with blank wall - 15 ft separation.

c. Buildings with opposing blank walls - 10 ft separation.

d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.

e. Buildings with courtyards to maintain separation of opposing walls as listed in "a", "b", and "c" above for walls in separate buildings.

f. Where buildings exceed a horizontal dimension of 60 ft or exceed 30 ft in height, 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 2 ft for each 10 ft of building over 30 ft.

g. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 ft of the ground level.

    1. Driveways and parking lots shall be separated from windowed walls by at least 8 ft; walkways shall be separated by at least 5 ft.

    2. Driveways and parking lots shall be separated from living room windows by at least 10 ft; walkways shall be separated by at least 7 ft.

    3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 ft.

Section 3.8.40 - OPEN AREA, LANDSCAPING, AND SCREENING

a. A minimum of 25 percent of the gross lot area shall be developed as permanent open area. The minimum open area of all sites shall be landscaped and permanently maintained in accordance with Chapter 4.2. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the area. Within the permanent open area, a minimum open area of 0.25 sq. ft shall be provided for each sq. ft of residential gross floor area. These provisions shall apply to all new projects and to an addition or remodeling of existing structures that creates new dwelling units. The open area may be allocated as follows:

1. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 60 sq. ft with a minimum dimension of 6 ft may be included as part of the required open space and be given credit for 2 sq. ft of open area for each one sq. ft so provided, not to exceed 200 sq. ft of total open space credit for any one dwelling unit.

2. The required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

3. Balconies required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.

4. Roofed structures shall not be included as open space, except for open unenclosed private patios or balconies.

5. Driveways and parking areas shall not be included as open space.

b. Garbage collection areas, and service facilities such as gas meters and air conditioning facilities located outside the building shall be appropriately screened and landscaped in accordance with Chapter 4.2.

Section 3.8.50 - CONVERSION OF UNIT TO PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES

The predominate purpose of this district is to retain residential unit availability however, within the district there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3 to the "Professional and Administrative Services" use type, except the review criteria to evaluate the proposal shall be as follows where the following conditions exist:

3.8.50.01 - Size Limitation

Structures must be 4,000 sq. ft or more and built before February 7, 1981.

3.8.50.02 - Burden of Proof

It is the burden of the developer to prove that:

a. The structure cannot feasibly be used for the uses permitted in Section 3.8.20 without creating undue financial hardship for both tenants and owners. This may be accomplished by meeting both of the following:

   1. Providing factual data and information on the potential costs of utilizing the structure for residential use (*e.g.,* heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, and construction for parking, *etc.*) as those costs compare to estimated potential rent or purchase prices for tenants or owners; and

   2. It must be demonstrated that an earnest effort has been made to retain the structure for residential use through established marketing procedures (*e.g.*, advertising, brochures, telephone contact, contact with real estate and marketing professionals, *etc.*).

OR

b. It is in the best interest of the community to allow the structure to be used for "Professional and Administrative Services" use type. This may be accomplished by meeting both of the following:

   1. Inclusion on the Corvallis Register of Historic Landmarks and Districts; and,

   2. Determination that substantial alterations would be necessary for retention of the structure for residential use and such alterations would result in the loss or reduction of historical or architectural significance.

3.8.50.03 - Project Design

To assure 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) that indicates the following:

a. Proposed exterior facade treatment;

b. Interior remodeling plans (showing major structural changes);

c. Landscaping plan;

d. Proposed signage;

e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of historically or architecturally significant elements of the structure and site;

f. Any other structural or site changes that would affect the structure's character.

3.8.50.04 - Required Off Street Parking

The City recognizes that Section 3.8.50 generally applies to large structures with little or no remaining available property for off-street parking either on or off site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development, have been met, the following exception to Chapter 4.1 shall be permitted:

a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

CHAPTERS 3.9 - 3.10 RESERVED

CHAPTER 3.11
P-AO (PROFESSIONAL AND ADMINISTRATIVE OFFICE) DISTRICT

Section 3.11.10 - PURPOSES

This district implements the Commercial Use Comprehensive Plan designation. It is intended to establish suitable urban areas for diversified office uses in concentrated centers and in appropriate isolated locations. Purposes of this district also include:

a. Accommodate location of intermediate uses between residential districts 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 assure consistency with the Comprehensive Plan.

Section 3.11.20 - PERMITTED USES

3.11.20.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
   - Administrative Services
   - Parking Services
   - Postal Services
   - Public Safety Services
2. Commercial Use Types:
   - Business Support Services
   - Finance, Insurance, Real Estate Services
   - Medical Services
   - Professional and Administrative Services
   - Research Services

b. Accessory Use Types Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business (applicable to residential units) as defined in Chapter 1.6
4. Required off-street parking in accordance with Chapter 4.1
5. Other development customarily incidental to the primary uses in accordance with Chapter 4.3
6. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.

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.

3.11.20.02 - Special Development - Uses Allowed Through Discretionary Review

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

1. Major Services and Utilities
2. Planned Developments in accordance with Chapter 2.5
3. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
4. 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, subject to the standards in Chapter 4.9.
5. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
6. 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.
7. Animal Sales and Services:
   Veterinary (Small Animals)
   Grooming

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Drive-in Facilities (financial institutions, eating establishments, *etc.*)
2. Minor Utilities, subject to standards in Chapter 4.9
3. Participant Sports and Recreation - Indoor
4. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*
5. Residential use types permitted in the RS-20 District which shall either be developed 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 Section 3.11.30 to 3.11.50.
6. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.11.30 - DEVELOPMENT STANDARDS

3.11.30.01 - Dimensional Requirements

Lot size permitted or authorized in this district shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the district.

3.11.30.02 - Setbacks

Setbacks for lot lines abutting:

a. Residential Districts: Shall be equal to the most restrictive setback required in the abutting subject yards.

   This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Section 3.11.40 below and Chapter 4.2.

   No parking or loading areas or driveways shall occupy the landscaped buffer area.

b. Streets: Minimum of 20 ft from all streets.

c. All Other Districts: None.

d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Uniform Building Code.

3.11.30.03 - Height of Structures

The maximum height of structures shall not exceed 45 ft (or 3 stories, whichever is less) except that structures abutting a district having a height limit less than 45 ft shall be 2½ stories or 35 ft, whichever is less.

3.11.30.04 - Site Coverage

Impervious (gravel and pavement) surfaces (excluding open space/landscape elements) shall not exceed 65 percent of the gross sq. footage of the site area.

Section 3.11.40 - DEVELOPMENT CRITERIA AND REQUIREMENTS LIST

The goals used in developing the following criteria were to make them very specific and quantifiable, and allow for flexibility in design.

The elements of the list are grouped into 4 categories: Site Design, Structure, Neighborhood Impact, and Energy Efficiency. Each element contains 5 to 22 criteria that are often interdependent or have strong causal relationships between each other. Points have been assigned to elements according to their effect on the area, site, structure, and the energy efficiencies of development. Criteria will differ in importance, depending on individual circumstances, and the relative importance of selecting one optional criteria over another should be evaluated by the developer.

Recognizing that the stated criteria list to follow is not all inclusive, and that alternative design solutions may be appropriate, a developer may propose to the Director any additional or alternative criteria to be considered for awarded points. Alternative criteria should be submitted for consideration to the Director prior to building permit submittal. The Director may assign points where it is found that the alternative meets the intent and objectives of this Code. Points awarded

to the alternative criteria shall be based on those given to the most closely related item or items in the following list.

In addition to the minimum requirements marked with an asterisk (*) below, the applicant must obtain the specified minimum points where required in each category (for a subtotal of 270 points); and in order to obtain a building permit, a total of 370 points out of a total of 1,300 possible points must be accrued. The 100 remaining points can be chosen from any category.

3.11.40.01 - Site Design (90 Points Required)

The site design should mitigate negative effects through the most effective arrangement of structures, parking areas, walks, entries, and landscaping.

All landscaping elements are subject to the requirements of Chapter 4.2.

MINIMUM REQUIREMENTS

* A minimum of 35 percent of the total lot area shall be retained as open space, landscaped with a mixture of vertical (trees, tall shrubs, and hedges) and horizontal (grass, ground cover, *etc.*) elements; courtyards, decks, sidewalks, and other features (bike paths, areas of congregation, *etc.*) can be included in the open space requirement but parking areas and primary use structures are excluded.

* Street trees shall be required, one every 50 ft minimum. Species may be selected from the list given in Chapter 4.2.

* Screening with vertical elements from parking areas, streets, and drives shall be required and functional at the time of occupancy and shall be predominantly of natural materials, developed in accordance with Chapter 4.2.

* Trash receptacles shall be screened on four sides in accordance with Chapter 4.2.

* Hard surfaced open space shall not exceed one-third (1/3) of the horizontal open space area.

* No more than 40 percent of the landscaping treatment may be in materials such as bark chips, mulch and dust.

* Irrigation system to support landscaping.

OPTIONAL

60 Underground parking for all the required parking (points directly proportional to the number of spaces provided, 1/2 provided = 1/2 number of points).

35 Parking arranged in small clusters of not more than 16 spaces in one cluster.

30 Covered parking above grade for all of the required parking (15 points for half of the required number and 20 for two-thirds of the required number of spaces).

30 Grass or other plant material used as ground cover.

25 Shared access with neighboring site: establish reciprocal access agreements.

20 Increase in landscaped area by 10 percent.

20 Provision of trees on site greater than 1½-inch caliber as measured 4 ft above existing grade.

20 Provision of shrubs greater than size typically found in gallon containers upon installation.

20 Preservation of existing healthy mature trees in areas other than parking areas.

20 Parking in the rear or side of structures with structures fronting on the street or landscaped courtyard/area.

15 Development whose structural separation exceeds the setback requirement by over 5 ft.

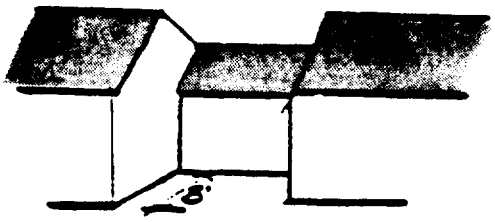
10 Preservation of existing healthy mature trees in parking areas.

3.11.40.02 - The Structure (0 Points Required)

MINIMUM REQUIREMENTS

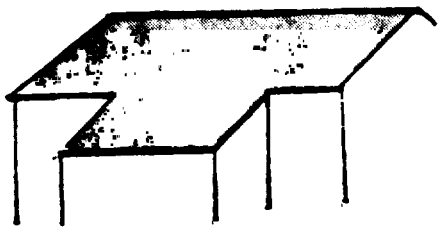
* Along the vertical face of a structure, offsets shall occur at a minimum of every 30 ft by providing at least **two** of the following:

1. Recesses (entrances, floor area, *etc.*) of a minimum depth of 8 ft.



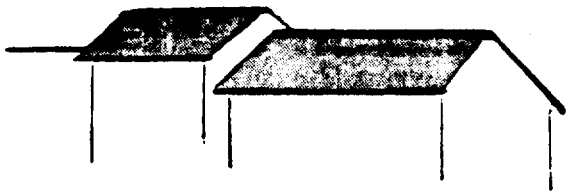
AND/OR

2. Extensions (entrances, floor area, *etc.*) at a minimum clearance of 8 ft, a minimum depth of 8 ft, and a maximum length of an overhang shall be 25 ft.



AND/OR

3. Offsets or breaks in roof elevation by a minimum of 3 ft or more in height.



OPTIONAL

40 Pitched roofs used (minimum 4:12 pitch).

20 Transitional elements between public areas and structures such as landings, fences, foyers, patios, and gates.

10 Inner courtyard or atrium.

3.11.40.03 - Neighborhood Impact (70 Points Required)

MINIMUM REQUIREMENTS

* Artificial lighting shall be arranged and constructed to not produce direct glare on adjacent residential properties or otherwise interfere with the use and enjoyment of adjacent property.

* Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.

OPTIONAL

60 Development which visually complements a residential neighborhood environment (add 15 additional points where the project abuts a more restrictive district) by using similar architectural style elements (*i.e.*, pitched roofs, vertical windows, trim at windows, porches.)

60 Formation of a block parking assessment district.

40 Provision of either dedicated open space or quasi public open space (protected through scenic or view easements, deed restrictions, special setback requirements, and restriction of tree cutting, *etc.*) of 20 percent greater than that already provided through 35 percent requirement.

35 Conversion and renovation of an existing structure which conforms to new regulations and options (as opposed to remaining a nonconforming structure).

30 Use of wood siding and/or brick for exterior facade treatment.

3.11.40.04 - Energy Efficiency (90 Points Required)

MINIMUM REQUIREMENTS

* Appropriate planting materials to provide shade in the summer and protection from weather in the winter.

* Eaves/canopies/awnings extending the length of south and west facing windows, projecting away from wall a distance equal to 1/2 the height from window sill to ceiling. Additional points if canopies and awnings are retractable (adjustable); can be regulated seasonally.

OPTIONAL

75 Solar heating system active.

75 Use of materials within building with heat retention and storage capabilities (water, brick, stone, heavy masonry) in floors and walls predominately; surface area of thermal mass exposed to sunlight, five times the area of the south facing windows.

45 Provide solar easements for adjacent parcels.

40 Facing longest side of structure to orient within 20° of true south.

35 Appliances with energy savings devices (time setback thermostats, insulation of water heater, *etc.*).

30	Provide at least 15 percent more bicycle parking facilities than what is required in Chapter 4.1. This may be achieved by providing more spaces or increasing the covered area.
30	Placing of any buildings greater in height to the north portion of the site where there is more than one building on site (either existing or proposed) and providing 1½ times the required Structure Separation Envelope (SSE) along the north side.
30	Insulation in excess of "R" value required by the State Uniform Building Code (UBC).
30	Where streets are created streets on project oriented east-west.
30	Seal sole plate to subfloor with caulking or fiberglass sill sealer.
25	Thermal windows provided.
25	Placement of water heater within insulated part of structure.
20	Caulked/insulated electrical outlets on exterior walls.
20	1¾-inch metal faced exterior doors with polyurethane core.
20	Use of fluorescent or other energy-efficient lighting rather than incandescent lighting for bathrooms and utility rooms.
20	Distribution and fuse boxes located on interior walls.
15	Provide air locks (double door foyer entry, *etc.*).
15	Provision of thermal drapes, shutters, or other insulating window covers.
15	Maximum of 10 percent of total gross floor area in windows.
15	Thermal skylights on south or west facing roofs and thermal clerestory windows provided (number of points provided is directly proportional to the number of top floor units with skylights and clerestory windows).

Section 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.

CHAPTER 3.12
SA (SHOPPING AREA) DISTRICT

Section 3.12.10 - PURPOSES

This district implements the Commercial Use Comprehensive Plan designation. It is intended to provide for concentrations of small retail businesses, commercial and personal service activities and related uses necessary to satisfy the daily shopping and related needs of nearby residents. Purposes of this district also include:

a. Locate a range of businesses for user convenience;
b. Assure commercial development at a scale compatible with nearby residences;
c. Preserve residential privacy; and
d. Minimize hazards, noise, traffic congestion, and other related effects of commercial concentrations.

Section 3.12.20 - PERMITTED USES

3.12.20.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
   - Administrative Services
   - Cultural Exhibits and Library Services
   - Lodge, Fraternal, and Civic Assembly
   - Postal Services
   - Public Safety Services

2. Commercial Use Types:
   - Animal Sales and Services:
     - Veterinary (Small Animals)
     - Grooming
   - Business Equipment Sales and Services
   - Communications Services - Service Centers Only
   - Convenience Sales and Personal Services
   - Eating and Drinking Establishments, sit-down with capacity for 15 persons or less
   - Financial, Insurance, and Real Estate Services
   - Food and Beverage Retail Sales
   - Personal Services - General
   - Repair Services - Consumer

b. Accessory Uses Permitted Outright

1. Essential Services
2. Required off-street parking in accordance with Chapter 4.1
3. Other development customarily incidental to the primary use in accordance with Chapter 4.3
4. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.12.20.02 - Special Development - Uses Allowed Through Discretionary Review.

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

1. Eating and Drinking Establishments, sit-down with capacity for more than 15 persons
2. Fast Order Food Establishments
3. Fuel Sales
4. Major Services and Utilities
5. Parking Services
6. Planned Development in accordance with Chapter 2.5
7. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
8. 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, subject to the standards in Chapter 4.9.
9. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
10. 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.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Drive-in Facilities (Financial Institutions, Personal Services, *etc.*)
2. Minor Utilities subject to standards in Chapter 4.9
3. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*
4. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.12.30 - DEVELOPMENT STANDARDS

3.12.30.01 - Dimensional Requirements

a. The site size permitted in this district shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the district.

3.12.30.02 - Separation Between Structures

Setbacks for lot lines abutting:

a. Residential Districts: Shall be equal to the most restrictive setback required in the abutting subject yards.

This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Section 3.12.40 below and Chapter 4.2.

No parking or loading areas or driveways shall occupy the landscaped buffer area.

b. All Other Districts: None except where the lot abuts a street, then provisions of the following section shall apply.

c. Streets: Minimum of 20 ft from all streets.

d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Uniform Building Code.

3.12.30.03 - Height of Structures

The maximum height of structures shall not exceed 30 ft in height.

3.12.30.04 - Site Coverage

The maximum site coverage by impervious (gravel and pavement) surfaces (excluding open space/landscape elements) shall not exceed 65 percent.

Section 3.12.40 - DEVELOPMENT CRITERIA AND REQUIREMENTS LIST

The goals used in developing the following criteria were to make them very specific and quantifiable, and allow for flexibility in design.

The elements of the list are grouped into 4 categories: Site Design, Structure, Neighborhood Impact, and Energy Efficiency. Each element contains 5 to 22 criteria that are often interdependent or have strong causal relationships between each other. Points have been assigned to elements according to their effect on the area, site, structure, and the energy efficiencies of development. Criteria will differ in importance, depending on individual circumstances, and the relative importance of selecting one optional criteria over another should be evaluated by the developer.

Recognizing that the stated criteria list to follow is not all inclusive, and that alternative design solutions may be appropriate, a developer may propose to the Director any additional or alternative criteria to be considered for awarded points. Alternative criteria should be submitted for consideration to the Director prior to building permit submittal. The Director may assign points where it is found that the alternative meets the intent and objectives of this Code. Points awarded to the alternative criteria shall be based on those given to the most closely related item or items in the following list.

In addition to the minimum requirements marked with an asterisk (*) below, the applicant must obtain the minimum points where required in each category (for a subtotal of 270 points); and in order to obtain a building permit, a total of 370 points out of a total of 1,280 possible points must be accrued. The remaining 100 points can be chosen from any category.

3.12.40.01 - Site Design (90 Points Required)

The site design should mitigate negative effects through the most effective arrangement of structures, parking areas, walks, entries, and landscaping.

All landscaping elements are subject to the requirements of Chapter 4.2.

MINIMUM REQUIREMENTS

* A minimum of 35 percent of the total lot area shall be retained as open space, landscaped with a mixture of vertical (trees, tall shrubs, and hedges) and horizontal (grass, ground cover, *etc.*) elements; courtyards, sidewalks, and other features (bike paths, areas of congregation, *etc.*) can be included in the open space requirement but parking areas and primary use structures are excluded.

* 40 percent or more of the landscaping treatment in plant materials.

* Hard surfaced open space shall not exceed one-third (1/3) of the horizontal open space area.

* Street trees required, one every 50 ft minimum. Species may be selected from the list provided in Chapter 4.2.

* Screening with vertical elements from parking areas, streets, drives, and walks shall be required and functional at the time of occupancy and shall be predominantly of natural materials in accordance with Chapter 4.2.

* Trash receptacles shall be screened on four sides in accordance with Chapter 4.2.

* Irrigation systems to support landscaping.

OPTIONAL

60 Underground parking for all the required parking (points directly proportional to the number of spaces provided, 1/2 provided = 1/2 number of points).

35 Parking arranged in small clusters of not more than 16 spaces in one cluster.

30 Covered parking above grade for all of the required parking (15 points for half of the required number and 20 for two-thirds of the required number of spaces).

30 Grass or other plant material used as ground cover.

25 Shared access with neighboring site: establish reciprocal access agreements.

20 Increase in landscaped area by 10 percent.

20 Provision of trees on site greater than 1½-inch caliber as measured 4 ft above existing grade.

20 Provision of shrubs greater than size typically found in gallon containers upon installation.

20 Preservation of existing healthy mature trees in areas other than parking areas.

20 Parking in the rear or side of structures with structures fronting on the street or landscaped courtyard/area.

15 Development whose structure separation exceeds the setback requirement by over 5 ft.

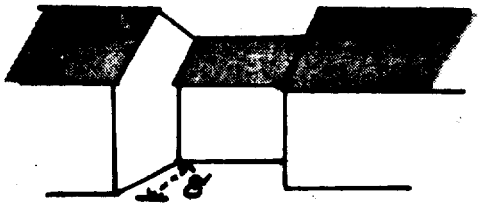
10 Preservation of existing healthy mature trees in parking areas.

3.12.40.02 - The Structure (0 Points Required)

MINIMUM REQUIREMENTS

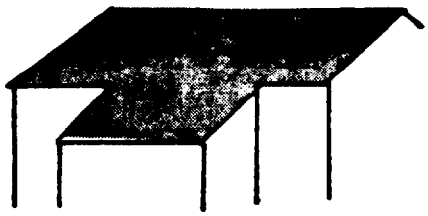
* Along the vertical face of a structure, offsets shall occur at a minimum of every 30 ft by providing **two** of the following:

1. Recesses (entrances, floor area, *etc.*) of a minimum depth of 8 ft.



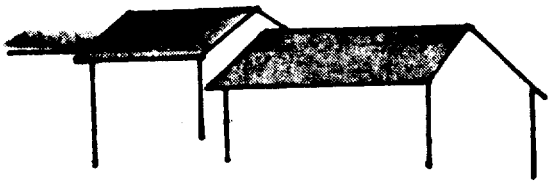
AND/OR

2. Extensions (entrances, floor area, *etc.*) at a minimum clearance of 8 ft, a minimum depth of 8 ft, and a maximum length of an overhang shall be 25 ft.



AND/OR

3. Offsets or breaks in roof elevation by a minimum of 3 ft or more in height.



OPTIONAL

40 Pitched roofs used (minimum 4:12 pitch).

10 Inner courtyard or atrium.

3.12.40.03 - Neighborhood Impact (70 Points Required)

MINIMUM REQUIREMENTS

* Artificial lighting shall be arranged and constructed to not produce direct glare on adjacent residential properties or otherwise interfere with the use and enjoyment of adjacent property.

* Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.

* Service corridors/areas will be sited and screened to reduce the adverse effects of noise, odors, and visual clutter from any adjacent residential properties.

OPTIONAL

60 Development which visually complements a residential neighborhood environment (add 15 additional points where the project abuts a more restrictive district) by using similar architectural style elements (*i.e.*, pitched roofs, vertical windows, trim at windows, porches.)

60 Formation of a block parking assessment district.

40 Provision of either dedicated open space or quasi public open space (protected through scenic or view easements, deed restrictions, special setback requirements, and restriction of tree cutting, *etc.*) of 20 percent greater than that already provided through 35 percent requirement.

35 Conversion and renovation of an existing structure which conforms to new regulations and options (as opposed to remaining a nonconforming structure).

35 Conversion and renovation of an existing structure which conforms to new regulations and options (as opposed to remaining a nonconforming structure).

35 Conversion and renovation of an existing structure which conforms to new regulations and options (as opposed to new construction).

30 Use of wood siding and/or brick for exterior facade treatment.

3.12.40.04 - Energy Efficiency (90 Points Required)

MINIMUM REQUIREMENTS

* Appropriate planting materials to provide shade in the summer and protection from weather in the winter.

* Eaves/canopies/awnings extending the length of south and west facing windows, projecting away from wall a distance equal to 1/2 the height from window sill to ceiling. Additional points if canopies and awnings are retractable (adjustable); can be regulated seasonally.

OPTIONAL

75 Solar heating system active.

75 Use of materials within building with heat retention and storage capabilities (water, brick, stone, heavy masonry) in floors and walls predominately; surface area of thermal mass exposed to sunlight, five times the area of the south facing windows.

45 Provide solar easements for adjacent parcels.

40 Facing longest side of structure to orient within 20° of true south.

35 Appliances with energy savings devices (time setback thermostats, insulation of water heater, *etc.*).

30 Provide at least 15 percent more bicycle parking facilities than what is required in Chapter 4.1. This may be achieved by providing more spaces or increasing the covered area.

30 Placing of any buildings greater in height to the north portion of the site where there is more than one building on site (either existing or proposed) and providing 1½ times the required Structure Separation Envelope (SSE) along the north side.

30 Insulation in excess of "R" value required by the State Uniform Building Code (UBC).

30	Where streets are created streets on project oriented east-west.
30	Seal sole plate to subfloor with caulking or fiberglass sill sealer.
25	Thermal break windows on units (nonconductive layers sandwiched between the inside and outside facing of surface of the frame).
25	Placement of water heater within insulated part of the structure.
20	Caulked/insulated electrical outlets.
20	1¾-inch metal faced exterior doors with polyurethane.
20	Use of fluorescent or any other energy-efficient lighting rather than incandescent lighting for bathrooms and utility rooms.
20	Distribution and fuse boxes located on interior walls.
15	Provide air locks (double door foyer entry, *etc.*).
15	Provision of thermal drapes.
15	Maximum of 10 percent of total gross floor area in windows.
15	Thermal skylights on south or west facing roofs and thermal clerestory windows provided (number of points provided is directly proportional to the number of top floor units with skylights and clerestory windows).

Section 3.12.50 - OFF-STREET PARKING FACILITIES

Off-street parking facilities shall be provided on the site of each use as described in Chapter 4.1.

CHAPTER 3.13
SA(U) (SHOPPING AREA - UNIVERSITY) DISTRICT

Section 3.13.10 - PURPOSE

This district implements the Commercial Use Comprehensive Plan designation. This district is intended to provide for concentrations of small retail businesses, commercial, and personal service activities in areas that are adjacent to Oregon State University and which have a large concentration of pedestrian activity. The intent is to promote efficient commercial development of these areas by emphasizing their unique orientation to the pedestrian rather than to the automobile. Development shall reflect the predominant existing development pattern in the district and be compatible with nearby residential areas.

Section 3.13.20 - PERMITTED USES

3.13.20.01 - General Development

a. Primary Uses Permitted Outright:

1. Civic Use Types:
   - Administrative Services
   - Cultural Exhibits and Library Services
   - Lodge, Fraternal, and Civic Assembly
   - Parking Services
   - Postal Services
   - Public Safety Services

2. Commercial Use Types: (Intended to provide convenience shopping needs for the neighboring residential area as well as the more general retail and service needs of the university population):
   - Animal Sales and Services:
     - Veterinary (Small Animals)
     - Grooming
   - Business Equipment Sales and Services
   - Communications Services - Service Centers Only
   - Convenience Sales and Personal Services
   - Eating and Drinking Establishments, Sit-down
   - Fast Order Food Establishments
   - Financial, Insurance, and Real Estate Services
   - Food and Beverage Retail Sales
   - Fuel Sales
   - Personal Services - General
   - Repair Services - Consumer
   - Retail Sales - University

b. Accessory Uses Permitted Outright:

1. Essential Services
2. (a) Residential Use Types:
   - Family
   - Group Residential/Group Care

   (b) Residential Building Type:
   - Multi-Dwelling

3. Other development customarily incidental to the primary use in accordance with Chapter 4.3
4. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.13.20.02 - Special Development - Uses Allowed Through Discretionary Review.

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

1. Major Services and Utilities
2. Religious Assembly
3. Spectator Sports and Entertainment, Limited
4. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
5. 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, subject to the standards in Chapter 4.9.
6. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
7. 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.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Drive-in Facilities (Financial Institutions, Personal Services, *etc.*)
2. Minor Utilities subject to standards in Chapter 4.9
3. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50.
   Note: Flagpoles are subject to height requirements of Section 4.7.70.b.
4. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.13.30 - DEVELOPMENT STANDARDS

3.13.30.01 - Dimensional Requirements

The site size permitted in this district shall be adequate to fulfill the applicable environmental standards and other development standards.

3.13.30.02 - Height of Structures

The maximum height of structures shall not exceed 30 ft.

3.13.30.03 - Setback Requirements

a. There is no minimum setback (other than those required by the Uniform Building Code or vision clearance triangles) for any commercial structure that abuts a public right-of-way or a commercial district.

b. The following setbacks shall apply when a commercial structure abuts a residential district:

   1. If both structures have windows facing each other there shall be a minimum separation of 25 ft.

   2. If either structure has windows facing a blank wall there shall be a minimum separation of 15 ft.

   3. If both structures have opposing blank walls there shall be a minimum separation of 10 ft.

Section 3.13.40 - ENVIRONMENTAL STANDARDS

a. Noise created by venting and air-conditioning shall be directed away from any adjacent residential district.

b. Fumes and odors shall be directed away from any adjacent residential district.

c. Artificial lighting shall be arranged and constructed as to not produce direct glare on adjacent residential properties.

Section 3.13.50 - LANDSCAPING, SCREENING AND WEATHER PROTECTION

a. Landscaping and screening shall be required, in accordance with Chapter 4.2. In addition, parking areas that abut residential uses shall be screened from such uses by a wall that effectively reduces or eliminates the adverse effects of visual and noise pollution.

b. Structures which abut a public right-of-way shall incorporate eaves, canopies or awnings of adequate width to provide weather protection into their design.

Section 3.13.60 - OFF-STREET PARKING

Parking, loading, and access shall meet the requirements in Chapter 4.1 except as modified by the following standards:

a. All parking shall be located in the rear portion of the development site.

b. The number of required parking spaces may be reduced by up to 33% of that specified in Section 4.1.30 where all of the following criteria can be demonstrably met:

1. Customers would primarily walk or rely on bicycles; and

2. The anticipated times of parking demand would not conflict with other parking demands in the area; and

3. Employee and delivery truck parking is available; and

4. A partial waiver from on-site parking requirements would not adversely affect parking in the surrounding areas.

c. One bicycle parking space shall be provided for each 200 sq. ft of gross floor area.

CHAPTER 3.14
CS (COMMUNITY SHOPPING) DISTRICT

Section 3.14.10 - PURPOSE

This district implements the Commercial Use Comprehensive Plan designation. It is intended to provide for a wide range of commercial activities in a community scale shopping center.

Section 3.14.20 - PERMITTED USES

3.14.20.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
   - Administrative Services
   - Cultural Exhibits and Library Services
   - Lodge, Fraternal, and Civic Assembly
   - Postal Services
   - Public Safety Services

2. Commercial Use Types:
   - Animal Sales and Services:
     - Grooming
     - Kennels
     - Veterinary (small animals)
   - Automotive and Equipment:
     - Cleaning
     - Repairing, Light Equipment
     - Sales/Rental: Light Equipment
   - Building Maintenance Services
   - Business Equipment Sales and Services
   - Business Support Services
   - Communication Services
   - Construction Sales and Service
   - Convenience Sales and Personal Services
   - Financial, Insurance, and Real Estate Services
   - Food and Beverage Sales
   - Fuel Sales
   - Funeral and Interment Services:
     - Undertaking
   - Laundry Services
   - Medical Services
   - Personal Services - General
   - Professional and Administrative Services
   - Repair Services - Consumer
   - Retail Sales - General
   - Swap Meets
   - Transient Habitation - Lodging

b. Accessory Uses Permitted Outright

1. Essential Services
2. Required off-street parking in accordance with Chapter 4.1
3. Other development customarily incidental to the primary use in accordance with Chapter 4.3
4. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.14.20.02 - Special Development - Uses Allowed Through Discretionary Review.

a. Type I: Conditional Development - The following uses may be permitted subject to review in accordance with Chapter 2.3 and all other applicable provisions of this Code.

1. Major Services and Utilities
2. Planned Development in accordance with Chapter 2.5
3. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
4. 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, subject to the standards in Chapter 4.9.
5. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
6. 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.
7. Spectator Sports and Entertainment - Limited and Other

b. Type II: Plan Compatibility Review - The following uses may be permitted subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Drive-In Facilities (Financial Institutions, Eating Establishments, *etc.*)
2. Eating and Drinking Establishments - All Use Types
3. Family residential in conjunction with a civic or commercial use type:
   Residential Building Type:
   - Multi-Dwelling
4. Minor Utilities subject to standards in Chapter 4.9
5. Participant Sports and Recreation - Indoor and Outdoor

6. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*
7. Spectator Sports - Entertainment, Limited
8. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.14.30 - DEVELOPMENT STANDARDS

3.14.30.01 - Lot Area

The minimum lot area shall be 43,560 sq. ft.

3.14.30.02 - Setbacks

a. Front and exterior side yards - front and exterior side yard on arterial streets shall have a minimum depth of 20 ft. Front and exterior side yards on all other streets shall have a minimum depth of 40 ft.

b. No side or rear yard shall be required, except where the side or rear yard lot line abuts a residential district where the minimum setback shall be 15 ft.

3.14.30.03 - Structure Height

No structure shall exceed 35 ft in height.

3.14.30.04 - Landscaping and Screening

a. **Boundary Area:** A boundary landscaping area on any abutting streets or abutting residential district is required and shall be developed in accordance with this subsection and Chapter 4.2. Those portions of property lines where driveways, accessways, and walks are located are exempted from the provisions of this section.

1. The minimum average width of a boundary area shall be 15 ft;

2. Landscaping shall consist of an effective combination of ground cover, shrubbery, and trees to serve as a screen or buffer area between different types of uses, parking areas, and the street;

3. An irrigation system shall be provided.

b. **On-site Landscaping:** Shall be established to provide a visual break along the face of buildings. In large parking lots, landscaped areas shall be designed to control traffic, facilitate pedestrian movement, screen headlights, and lessen visual effects of parking lots in accordance with Chapter 4.2.

c. **Storage and Refuse Collection Areas:** Shall be screened on 4 sides so that materials stored within these areas shall not be visible from accessways and adjacent properties. Such areas shall not be permitted within boundary landscaping areas.

d. **Artificial Lighting:** Shall be arranged and constructed to not produce direct glare on adjacent residential properties.

e. **Service Corridors/Areas:** Will be sited and screened to reduce the adverse effects of noise, odors, and visual clutter from any adjacent residential properties.

Section 3.14.40 - PARKING, LOADING, AND ACCESS REQUIREMENTS

Parking, loading, and access requirements shall be provided in accordance with Chapter 4.1.

CHAPTER 3.15
LC (LINEAR COMMERCIAL) DISTRICT

Section 3.15.10 - PURPOSE

This district implements the Commercial Use Comprehensive Plan designation. It is intended to provide areas for those commercial uses and related services and businesses which require large land areas for structures and parking facilities and direct automobile access.

Section 3.15.20 - PERMITTED USES

3.15.20.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
   - Administrative Services
   - Clinic Services
   - Cultural Exhibits and Library Services
   - Lodges, Fraternal, and Civic Assembly
   - Parking Services
   - Postal Services
   - Public Safety Services

2. Commercial Use Types:
   - Agricultural Sales
   - Animal Sales and Services:
     - Grooming
     - Kennels
     - Veterinary (large and small animals)
   - Automotive and Equipment:
     - Cleaning
     - Fleet Storage
     - Parking
     - Repairing, Light Equipment
     - Sales/Rental: Farm Equipment
     - Sales/Rental: Heavy Equipment
     - Sales/Rental: Light Equipment
   - Building Maintenance Services
   - Business Equipment Sales and Services
   - Business Support Services
   - Communication Services
   - Construction Sales and Service
   - Convenience Sales and Personal Services
   - Eating and Drinking Establishments - All Use Types
   - Financial, Insurance, and Real Estate Services

- Food and Beverage Sales
- Fuel Sales
- Funeral and Interment Services:
  Undertaking
- Laundry Services
- Medical Services
- Participant Sports and Recreation:
  Indoor and Outdoor
- Personal Services - General
- Professional and Administrative Services
- Repair Services - Consumer
- Retail Sales - General
- Spectator Sports - Entertainment, Limited
- Swap Meets
- Transient Habitation - Lodging
- Wholesaling, Storage and Distribution:
  Mini-warehouses
  Light

3. Industrial Use Type:
   - Limited Manufacturing

b. Accessory Uses Permitted Outright

1. Essential Services
2. Required off-street parking in accordance with Chapter 4.1
3. Other development customarily incidental to the primary use in accordance with Chapter 4.3.
4. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.15.20.02 - Special Development - Uses Allowed Through Discretionary Review:

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

1. Major Services and Utilities
2. Planned Development in accordance with Chapter 2.5
3. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.

4. 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, subject to the standards in Chapter 4.9.
5. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
6. 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.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Drive-in Facilities (Financial Institutions, Eating Establishments, *etc.*)
2. Minor Utilities, subject to standards in Chapter 4.9
3. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*
4. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.15.30 - DEVELOPMENT STANDARDS

3.15.30.01 - Lot Area

The minimum lot area shall be 15,000 sq. ft with a minimum average width of 100 ft and a minimum depth of 150 ft except:

a. Smaller lots may be created through the subdivision process; or

b. Through the minor or major land partitioning process subject to the requirements of Chapter 2.13 - Plan Compatibility Review.

3.15.30.02 - Setbacks

a. Front and exterior side yards - front and/or exterior side yard on arterial or collector streets shall have a minimum depth of 20 ft. Front and/or exterior side yards on all other streets shall have a minimum depth of 40 ft.

b. Rear yards - shall have a minimum depth of 15 ft.

c. Side yards - shall have a minimum depth of 10 ft except if the subject site(s) is adjacent to: a commercial or industrial district, no side yard setback shall be required, subject to the requirements of the Uniform Building Code.

d. In all cases, no commercial structure shall be located closer to an adjacent parcel in a residential district than a distance equal to the most restrictive residential setback of that district or to the height of the commercial structure, whichever setback is greater.

3.15.30.03 - Structure Height

No structure shall exceed 35 ft in height.

Section 3.15.40 - LANDSCAPING AND SCREENING

a. **Boundary Area:** A boundary landscaping area on any abutting streets is required and shall be developed in accordance with this subsection and Chapter 4.2. Those portions of property lines where driveways, accessways, and walks are located are exempted from the provisions of this section.

1. The minimum width of a boundary area shall be 10 ft;
2. Landscaping in the area shall consist of an effective combination of ground cover, shrubbery, with a minimum of bark mulch encouraged to serve as a screen or buffer area between parking areas and the street;
3. An irrigation system shall be provided.

b. **Driveways and Parking Areas:** Screening with vertical elements from parking areas, streets, and drives shall be required and functional at the time of occupancy, shall be predominately natural materials, and in accordance with Chapter 4.2.

c. **Storage and Refuse Collection Areas:** Shall be screened on four sides so that materials stored within these areas shall not be visible from accessways and adjacent properties. Such areas shall not be permitted within boundary landscaping areas.

Section 3.15.50 - OFF-STREET PARKING FACILITIES
Off-street parking shall be provided in accordance with Chapter 4.1.

CHAPTER 3.16
CB (CENTRAL BUSINESS) DISTRICT

Section 3.16.10 - PURPOSE

This district implements the Commercial Use 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 downtown the vital center of our community. While the district does not permit new low density 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 - General Development

a. Primary Uses Permitted Outright:

1. (a) Residential Use Types:
   - Family
   - Group Residential
   - Group Residential/Group Care
   - Residential Care Facilities

   (b) Residential Building Types:
   - Single Detached (existing prior to adoption of this Code)
   - Single Detached (Zero Lot Line) (existing prior to adoption of this Code)
   - Single Attached (Zero Lot Line, 2 units)(existing prior to adoption of this Code)
   - Duplex (existing prior to the adoption of this Code)
   - Attached (Townhouse)
   - Multi-Dwelling (In this district, this includes dwelling units in commercial buildings.)

2. Civic Use Types:
   - Administrative Services
   - Clinic Services
   - Community Recreation
   - Cultural Exhibits and Library Services
   - Lodges, Fraternal and Civic Assembly
   - Parking Services
   - Postal Services
   - Public Safety Services
   - Religious Assembly

3. Commercial Use Types:
   - Agricultural Sales
   - Animal Sales and Services:
     - Grooming
     - Kennels
     - Veterinary (large and small animals)
   - Automotive and Equipment:
     - Cleaning
     - Fleet Storage
     - Parking
     - Repairing, Light Equipment
     - Sales/Rental: Farm Equipment
     - Sales/Rental: Heavy Equipment
     - Sales/Rental: Light Equipment
   - Building Maintenance Services
   - Business Equipment Sales and Services
   - Business Support Services
   - Communication Services
   - Construction Sales and Service
   - Convenience Sales and Personal Services
   - Eating and Drinking Establishments
   - Financial, Insurance, and Real Estate Services
   - Food and Beverage Sales
   - Fuel Sales
   - Funeral and Interment Services:
     - Undertaking
   - Laundry Services
   - Medical Services
   - Participant Sports and Recreation:
     - Indoor and Outdoor
   - Personal Services - General
   - Professional and Administrative Services
   - Repair Services - Consumer
   - Research Services
   - Retail Sales - General
   - Spectator Sports - Entertainment, Limited
   - Transient Habitation - Lodging
   - Wholesaling, Storage and Distribution:
     - Mini-Warehouses
     - Light

4. Industrial Use Type:
   - Limited Manufacturing

b. Accessory Uses Permitted Outright:

1. Essential Services
2. Family Day Care, 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
5. Other development customarily incidental to the primary use in accordance with Chapter 4.3
6. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.16.20.02 - Special Development - Uses Allowed Through Discretionary Review.

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

1. Major Services and Utilities
2. Planned Development in accordance with Chapter 2.5
3. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
4. 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, subject to the standards in Chapter 4.9.
5. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
6. 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.

b. Type II: Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Drive-In Facilities (*e.g.*, Financial Institutions, Eating Establishments)
2. Minor Utilities subject to standards in Chapter 4.9
3. Projections, such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50
4. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.16.30 - DEVELOPMENT STANDARDS

3.16.30.01 - Lot Area and Setback Requirements

a. There is no minimum lot area or setbacks (other than those required by the Uniform Building Code) for any civic, commercial, or industrial use type structure.

b. The requirements for residential structures containing a residential use shall be in accordance with Chapter 3.8 - RS-20 standards.

3.16.30.02 - Structure Height

No structure shall exceed 75 ft in height.

3.16.30.03 - Weather Protection

Within the Downtown Pedestrian Core (as defined in Chapter 1.6) new development shall be constructed adjacent to the street sidewalks and shall include the provision and maintenance of at least a 6-ft wide weather protected area over the sidewalk along the entire frontage of the structure.

Section 3.16.40 - LANDSCAPING AND SCREENING

Landscaping and screening shall be required, in accordance with Chapter 4.2, 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.

CHAPTER 3.17
CBF (CENTRAL BUSINESS FRINGE) DISTRICT

Section 3.17.10 - PURPOSE

The Central Business Fringe District is intended to allow commercial activity necessary to support regional shopping facilities located in the Central Business District. Because of its unique location, site development in this area should contribute to a visually attractive entrance to the downtown area.

Section 3.17.20 - PERMITTED USES

Uses permitted in the CBF District shall be the same as those permitted in Chapter 3.16 - Central Business District, except for the following:

a. All residential building types listed in Chapter 3.16 are permitted uses; and

b. Any new commercial use shall require a Plan Compatibility Review in accordance with Chapter 2.13.

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 the RS-20 District (Chapter 3.8).

b. Setbacks - 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 the RS-20 District.

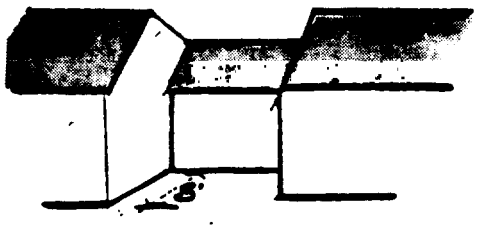
3.17.30.02 - Structure Height

No structure shall exceed 35 ft in height.

3.17.30.03 - Building Design Provisions

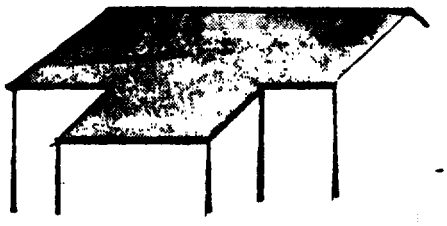
a. Along the vertical face of a structure offsets shall occur at a minimum of every 30 ft by providing any **two** of the following minimum standards:

1. Recesses (entrances, floor area, *etc.*) of a minimum depth of 8 ft.



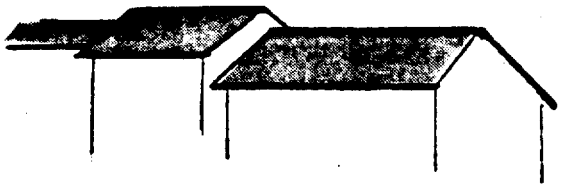
AND/OR

2. Extensions (entrances, floor area, *etc.*) at a minimum clearance of 8 ft, a minimum depth of 8 ft, and a maximum length of an overhang shall be 25 ft.



AND/OR

3. Offsets of "breaks" in the roof elevation of 3 or more ft in height.



b. Pitched roofs (minimum 4:12 pitch) shall be used to retain the residential character of the area, where there is a predominance of pitched roofs on 90 percent or more of the structures on the same block or adjacent 1/2 blocks.

3.17.30.04 - Off-Street Parking

a. Off-street parking shall be provided in accordance with Chapter 4.1.

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.

3.17.30.05 - Landscaping and Screening

a. Landscaping and screening shall be required, in accordance with Chapter 4.2.

b. Significant vegetation associated with the site should be preserved or protected to the extent that is practicable.

c. A minimum of 25 percent of the gross lot area shall be retained and developed as permanent open space (excluding parking and maneuvering areas). The area shall be landscaped with a mixture of vertical (trees, tall shrubs, and hedges) and horizontal (grass, ground cover, *etc.*) elements. Patios, decks, sidewalks, areas for congregation, and other like features may be included in the landscaped open space requirement.

CHAPTER 3.18
RSC (REGIONAL SHOPPING CENTER) DISTRICT

Section 3.18.10 - PURPOSE

This district implements the Commercial Use designation of the Comprehensive Plan. It is intended to provide a location for regional shopping center uses that are planned and developed as an integrated unit.

Section 3.18.20 - GENERAL PROVISIONS

3.18.20.01 - Establishment of the RSC District

This district may be requested by a property owner of lands identified on the Comprehensive Plan Map. Establishment of this district requires a public hearing by the Planning Commission in conjunction with a Conceptual Development Plan, in accordance with Section 2.5.40. At the time this district is designated, the Planning Commission shall also designate the underlying district in conformance with the Comprehensive Plan.

The applicant has 3 years from date of approval for the district change and Conceptual Development Plan to complete a Plan Compatibility Review and be issued a building permit for a primary use. If no permit has been issued prior to the expiration date, the district change and Conceptual Development Plan shall expire and the Director shall amend the Official District Map to remove the RSC district designation and reapply the previous district designation, except as provided below in 3.18.20.02.

3.18.20.02 - Time Extension

a. An owner of property with an RSC designation may apply to have that designation extended beyond the 3-year limit, provided that an application is properly filed before the expiration of the designation on forms provided by the Director.

b. The Director shall process the request and mail notice to owners and occupants of all properties within 100 ft of the subject property in accordance with Chapter 2.16. The Director may grant a 1-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 refiling.

   Applications for additional 1-year extensions may be filed in accordance with the above procedures.

Section 3.18.30 - PERMITTED USES

3.18.30.01 - General Development

a. **Primary Uses Permitted:** Regional Shopping Center subject to review in accordance with Chapter 2.13 - Plan Compatibility Review

1. Commercial Use Type:
   - Regional Shopping Center

b. **Accessory Uses Permitted in Freestanding Buildings:** Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review

1. Automotive and Equipment: Repairing, Light Equipment
2. Eating and Drinking Establishments - Sit-down
3. Financial, Insurance, and Real Estate Services
4. Food and Beverage Sales
5. Fuel Sales
6. Participant Sports and Recreation - Indoor
7. Retail Sales - General
8. Spectator Sports and Entertainment: Limited and Other

c. **Accessory Uses Permitted Outright**

1. Essential Services
2. Minor Services and Utilities
3. Other development customarily incidental to the primary use in accordance with Chapter 4.3

Section 3.18.40 - DEVELOPMENT STANDARDS

3.18.40.01 - Lot Area

Minimum parcel area for a development site shall be 30 acres. Individual lot sizes shall be adequate to fulfill applicable Code requirements and minimum standards of this district.

3.18.40.02 - Street Setbacks

Minimum of 20 ft from all streets.

3.18.40.03 - Structure Height

No structure shall exceed 75 ft in height.

3.18.40.04 - Performance Standards

a. Mechanical equipment, outdoor storage areas, trash receptacles, and parking lots shall be screened from view from public places and neighboring properties through the use of features such as berms, fences, false facades, and landscaping as required by Chapter 4.2.

b. Parking, loading and access requirements shall be provided in accordance with Chapter 4.1.

c. Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way and street improvements shall be required to maintain adequate traffic circulation.

d. Street trees shall be planted as required by Chapter 4.2.

CHAPTER 3.19
SSD (SPECIAL SHOPPING DISTRICT)

Section 3.19.10 - PURPOSES

This district implements the Commercial Use Comprehensive Plan designation. The district is intended to provide for development of integrated shopping areas containing complementary retail and wholesale activities serving a regional market. By allowing and encouraging clustering of interrelated activities at locations readily accessible to the regional market, the commercial viability of these areas will be enhanced.

Section 3.19.20 - NONCONFORMING DEVELOPMENT

a. Uses or structures legally established prior to the establishment of this district shall be allowed to continue in conformance with Chapter 1.4.

b. Uses not legally established prior to the time of annexation shall be discontinued within 6 months of the date that annexation becomes final.

Section 3.19.30 - SSD - HOME AND GARDEN

3.19.30.01 - Specific Purpose

The Home and Garden Special Shopping District recognizes specific and related permitted uses immediately east of the intersection of Philomath Boulevard and Country Club Drive. As a centralized "home improvement center", this district provides for sales and services that support construction, improvement, furnishing and/or landscaping activities related to residential dwellings and yards. The intent is to encourage a harmonious relationship with the surrounding residential area and reverse the undesirable trend of creating and perpetuating commercial stripping in residential districts. Development shall occur in a manner that enhances the Philomath Boulevard area as it develops primarily as a residential area and as the western gateway corridor into Corvallis. Numerous independent accesses along Philomath Boulevard are inappropriate and shall be consolidated to reduce their number as development occurs. Buffering and street tree plantings shall contribute to an attractive boulevard appearance.

3.19.30.02 - Permitted Uses

3.19.30.02.01 - General Development

a. Primary Uses Permitted Outright

1. Commercial Use Types:
   - Agricultural Sales and Services limited to the following:
     Landscape, Nursery, Florist and Garden Supply Sales
     Lawnmower Sales

- Construction Sales and Services limited to the following:
  - Floorcovering Sales
  - Heating, Wood Stove, Air Conditioning and/or Plumbing Supply Sales
  - Lighting or Electrical Supply Sales
  - Lumber and Building Supply Sales
  - Masonry Supply Sales
  - Paint and Wallcovering Sales
  - Spa and Hot Tub Sales
  - Window and Glass Supply Sales
- Retail Sales, General, limited to the following household furnishing sales and services:
  - Antique Furniture Sales
  - Curtain and Drapery Sales
  - Furniture Sales - Household
  - Hardware and Household Appliance Sales
- Other uses the Director determines to be similar to and of no greater impact than permitted uses.

b. Accessory Uses Permitted Outright

1. Essential Services
2. Required off-street parking in accordance with Chapter 4.1
3. Other uses customarily incidental to the primary use in accordance with Chapter 4.3
4. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.19.30.02.02 - Special Development - Uses Allowed Through Discretionary Review

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

1. Planned Development to be reviewed in accordance with Chapter 2.5.
2. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
3. 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, subject to the standards in Chapter 4.9.

4. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
5. 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.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

1. Any permitted use or expansion of an existing use that involves outdoor storage and/or display of items for sale.
2. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*
3. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

3.19.30.03 - Development Standards

3.19.30.03.01 - Lot Area

a. Lots shall be adequate to fulfill applicable Code requirements and standards of this district.

b. Land divisions shall be preceded by a Planned Development approval pursuant to Chapter 2.5 to ensure parcels to be created contribute to the coordinated functioning of the shopping district.

3.19.30.03.02 - Setbacks

a. **Boundary Area** - A setback of not less than 25 ft shall be provided along an SSD boundary where the line abuts any residential district. This area shall be improved and maintained as a landscaped buffer area in accordance with Chapter 4.2 and 3.19.30.03.06 - Performance Standards below.

b. **Streets** - Minimum of 20 ft from all streets.

3.19.30.03.03 - Height of Structures

No structure shall exceed 30 ft in height.

3.19.30.03.04 - Site Coverage

Maximum site coverage by impervious surfaces (excluding open space/landscape elements) shall not exceed 65 percent.

3.19.30.03.05 - Landscaping and Screening

Philomath Boulevard is recognized as a major and significant gateway to Corvallis. Development along this corridor should enhance rather than detract from its potential as an attractive boulevard and entryway that contributes to the impression and image of the community. Therefore, the following requirements shall apply at the time of new development or expansion of existing development:

a. Planting, irrigation and street tree plans for the site shall be submitted. These plans shall comply with the standards in Chapter 4.2. Tree species, location, alignment and installation along Philomath Boulevard shall contribute to creation of the desirable boulevard effect.

b. A landscaped boundary area on any abutting street shall be a minimum width of 10 ft and reviewed in conjunction with the planting and irrigation plan. The landscaping shall be developed in accordance with Chapter 4.2.

c. A fence or wall at least 5 ft in height shall be erected along property lines abutting residential development and comply with standards in Chapter 4.2.

3.19.30.03.06 - Performance Standards

a. No outdoor storage or display is permitted in any landscaped, sidewalk or parking areas.

b. All outdoor storage shall be screened. Outdoor storage of materials other than landscaping, nursery and garden supplies shall be screened on four sides from view along the public right-of-way, driveways, accessways, and adjoining residential properties by a fence. Fences that screen materials from public view must be impervious to sight, landscaped, and stored materials may not exceed height of the screening fence.

c. With any expansion of permitted uses, the following shall be brought into conformance with all applicable development standards: parking, landscaping, buffering, access, and on-site circulation.

d. Multiple accesses to a site shall be consolidated at the time of new development or expansion of existing development. Groups of adjacent properties are encouraged to utilize joint accesses in order to reduce the total number of direct access points onto Philomath Boulevard.

CHAPTER 3.20
MUC (MIXED USE COMMERCIAL) DISTRICT

Section 3.20.10 - PURPOSE

This district introduces some residential and industrial uses into areas with commercial designations on the Comprehensive Plan Map. It is intended to provide areas for commercial uses, as well as civic and residential uses, and to provide basic services and amenities at a scale appropriate to surrounding developments. Other objectives of the Mixed Use Commercial District include: expanding housing opportunities; allowing businesses to locate in a variety of settings; providing options for living, working, and shopping environments; facilitating more intensive use of land while minimizing potentially adverse impacts; and providing options for pedestrian-oriented lifestyles.

Section 3.20.20 - GENERAL PROVISIONS

3.20.20.01 - Establishment of the MUC District

The MUC district may be applied to Commercial designations on the Comprehensive Plan map or to lands designated through a legislative process. The district may also be applied to parcels which meet Land Development Code Section 2.2.30 criteria for district changes, and the following criteria for district location, dimensions, and size.

a. Locational Criteria

The following locational criteria shall be applied to district changes, in conjunction with Chapter 2.2 District Changes.

1. The MUC district shall have frontage from at least one of the following street classifications: Arterial Highway, Arterial, or Collector, as designated by the City of Corvallis Functional Classification System. However, frontage may be provided from a Neighborhood Collector street when a Planned Development district overlay is applied to the district;

AND EITHER

2. All portions of the MUC district shall be located within 1/4 mile of existing or planned transit service;

OR

3. The MUC district shall be located in areas determined, through a Planned Development process, to be necessary to provide mixed use opportunities and services to adjacent areas.

b. District Size and Dimensions

1. The site shall consist of at least one *"whole"* legal lot if the lot is one acre or less in size. When multiple tax lots are included, portions at least one acre in size of individual lots may be included, provided the size of the remainder of each lot is

developable under its district designation. Public street rights-of-way shall not count toward the total area of a district.

2. A Planned Development district overlay shall be applied to MUC districts which exceed three (3) acres or involve multiple parcels. In the event that all parcels within the district do not concurrently develop, the Planned Development review 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 district shall have a minimum of 50 feet of frontage onto a public street, as described in Section 3.20.20.01.a.1.

Section 3.20.30 - PERMITTED USES

3.20.30.01 - General Development

a. Primary Uses Permitted Outright:

1. Residential
   (a) Residential Use Types:
   - Family
   - Group Residential
   - Group Residential/Group Care
   - Residential Care Facilities

   (b) Residential Building Types:
   - Single Detached (existing prior to adoption of this Code)
   - Conversion of Detached Dwelling to Attached or Mixed-Use Building
   - Attached (Townhouse)
   - Duplex
   - Multi-Dwelling (includes free-standing buildings and dwelling units in commercial buildings)
   - Accessory Dwelling

   All residential use types are subject to compliance with Section 3.20.40.01 Preservation of Commercial Land Supply.

2. Civic Use Types:
   - Administrative Services
   - Clinic Services
   - Cultural Exhibits and Library Services
   - Lodges, Fraternal and Civic Assembly
   - Parking Services
   - Postal Services which primarily serve on-site customers
   - Public Safety Services
   - Religious Assembly
   - Transit Facilities

A Civic use type that exceeds 5,000 square feet must demonstrate that it primarily serves the immediate area.

3. Commercial Use Types:
   - Animal Sales and Services (small animals):
     - Grooming
     - Veterinary
   - Building Maintenance Services (no outdoor storage)
   - Business Equipment Sales and Services
   - Business Support Services
   - Communication Services
   - Construction Sales and Service (no outdoor storage)
   - Convenience Sales and Personal Services
   - Day Care Facilities
   - Eating and Drinking Establishments - sit down
   - Family Day Care
   - Financial, Insurance, and Real Estate Services
   - Food and Beverage Sales
   - Laundry Services
   - Medical Services
   - Personal Services - General
   - Professional and Administrative Services
   - Repair Services - Consumer
   - Research Services
   - Retail Sales - General
   - Transient Habitation - Lodging
   - Commercial uses legally established and developed in conformance with the Development District in place on December 7, 1998.
4. Industrial Use Type:
   - Wholesaling, Storage and Distribution (existing prior to Code adoption)

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care
3. Home Business, when conducted in conjunction with a permitted residential use.
4. Limited Manufacturing - less than 20 employees per acre, and does not require a State or Federal air quality discharge permit, except for parking. Limited manufacturing uses shall be accessory primary use (e.g. factors for determining accessory uses may include, but are not limited to, the number of employees, parking, and building square footage dedicated to each use)
5. Required off-street parking in accordance with Chapter 4.1
6. Other development customarily incidental to the primary use in accordance with Chapter 4.3
7. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.20.30.02 - Special Development - Uses Allowed Through Discretionary Review

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

1. Automotive and Equipment
   - Cleaning
   - Parking
   - Repairing, Light Equipment
2. Major Services and Utilities (transit facilities are permitted outright)
3. Community Recreation
4. Fuel Sales - limited to automobile service stations
5. Participant Sports and Recreation - Indoor facilities
6. Spectator Sports and Entertainment - Small Facilities (Capacity less than 299)
7. Planned Development in accordance with Chapter 2.5
8. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
9. 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, subject to the standards in Chapter 4.9.
10. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
11. 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.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Drive-thru Facilities
2. Minor Utilities subject to standards in Chapter 4.9
3. Projections, such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50
4. Temporary Outdoor Sales (e.g. farmers market and similar uses)
5. Non-commercial uses that exceed the square footage of commercial uses
6. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.20.40 - DEVELOPMENT CRITERIA AND REQUIREMENTS

The following provisions identify development standards within the MUC District. Additional flexibility (e.g. alternative design options) is provided through the Planned Development (Chapter 2.5), Lot Development Option (Chapter 2.12) and Planned Compatibility Review (Chapter 2.13) processes, as provided below:

3.20.40.01 - Preservation of Commercial Land Supply

a. A minimum floor area ratio (FAR) of .4 of commercial use is required for all property with a commercial Comprehensive Plan Map designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes. (A minimum FAR of .4 would require that a 40,000 square foot lot would have at least 16,000 square feet of commercial uses). This provision does not apply when commercial uses are applied to an

existing residential building within a commercial district that existed prior to the adoption of this MUC district. The commercial uses on an MUC site are required to be developed prior to or concurrently with residential and limited manufacturing uses, with the exception of residential and/or limited manufacturing uses that are in existence as of the adoption of this MUC District. Variations from the .4 FAR commercial minimum can only be allowed through the Planned Development process.

b. When a project is composed of two or more phases, then the mixed use site shall be reviewed as a Planned Development and each phase shall meet the minimum .4 FAR (floor area ratio requirement) as described in section "a" above or an alternative proposed through the Planned Development review processes.

c. Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial uses(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.

Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.

3.20.40.02 - Minimum Lot Area and Setback Requirements

a. A setback of not less than 20 ft shall be provided along each MUC District boundary line where the line abuts any residential (RS) district. Off-street parking and loading shall be permitted in this area except within 15 ft of the district boundary line, which shall be limited to landscaping, fences, walls, driveways, or walks. Driveways, parking, and loading areas adjacent to residential districts shall be landscaped and screened in accordance with Chapter 4.2. Alternatives to this standard may be considered through the Planned Development process.

b. The requirements for residential structures containing a residential use shall be in accordance with Chapter 3.8 - RS-20 standards, and the Mixed Use Design Guidelines contained in this chapter. Ground floor commercial uses within existing residential structures shall be exempt from the RS-20 minimum setback requirements and shall also be subject to a Plan Compatibility Review (PCR) process.

c. For maximum permitted setbacks, refer to Section 3.20.50.02.

3.20.40.03 - Structure Height

No structure shall exceed 45 ft in height.

3.20.40.04 - Open Space Standards

A minimum of 20 percent of the total site area shall be retained as open space. Open space may include landscape areas, natural areas, and/or pedestrian amenities (Section 3.20.50.07). The site design and building design standards of this chapter shall also shall be met. Structures, parking, and driveways of interior parking areas are excluded from the open space area.

3.20.40.05 - Off-Street Parking

Off-street parking shall be provided in accordance with Chapter 4.1. 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 arterials and collectors where there is not a controlled intersection within 100 ft of the subject property. Chapter 4.1 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 MUC District 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 that there is an adequate supply of parking for each use. Parking may include surplus parking during peak periods, or capacity provided due to off-peak use.
b. Additional flexibility to vehicle parking provisions may be granted through the Lot Development Option (when the site is less than 3 acres), or Planned Development procedures (Chapters 2.12 and 2.5, respectively). This flexibility is provided to encourage development patterns that reduce the reliance on the automobile by taking advantage of alternate modes of travel.

Section 3.20.50 - DESIGN GUIDELINES AND STANDARDS

Variations from any single design guideline may be reviewed under the Lot Development Option provisions (Chapter 2.12). When more than one variation is requested, the variations may be reviewed through the Lot Development Option process, provided the cumulative scope and impact of the variations are very limited. Variations that are larger in scope or impact shall be processed through the Planned Development (Chapter 2.5) review provisions. Where there is uncertainty regarding the scope or impact, the Director shall make such a determination regarding the appropriate process.

3.20.50.01 - Coordinated Development

New development shall be designed in a manner that does not preclude development of adjacent property(ies) and ensures 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.

3.20.50.02 - Building Orientation and Maximum Setbacks

a. All new buildings in the MUC District shall be oriented to existing or new 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 feet.
c. Building setbacks from streets or plazas shall not exceed 20 feet, except when necessary to preserve healthy, mature tree(s), or provide pedestrian amenities in conformance with 3.20.50.07 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.
d. Street setbacks of greater than 20 feet (Section 3.20.50.02) may be approved when the building design incorporates seating, plazas, or other usable public space, as defined by Section 3.20.50.07 Public Amenities.

3.20.50.03 - Corner Building Entrances

The design of corner lot buildings should reinforce public intersections as public spaces. Corner building entrances or other architectural features may be required to ensure that this guideline is met.

3.20.50.04 - Weather Protection

a. Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft wide, weather-protected area (e.g. awnings or canopies) shall be provided along the portion of building(s) adjacent to the sidewalks and/or plazas.

b. For existing development, weather protection as identified in "a" above, shall be provided when there are alterations, repairs, or additions to existing structures. However, an exception to meeting this weather protection standard may be requested where the applicant can demonstrate, to the satisfaction of the Community Development Director, that the cost of improvements to the existing structure is less than four times the cost of providing an awning. Where weather protection is existing, but is not of the required width, an exception to this standard may be authorized, provided the existing weather protection is at least 4 feet in width.

3.20.50.05 - Landscaping and Screening

Landscaping and screening shall be required, in accordance with Chapter 4.2. In addition, the following standards apply to the MUC District:

a. Street trees shall be required, consistent with Chapter 4.2. Species should be compatible with the design features provided per Section 3.20.50.07, 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 with vertical elements is required and 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.

c. Irrigation systems shall be installed to support landscaping.

3.20.50.06 - Street Connectivity and Internal Circulation

a. New structures and substantial improvements may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and promote connectivity and dispersal of traffic.

b. The maximum block perimeter shall be 1200 feet. Alternatives to this standard may be considered through the Planned Development process, provided that direct pedestrian access is maintained at least every 300 feet.

c. Traffic lanes shall be internal to the site and not located between the building(s) and the sidewalk(s), except as provided in "d" below.

d. Where drop off facilities are provided (e.g. handicapped access) they shall be designed to meet ADA disability needs but still provide for direct pedestrian circulation.

3.20.50.07 - Pedestrian Amenities

All new structures and substantial improvements shall provide pedestrian amenities, as defined by this chapter. 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
5,000 - 10,000 sq. ft.	2
10,000 - 50,000 sq. ft.	3
>50,000 sq. ft.	4

Acceptable pedestrian amenities include:

- Sidewalks with ornamental treatments (e.g. brick pavers), or sidewalks which are 50% wider than required by the Land Development Code
- Benches and public outdoor seating
- Sidewalk planters
- Public art (e.g. sculpture, fountain, clock, mural, etc.) with a value equal to or greater than one (1) percent of construction value of the structure(s).
- Pocket parks (minimum usable area of 300 square feet)
- Plazas (minimum usable area of 300 square feet)
- Street trees of a caliper 50% wider than required by the Land Development Code (may include preservation of healthy mature trees adjacent to the street sidewalk)
- Additional weather protection in excess of 3.20.50.04
- Other improvements approved through the Lot Development Option (Chapter 2.12), or Planned Development process (Chapter 2.5)

Pedestrian amenities shall comply with the following standards and guidelines:

a. 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.

b. 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.

c. Amenities which are eligible for credit toward open space standards, and adjustment to the maximum 20-foot setback standard, include plazas, pocket parks, seating areas, and other areas that provide usable pedestrian space and street furniture.

d. Amenities should be consistent with the character and scale of surrounding developments. 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 (e.g. 10 years before replacement).

e. When provided at or near a bus stop, amenities should generally conform to standards of the Corvallis Transit system.

3.20.50.08 - General Building Design Standards

Mixed use districts 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 Planned Development and Lot Development Option review processes. This section provides both required and optional design elements.

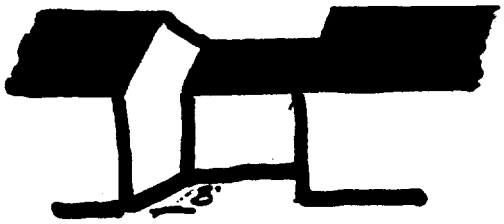
a. Minimum Requirements

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:

1. Ground floor windows shall be provided. 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 two elevations). The transparency is measured in lineal fashion (e.g. a 100-foot wide building facade shall have a total of at least 60 lineal feet of windows).

2. Along the vertical face of a structure, offsets shall occur at a minimum of every 50 feet by providing at least **one** of the following *[Note: the PA-O and SA districts require offsets at 30 feet; consider a larger dimension based on a larger development scale in MUC]* :

   - Recesses (entrances, floor area, etc.) of a minimum depth of 8 feet.



   - Extensions (entrances, floor area, etc.) at a minimum clearance of 8 feet, a minimum depth of 8 feet, and a maximum length of an overhang shall be 25 feet.

   - Offsets or breaks in roof elevation by a minimum of 3 feet or more in height.

3. In order to break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco (e.g. EIFS), textured concrete block, or textured concrete, etc.

4. 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. Other design solutions may be approved by the Director.

5. Ensure privacy in residential developments through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas (e.g. balconies, porches, patios, etc.). Opposite facing windows at close distances should be offset vertically or horizontally, or employ appropriate materials (e.g. glazed, tinted, etc.) to protect privacy.

6. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional right-of-way shall be dedicated to maintain adequate circulation.

3.20.50.09 - Neighborhood Compatibility

a. Minimum standards adjacent to a residential district:

1. Architectural compatibility between new development and adjacent residences (e.g. similar roof forms, windows, trim, and materials) is required. Pitched roofs shall provide a minimum 4:12 pitch *[this is same pitch that is used in the PA-O district]*. Flat roofs shall provide a cornice, or other decorative treatment.

2. 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(s) by more than one (1) story. This provision applies to that portion of the structure that is closest (20 feet, minimum) to the adjacent residential structures.

3. The site design shall preserve healthy mature trees on-site, to the maximum extent practicable. Trees which are likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.

4. Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties.

b. Minimum standards adjacent to an industrial district:

1. The site design shall preserve healthy mature trees on-site, to the maximum extent practicable. Trees which are likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.

2. If residential uses are introduced in areas that are adjacent to an industrial district, the site design for the residential use shall incorporate fencing and a 20 foot landscape screen between the residential uses on the MUC site and the industrial district in accordance with Section 4.2.50. Driveways may occur within the landscape screen but in no case may they be less than 10 feet from the adjacent industrial district boundary.

CHAPTERS 3.21 - 3.22 RESERVED

CHAPTER 3.23
LI (LIMITED INDUSTRIAL) DISTRICT

Section 3.23.10 - PURPOSE

This district implements the Industrial Use Comprehensive Plan designation. It is intended to create and preserve areas where limited manufacturing and related use types, described in Chapter 3.0, may locate. Limited manufacturing uses evidence few, if any nuisance characteristics. Accessory nonindustrial uses that support the primary use activity and are compatible are permitted - specifically administrative, sales, and service uses.

Section 3.23.20 - PERMITTED USES

3.23.20.01 - General 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.

2. Commercial Use Types:
   - Animal Sales and Services:
     - Kennels
     - Veterinary
   - Wholesaling, Storage, and Distribution - Light

3. Industrial Use Types:
   - Limited Manufacturing - less than 20 employees per acre and does not require a State or Federal air quality discharge permit, except for parking

4. Agricultural Use Types:
   - Horticulture:
     - Cultivation
     - Storage
   - Packing and Processing
     - Limited

b. Accessory Uses Permitted Outright

1. Essential Services
2. One residence per development site and developed simultaneously with or following development of primary and accessory uses permitted outright.
3. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1.

4. Other development customarily incidental to the primary use in accordance with Chapter 4.3.
5. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.23.20.02 - Special Development - Uses Allowed Through Discretionary Review

a. **Type I: Conditional Development:** Subject to review in accordance with Chapter 2.3 and other applicable provisions of this Code.

1. Limited Manufacturing - 20 or more employees per acre or requiring a State or Federal air quality discharge permit, except for parking.
2. Planned Development to be reviewed in accordance with Chapter 2.5.
3. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
4. 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, subject to the standards in Chapter 4.9.
5. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
6. 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.

b. **Type II: Plan Compatibility Review:** Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Any lot with more than one accessway 24 ft or wider.
2. Minor Utilities, subject to standards in Chapter 4.9.
3. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*
4. Freestanding wireless telecommunication facilities 61 to 75 ft in height, subject to the standards in Chapter 4.9.

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 district.

3.23.30.02 - Setbacks

a. **Boundary Area** - A setback of not less than 25 ft shall be provided along each LI District boundary line where the line abuts any residential, agriculture/open space, or special district. Off-street parking and loading shall be permitted in this area except for 15 ft nearest the district boundary line, which shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be improved and maintained in accordance with Section 3.23.30.03 below.

Exemptions from these requirements:

1. Those portions of property lines where driveways, accessways, and walks are provided; and
2. 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	-	35 ft.
2.	Collector streets	-	40 ft.
3.	All other streets	-	25 ft.

Where a yard abuts both a street and a district boundary line the 10 ft nearest the district boundary line shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be improved and maintained in accordance with 3.23.30.03 below.

The boundary area above in "a" may be counted in the calculation of required setbacks along streets.

c. Except for those required by this section and the Uniform 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.
b. Landscaping and screening required in 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 districts. Further, when a site abuts a residential district, landscaping shall be at least 6 ft in height and be 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 so that materials stored within those areas shall not be visible from accessways and adjacent properties.

e. Landscaping shall be provided within a parking area in accordance with Chapter 4.2.

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 district shall comply with applicable local, state and federal standards and 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.

CHAPTER 3.24
GI (GENERAL INDUSTRIAL) DISTRICT

Section 3.24.10 - PURPOSE

This district implements the Industrial Use 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 district prohibits residential uses except as authorized in Chapter 4.3.

Section 3.24.20 - PERMITTED USES

3.24.20.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
   - Major Services and Utilities
   - Minor Utilities (with towers not exceeding 75 ft in height) subject to standards in Chapter 4.9
   - Parking Services
   - Public Safety Services
   - Freestanding wireless telecommunication facilities up to 120 ft in height, subject to the standards in Chapter 4.9.
2. Commercial Use Types:
   - Agricultural Sales
   - Agricultural Services
   - Animal Sales and Services:
     - Grooming (in conjunction with veterinary)
     - Kennels
   - Auctioning
   - Automotive and Equipment:
     - Fleet Storage
     - Repairs - Heavy Equipment
     - Sales/Rentals of Farm and Heavy Equipment
     - *(Note: Sales/Rentals of Light Equipment requires a Conditional Development)*
   - Building Maintenance Services
   - Construction Sales and Services
   - Laundry Services
   - Research Services
   - Scrap Operations
   - Storage
   - Wholesaling, Storage, and Distribution:
     - Light
     - Mini Warehouses
3. Industrial Use Types:
   - General Industrial

b. Accessory Uses Permitted Outright

1. Essential Services
2. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1.
3. Other development customarily incidental to the primary use in accordance with Chapter 4.3.
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.

3.24.20.02 - Special Development - Uses Allowed Through Discretionary Review

a. Type I: Conditional Development: Subject to review in accordance with Chapter 2.3 and other applicable provisions of this Code.

1. Automotive and Equipment - Sales/Rentals, Light Equipment to be reviewed in accordance with Section 3.24.30.07 below.
2. Planned Development to be reviewed in accordance with Chapter 2.5.
3. Freestanding wireless telecommunication facilities greater than 120 ft in height, subject to the standards in Chapter 4.9.
4. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02b and 4.9.60.02c, subject to the standards in Chapter 4.9.
5. 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.

b. Type II: Plan Compatibility Review: Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Explosive or Fuel Storage
2. Major Services and Utilities
3. Projections, such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50

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 district.

3.24.30.02 - Setbacks

a. **Boundary Area** - A setback of not less than 100 ft shall be provided along each GI District boundary line where the line abuts any residential, agriculture/open space, or the Willamette River Greenway. Off-street parking and loading shall be permitted in this area except for the 35 ft nearest the district boundary line, which shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with 3.24.30.03 below.

Exemptions from these requirements:

1. Those portions of property lines where driveways, accessways, and walks are provided; and
2. 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 district boundary line, the 35 ft nearest the district 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 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 Uniform Building Code, no additional yards/setbacks are required.

3.24.30.03 - Landscaping and Screening

a. Landscaping and screening required in 3.24.30.02 above shall be in accordance with Chapter 4.2 and consist of an effective combination of street trees, ground cover, shrubbery and trees, fences and walls, and to serve as screening (buffer area) between the site and abutting nonresidential districts. Further, when a site abuts a residential district, landscaping shall be at least 6 ft in height and be at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the primary use type.

b. Storage and refuse areas shall be screened in accordance with Chapter 4.2 so that materials stored within those areas shall not be visible from accessways and adjacent residential districts.

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 district 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.

3.24.30.07 - Special Provisions for Automotive and Equipment: Sales/Rentals, Light Equipment

The purpose of reviewing Automotive and Equipment: Sales/Rentals, Light Equipment 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 effect 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 2 acres and has frontage on an arterial.

CHAPTER 3.25
II (INTENSIVE INDUSTRIAL) DISTRICT

Section 3.25.10 - PURPOSE

This district implements the Industrial Comprehensive Plan designation. It is intended to provide appropriate locations for intensive manufacturing activities which are characterized by their potential conflicts with residential and other land uses. Because this district does not prohibit specifically any types of intensive industrial uses, all intensive industrial uses are reviewed through a Conditional Use process.

Section 3.25.20 - PERMITTED USES

3.25.20.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
   - Major Services and Utilities
   - Minor Utilities (with towers not exceeding 75 ft in height), subject to standards in Chapter 4.9
   - Parking Services
   - Public Safety Services
   - Freestanding wireless telecommunication facilities up to 120 ft in height, subject to the standards in Chapter 4.9.

2. Commercial Use Types:
   - Agricultural Sales
   - Agricultural Services
   - Animal Sales and Services:
     - Auctioning
     - Grooming (in conjunction with veterinary)
     - Kennels
   - Automotive and equipment:
     - Fleet storage
     - Repairs - Heavy Equipment
     - Sales/Rentals of Farm Equipment and Heavy Equipment
   - Building Maintenance Services
   - Construction Sales and Services
   - Laundry Services
   - Research Services
   - Scrap Operations
   - Storage
   - Wholesaling, Storage, and Distribution:
     - Heavy
     - Light
     - Mini Warehouses

3. Industrial Use Type:
   - General Industrial

4. Agricultural Use Type:
   - Animal Waste Processing

b. Accessory Uses Permitted Outright

1. Essential Services
2. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1.
3. Other development customarily incidental to the primary use in accordance with Chapter 4.3.
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.

3.25.20.02 - Special Development - Uses Allowed Through Discretionary Review

a. Type I: Conditional Development: Subject to review in accordance with Chapter 2.3 and other applicable provisions of this Code.

1. Intensive Industrial Uses
2. Planned Development to be reviewed in accordance with Chapter 2.5.
3. Freestanding wireless telecommunication facilities greater than 120 ft in height, subject to the standards in Chapter 4.9.
4. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02b and 4.9.60.02c, subject to the standards in Chapter 4.9.
5. 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.

b. Type II: Plan Compatibility Review: Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Explosive or Fuel Storage.
2. Projections, such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50

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 district.

3.25.30.02 - Setbacks

a. **Boundary Area** - A setback of not less than 100 ft shall be provided along each II District boundary line where the line abuts any residential, agriculture/open space, or Willamette River Greenway. Off-street parking and loading shall be permitted in this area except for the 35 ft nearest the district boundary line, which shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with 3.25.30.03 below.
Exemptions from these requirements:

1. Those portions of property lines where driveways, accessways, or walks are provided; and
2. 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 district boundary line, the 35 ft nearest the district 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 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 Uniform Building Code, no additional yards/setbacks are required.

3.25.30.03 - Landscaping and Screening

a. Landscaping and screening required in 3.25.30.02 above shall be provided in accordance with Chapter 4.2 and consist of an effective combination of street trees, ground cover, shrubbery and trees, fences and walls, and to serve as screening (buffer area) between the site and abutting nonindustrial districts. Further, when a site abuts a residential district, landscaping shall be at least 6 ft in height and be at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the primary use type.

b. Storage and refuse areas shall be screened in accordance with Chapter 4.2 so that materials stored within those areas shall not be visible from accessways and adjacent residential districts.

3.25.30.05 - Height of Structure

No structure shall exceed 75 ft in height.

3.25.30.06 - Reserved

3.25.30.07 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1.

CHAPTER 3.26
RTC (RESEARCH TECHNOLOGY CENTER) DISTRICT

Section 3.26.10 - PURPOSE

This district implements the Industrial Use designation of the Comprehensive Plan. It is intended to provide locations for research and technology uses that desire a campus-like setting, with supporting commercial uses not to exceed 20 percent of the gross floor area, and to establish standards that address compatibility of the center with surrounding uses.

Section 3.26.20 - GENERAL PROVISIONS

3.26.20.01 Establishment of the RTC District

This district may be requested by a property owner of lands identified on the Comprehensive Plan Map as potential RTC areas. Establishment of this district requires a public hearing by the Planning Commission in conjunction with a Conceptual Development Plan (Section 2.5.40). At the time this district is designated, the Planning Commission shall also designate the underlying district in conformance with the Comprehensive Plan.

The applicant has 3 years from date of approval for the district change and 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 district change and Conceptual Development Plan shall expire and the Director shall amend the Official Development District Map to remove the RTC district except as provided in 3.26.20.02 below.

3.26.20.02 - Time Extension

a. An owner of property with an RTC designation may apply to have that designation extended beyond the 3-year limit, provided that an application is properly filed before the expiration of the designation on forms provided by the Director.

b. The Director shall process the request and mail notice to owners and occupants of all properties within 500 ft of the subject property in accordance with Chapter 2.16. The Director shall grant a 1-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 refiling.

Applications for additional 1-year extensions may be filed in accordance with the above procedures.

Section 3.26.30 - PERMITTED USES

3.26.30.01 - General Development

a. **Primary Uses Permitted Outright** consistent with previously approved Conceptual Development Plan

1. Civic Use Type:
   - University Services and Facilities
   - Freestanding wireless telecommunication facilities up to 60 ft in height, subject to the standards in Chapter 4.9.

2. Commercial Use Types:
   - Communications Services
   - Eating and Drinking Establishments - Sitdown (1 per development site)
   - Professional and Administrative Services (minimum building size of 800 sq. ft)
   - Research Services

3. Commercial and Residential Use Types: The following use types are subject to special limitations as specified below in Section 3.26.40 - Development Standards:
   - Business Equipment Sales and Service
   - Business Support Services
   - Convenience Sales and Personal Services
   - Eating and Drinking Establishments - Sitdown
     (where it exceeds the one allowed eating & drinking establishment for the entire site)
   - Financial, Insurance, and Real Estate Services
   - Group Residential/Group Care: Day-Care Services only
   - Participating Sports and Recreation
   - Personal Services

4. Industrial Use Type:
   - Limited Manufacturing
   - Technological Production
   - 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
3. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.26.30.02 - Special Development - Uses Allowed Through Discretionary Review

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

1. Planned Development to be reviewed in accordance with Chapter 2.5

2. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
3. 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, subject to the standards in Chapter 4.9.
4. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
5. 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.

b. **Type II: Plan Compatibility Review**: Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Major Services and Utilities
2. Minor Utilities subject to standards in Chapter 4.9
3. Projections, such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50
4. Freestanding wireless telecommunication facilities 61 to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.26.40 - DEVELOPMENT STANDARDS

The approved 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 assure that the plan limits the uses specified in 3.26.30.01 under "a.3", to 20 percent or less, when considered separately or in combination, of the gross floor area of the development site.

The purpose of special limitations regarding the uses in 3.26.30.01 under "a.3" is to ensure that the proposed use or uses will serve primarily the shopping and service needs of employees and businesses of the uses in the RTC site. Building permits for these commercial uses shall only be approved when subordinate to other existing RTC development. Permits for these subordinate uses shall only be issued concurrent or following issuance of permits for the predominant uses and shall not exceed the maximum 20 percent.

3.26.40.01 - Lot Area

Minimum parcel 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 district.

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 ft 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 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 Uniform 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 open space/landscape elements) shall not exceed 60 percent of the entire development site.

3.26.40.05 - Performance Standards

a. Each use, activity, or operation within this district 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 it is practicable, through use of features such as berms, fences, facades, and dense landscaping in accordance with Chapter 4.2.

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. Landscaped areas shall be irrigated with permanent facilities sufficient to maintain the plant materials and covered by living plant material capable of attaining 90 percent ground coverage within 3 years.

e. Street trees are required in accordance with Chapter 4.2.

f. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.

g. Earth sculpturing 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 in such a way that the required open space extends from the street into the interior of the site.

i. Parking, loading, and access requirements shall be in accordance with Chapter 4.1.

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 as to not produce direct glare on 1adjacent residential properties.

m. Signage shall be designed and oriented in such a way as to primarily serve those within the RTC development. Structures or portions of structures used for commercial purposes shall be designed to primarily serve those within the RTC development.

CHAPTERS 3.27 - 3.29 RESERVED

CHAPTER 3.27
MUE (MIXED USE EMPLOYMENT) DISTRICT

Section 3.27.10 - PURPOSE

This district 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 District include: expanding employment opportunities by allowing businesses to locate in a variety of locations, providing services for employees in close proximity to their work place, providing options for living, working, and shopping environments; facilitating more intensive use of land while minimizing potentially adverse impacts; and providing options for pedestrian-oriented lifestyles.

Section 3.27.20 - GENERAL PROVISIONS

3.27.20.01 - Establishment of the MUE District

The MUE district may be applied to properties with industrial designations on the Comprehensive Plan Map or to lands designated through a legislative process. The district may also be applied to parcels which meet Land Development Code Section 2.2.30 criteria for district changes, and the following criteria for district location, dimensions, and size.

a. Locational Criteria

The following locational criteria shall be applied to district changes, in conjunction with Chapter 2.2 District Changes.

1. The MUE district shall be located in areas with lot sizes of generally less than 20 acres;

AND EITHER

2. All portions of the MUE district shall be located within 1/4 mile of existing or planned transit service,

OR

3. The MUE district shall be located in areas determined, through a Planned Development process, to be necessary to provide mixed use opportunities and services to adjacent areas.

b. District Size and Dimensions

1. The district shall have a minimum size of ½ block or one (1) acre. It may be comprised of smaller parcels when the total area of the district is equal to or greater than one (1) acre. Public street rights-of-way shall not count toward the total area of a district.

2. A Planned Development district overlay shall be applied to MUE districts which exceed five (5) acres or involve multiple parcels. In the event that all parcels within the district do not concurrently develop, the Planned Development review 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 district shall have a minimum of 50 feet of frontage onto an existing or planned public street.

Section 3.27.30 - PERMITTED USES

3.27.30.01 - General Development

a. Primary Uses Permitted Outright

1. Residential
   (a) Residential Use Types:
   - Family
   - Group Residential
   - Group Residential/Group Care
   - Residential Care Facilities

   (b) Residential Building Types:
   - Single Detached (existing prior to adoption of this Code)
   - Conversion of Detached Dwelling to Attached or Mixed-Use Building
   - Duplexes (existing prior to the adoption of this Code)
   - Attached (Townhouse)
   - Multi-Dwelling (Includes free-standing buildings and dwelling units in commercial or industrial buildings.)
   - Accessory Dwelling

   All residential use types are subject to compliance with Section 3.27.40.01 Preservation of Industrial Land Supply.

2. Civic Use Types:
   - Administrative Services
   - Clinic Services
   - Cultural Exhibits and Library Services
   - Lodges, Fraternal and Civic Assembly
   - Parking Services
   - Postal Services
   - Public Safety Services
   - Religious Assembly
   - Transit Facilities
   - Freestanding wireless telecommunication facilities up to 60 ft in height, subject to the standards in Chapter 4.9.

   A Civic use type that exceeds 5,000 square feet must demonstrate that it primarily serves the immediate area.

3. Commercial Use Types:
   - Agricultural Sales
   - Animal Sales and Services:
     - Grooming
     - Veterinary
     - Indoor Kennels (with sound attenuation)
   - Building Maintenance Services
   - Business Equipment Sales and Services
   - Business Support Services
   - Communication Services
   - Construction Sales and Service
   - Convenience Sales and Personal Services
   - Day Care Facilities
   - Eating and Drinking Establishments - Sit Down (30 seats or less)
   - Financial, Insurance, and Real Estate Services
   - Food and Beverage Sales
   - Laundry Services
   - Participant Sports and Recreation (Indoor facilities limited to <299 capacity)
   - Personal Services - General
   - Professional and Administrative Services
   - Repair Services - Consumer
   - Research Services
   - Retail Sales -General (Limited to 10,000 square feet of floor area per building)
   - Wholesaling, Storage and Distribution

   Commercial use types included in the list above, <u>and</u> classified as primary uses permitted outright in the Limited Industrial and/or General Industrial Districts, may be considered as "industrial uses" for the purposes of calculating minimum floor area ratios (FAR's) as required by Section 3.27.40.01 and as addressed in Section 3.27.30.02.b.4.

4. Industrial Use Types:
   - Limited Manufacturing - less than 20 employees per acre and does not require a state or Federal air quality discharge permit, except for parking.
   - General Industrial Uses in association with sales
   - General Industrial Uses that do not result in the following nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:
     - continuous, frequent, or repetitive noises or vibrations;
     - noxious or toxic fumes, odors, or emissions;
     - electrical disturbances; or
     - 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 less than 15 minutes per day; an odor detected for less than 15 minutes per day; noise detectable only as part of a composite of sounds from various off-site sources.

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care
3. Home Business, when conducted in conjunction with a permitted residential use.
4. Required off-street parking in accordance with Chapter 4.1
5. Other development customarily incidental to the primary use in accordance with Chapter 4.3
6. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.27.30.02 - Special Development - Uses Allowed Through Discretionary Review

a. Type I: Conditional Development: Subject to review in accordance with Chapter 2.3 and other applicable provisions of this Code.

1. Automotive and Equipment
   - Cleaning
   - Fleet Storage
   - Parking
   - Repairing, Light Equipment and Heavy Equipment
2. Drive-in Facilities (Financial institutions, eating establishments, etc.)
3. Eating and Drinking Establishments - Sit Down (more than 30 seats)
4. Community Recreation
5. Major Services and Utilities (except Transit Facilities)
6. Spectator Sports and Entertainment - Small Facilities (Capacity less than 299)
7. Planned Development in accordance with Chapter 2.5

8. Limited manufacturing - 20 or more employees per acre and uses that do not result in the following nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:
   - continuous, frequent, or repetitive noises or vibrations;
   - noxious or toxic fumes, odors, or emissions;
   - electrical disturbances; or
   - 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 less than 15 minutes per day; an odor detected for less than 15 minutes per day; noise detectable only as part of a composite of sounds from various off-site sources.

9. Freestanding telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
10. 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, subject to the standards in Chapter 4.9.
11. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
12. 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.

b. **Type II: Plan Compatibility Review:** Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Minor Utilities subject to standards in Chapter 4.9
2. Transit Facilities
3. Projections, such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50
4. Non-industrial uses that exceed the square footage of industrial uses *Note: Commercial use types listed in Section 3.27.30.01.a.3, <u>and</u> classified as primary uses permitted outright in the Limited Industrial and/or General Industrial Districts, may be considered as "industrial uses" for the purposes of calculating these square footages.*
5. Freestanding wireless telecommunication facilities 61 to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.27.40 - DEVELOPMENT STANDARDS

The following provisions identify development standards within the MUE District. Additional flexibility (e.g. alternative design options) is provided through the Planned Development (Chapter 2.5) and Lot Development Option (Chapter 2.12) review processes.

3.27.40.01 - Preservation of Industrial Land Supply

a. A minimum floor area ratio (FAR) of .4 of industrial structure/use is required for all property with an industrial Comprehensive Plan Map designation. This requirement is to ensure that industrial land is preserved for primarily industrial purposes. (A minimum FAR of .4 would require that a 40,000 square foot lot would have at least 16,000 square feet of industrial structures/uses). 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 District. This provision also does not apply when a residential use is applied to an existing commercial building within an industrial district that existed prior to the adoption of this MUE District. 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 that are in existence as of the adoption of this MUE District.

b. When a project is composed of two or more phases, then the mixed use site shall be reviewed as a Planned Development and each phase shall meet the minimum .4 FAR (floor area ratio requirement) as described in section "a" above.

c. Where the square footage of the non-industrial use(s) exceeds the square footage of the industrial uses(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.

d. When a Mixed Use Employment (MUE) District 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 District is approved.

Note: Commercial use types listed in Section 3.27.30.01.a.3, <u>and</u> classified as primary uses permitted outright in the Limited Industrial and/or General Industrial Districts, may be considered as "industrial uses" for the purposes of calculating minimum floor area ratios (FAR's) and square footages as required in this Section (3.27.40.01).

Rationale: These provisions 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 district which 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 District boundary line where the line abuts any residential (RS) district. Off-street parking and loading shall be permitted in this area except within 15 ft of the district 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 districts shall be landscaped and screened in accordance with Chapter 4.2.

b. The requirements for residential structures containing a residential use shall be in accordance with Chapter 3.8 - RS-20 standards, and the Mixed Use Design Guidelines contained 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 feet on sites that are solely districted MUE or that have a Comprehensive Plan Map Designation of Limited Industrial or Research Technology, unless a site is developed as a Planned Development and in a manner that is compatible with any adjacent residential property(ies), in which case the structure height may be increased to 75 feet (See Section 3.27.50.09 - Neighborhood Compatibility). If a site's Comprehensive Plan Map designation is General Industrial or Intensive Industrial, structure heights may be 75 feet.

3.27.40.04 - Open Space Standards

A minimum of 20 percent of the total site area shall be retained as open space. Open space may include landscape areas, natural areas, and/or pedestrian amenities (Section 3.27.50.07). The site design and building design standards of this chapter shall also shall be met. Structures, parking, and driveways of interior parking areas are excluded from the open space area.

3.27.40.05 - Off-Street Parking

Off-street parking shall be provided in accordance with Chapter 4.1. 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 arterials and collectors where there is not a controlled intersection within 100 ft of the subject property. Chapter 4.1 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 District 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 that there is an adequate supply of parking for each use. Parking may include surplus parking during peak periods, or capacity provided due to off-peak use.

b. Additional flexibility to vehicle parking provisions may be granted through the Lot Development Option (when the site is less than 3 acres), or Planned Development procedures (Chapters 2.12 and 2.5, respectively). 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 that does not preclude development of adjacent property(ies) and ensures 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 District shall be oriented to existing or new 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 feet.

c. Building setbacks from streets or plazas shall not exceed 20 feet, except when necessary to preserve healthy, mature tree(s), or provide pedestrian amenities in conformance with 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. 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 (Section 3.27.50.02) 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 6-ft wide, weather-protected area (e.g. 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 6-ft wide, weather-protected area (e.g. 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 there are alterations, repairs, or additions to existing structures. However, an exception to meeting this weather protection standard may be requested where the applicant can demonstrate, to the satisfaction of the Community Development Director, that the cost of improvements to the existing structure is less than four times the cost of providing an awning. Where weather protection is existing, but is not of the required width, an exception to this standard may be authorized, provided the existing weather protection is at least 4 feet in width.

3.27.50.05 - Landscaping and Screening

Landscaping and screening shall be required, in accordance with Chapter 4.2. The following additional standards apply to the MUE District:

a. Street trees shall be required, consistent with Chapter 4.2. Species should be compatible with the design features provided per Section 3.27.50.07, 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 with vertical elements 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.

c. Irrigation systems shall be installed to support landscaping.

3.27.50.06 - Street Connectivity and Internal Circulation

a. New structures and substantial improvements may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and promote connectivity and dispersal of traffic.

b. The maximum block perimeter shall be 1,800 feet, but in no case shall there be a distance of more than 1,000 feet without a pedestrian way. Alternatives to this standard may be considered through the Planned Development process.

c. Traffic lanes shall be internal to the site and not located between the building(s) and the sidewalk(s), except as provided in "d" below.

d. Where drop off facilities are provided (e.g. handicapped access) they shall be designed to meet ADA disability needs, but still provide for direct pedestrian circulation.

3.27.50.07 - 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 following sliding scale.

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

Acceptable pedestrian amenities include:

- Sidewalks with ornamental treatments (e.g. brick pavers), or sidewalks which are 50% wider than required by the Land Development Code
- Benches and public outdoor seating
- Sidewalk planters
- Public art (e.g. sculpture, fountain, clock, mural, etc.) with a value equal to or greater than one (1) percent of construction value of the structure(s).
- Pocket parks (minimum usable area of 300 square feet)

- Plazas (minimum usable area of 300 square feet)
- Street trees of a caliper 50% wider than required by the Land Development Code (may include preservation of healthy mature trees adjacent to the street sidewalk)
- Other improvements approved through the Lot Development Option (Chapter 2.12), or Planned Development process (Chapter 2.5)
- Additional weather protection in excess of 3.27.50.04.

Pedestrian amenities shall comply with the following standards and guidelines:

a. 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.

b. 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.

c. Amenities which are eligible for credit toward open space standards, and adjustment to the maximum 20-foot setback standard, include plazas, pocket parks, seating areas, and other areas that provide usable pedestrian space and street furniture.

d. 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 (e.g. 10 years before replacement).

e. When provided at or near a bus stop, amenities should generally conform to standards of the Corvallis Transit system.

3.27.50.08 - General Building Design Standards

Mixed use districts 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 Planned Development and Lot Development Option review processes. This section provides both required and optional design elements.

a. Minimum Requirements

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:

1. 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 two elevations). The transparency is measured in lineal fashion (e.g. a 100-foot wide building facade shall have a total of at least 60 lineal feet of windows).

2. 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 two elevations). The transparency is measured in lineal fashion (e.g. a 100-foot wide building facade shall have a total of at least 30 lineal feet of windows).

3. Ground floor entrances shall include an offset (recesses, extensions or other breaks in elevation) of at least 8 feet in depth and of sufficient width to easily discern the entrance location.

4. In order to break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco (e.g. EIFS), textured concrete block, or textured concrete, etc.

5. 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.

6. Ensure privacy in residential developments through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas (e.g. balconies, porches, patios, etc.). Opposite facing windows at close distances should be offset horizontally, or employ appropriate materials (e.g. glazed, tinted, etc.) to protect privacy.

7. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional right-of-way shall be dedicated to maintain adequate circulation.

3.27.50.09 - Neighborhood Compatibility

a. Minimum standards adjacent to a residential district:

1. 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(s) by more than one (1) story. This provision applies to that portion of the structure that is closest (20 feet, minimum) to the adjacent residential structures.

2. New development adjacent to residential districts shall incorporate architectural characteristics compatible with residential development. Each new structure shall contain at a minimum at least two of the following elements:

   a. Roofs with a minimum 4:12 pitch *[this is same pitch that is used in the PA-O district]*.

   b. Flat roofs with a cornice, or other decorative treatment.

   c. Horizontal wood lap siding, brick, stone, or other material at the discretion of the Community Development Director that is consistent with residential character.

   d. Vertical breaks in roof elevation

   e. Additional off-sets in building elevation

3. The site design shall preserve healthy mature trees on-site, to the maximum extent practicable. Trees which are likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.

4. Artificial lighting shall be arranged and constructed to not produce direct glare on adjacent residential properties.

CHAPTERS 3.28 - 3.29 RESERVED

CHAPTER 3.30
WRG (WILLAMETTE RIVER GREENWAY) DISTRICT OVERLAY

Section 3.30.10 - PURPOSES

The Willamette River Greenway District is an overlay district that coincides with the adopted Greenway boundary and applies to all development permitted by the underlying districts. It is intended to:

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 of Oregon's Willamette River Greenway Program as required by the Oregon Revised Statutes;

d. Implement policies of the City of Corvallis 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 Willamette River Greenway of the City of Corvallis; and

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.

h. Assure development is consistent with floodwater flow mitigation and management of a natural resource.

Section 3.30.20 - Type I: CONDITIONAL DEVELOPMENT

Development within this district, regardless of its classification in the underlying district, requires conditional development approval in accordance with the provisions of Chapter 2.3. 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 or intensification of land or water 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:

a. Customary dredging and channel maintenance conducted under permit from the State of Oregon;

b. Seasonal increases in gravel operations under permit from the State of Oregon;

c. Erosion control operations not requiring a permit from the Oregon Division of State Lands and that constitute a reasonable emergency necessary for safety or the protection of property.

d. Scenic easements acquired under ORS 390.332 and their maintenance as authorized by that statute and ORS 390.368.

e. Addition or modification by public utilities for existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors.

f. Flood emergency procedures and the maintenance and repair of existing flood control facilities.

g. Signs, markers, aids, 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 riparian management zone, as defined in Chapter 1.6.

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.

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" - "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 District may only be approved where the Planning Commission, after considering cumulative effects within the City's Greenway, finds that:

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 fish and wildlife habitats shall be protected.

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. Areas of annual flooding, flood plains, and wetlands shall be protected in their natural state to the maximum extent practicable to maintain their natural, physical, and biological functions.

f. The natural vegetative fringe along the river shall be protected and enhanced to the maximum extent practicable to assure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river.

g. Any public recreational use or facility shall not substantially interfere with 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" - "k" above to development proposals within the Willamette River Greenway, consideration should be given to the Future Focus 2010 Vision Statement text, Comprehensive Plan, Streetscape Master Plan, Riverfront Master Plan, and other applicable City documents. However, where conflicts arise, direction must be taken from the Corvallis Comprehensive Plan and Land Development Code.

Section 3.30.50 - DEVELOPMENT STANDARDS

Proposed development within the Willamette Greenway District shall comply with the following standards, except as provided below:

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, 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.

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 the 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 taken to insure minimal adverse effect by and upon the proposal.

5. The applicant shall establish to the satisfaction of the Planning Commission that steps have been taken to minimize the effects of the proposal on the portion of the riparian environment, defined in Chapter 1.6, as the riparian management zone.

6. If applicable, the applicant shall submit certification of 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. Riparian Vegetation. Vegetative ground cover and trees upon the site shall be protected, conserved, and maintained according to the following provisions:

1. Riparian vegetation removed during development shall be replaced with indigenous (native) species that are compatible with and enhance the riparian environment.

2. Trees of 8-in. or greater diameter measured at a height of 4 ft above grade shall not be removed in the riparian management zone except as follows:

   (a) Where necessary as approved by the Planning Commission to accommodate a water-related or water-dependent use; or

   (b) Where the tree is determined by the Park and Recreation Services Manager to be hazardous.

3. Plans for removal and replacement of riparian vegetation shall be submitted to and approved by the Director prior to any excavation, grading, or construction.

c. **Landscaping.** In addition to any landscaping requirements in the underlying district, the following provisions shall apply:

1. All areas of the site within the WRG District shall be landscaped except the following:

   (a) Areas covered by a structure, parking, driveways or other permitted use;

   (b) Areas requiring stabilization methods other than landscaping. Such stabilization shall be designed so as to not contribute to future instability of the bank both on the site and on adjacent properties.

   (c) Areas maintained in natural vegetation.

2. Required landscaped areas shall be continuously maintained, irrigated with permanent facilities sufficient to maintain the plant material, and covered by living plant material capable of attaining 90 percent ground coverage within 3 years.

3. Living plant materials shall be compatible with and enhance the riparian environment.

d. **Structures.** All buildings and structures, including supporting members, and all exterior mechanical equipment shall be screened, colored, or surfaced so as to blend with the riparian environment. Surfaces shall be nonreflective.

e. **Signs and Graphics.** In addition to compliance with applicable provisions relating to signs and graphics in Chapter 4.7, no sign or graphic display inconsistent with the purposes of the Greenway shall have a display surface oriented toward or visible from the Willamette River.

f. **Parking and Unenclosed Storage Areas.**

1. Parking, loading, and unenclosed storage areas located within the WRG District shall be screened from the river to the extent practicable in accordance with Chapters 4.1 and 4.2.

2. Parking, loading, and unenclosed storage areas located outside of but adjacent to the WRG District shall be screened from such district to the extent practicable.

g. **Greenway Setback.**

Minimum building setback distances from ordinary high water line of the Willamette River as are follows:

- Lands in the WRG from the northern City limits to the southern edge of 777 N.E. Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) - 20 ft westerly from top of bank

- Lands in the WRG from the southern edge of 777 NE Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) to Harrison Street - 50 ft

- Lands in the WRG between Harrison Street and "B" Street, at the top of the river bank including the existing bikepath, - a landscaping strip sufficient to separate the bikepath is required

- Lands in the WRG south of "B" Street to the southerly City limits - 100 ft

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.

CHAPTER 3.31
HPO (HISTORIC PRESERVATION OVERLAY) DISTRICT

The Historic Preservation Overlay (HPO) applies to all structures and sites listed on the Corvallis Register of Historic Landmarks and Districts. The procedural provisions implementing this chapter are located in Article II - Administrative Procedures.

Section 3.31.10 - PURPOSES

This overlay district is intended to:

a. Implement, through Chapter 2.9, historic and cultural resource policies of the Comprehensive Plan; and

b. Encourage preservation, rehabilitation, and adaptive use of sites and structures that are indicative of Corvallis' history and architectural and cultural heritage.

Section 3.31.20 - PERMITTED USES

Uses permitted in the HPO shall be the same as uses permitted in the underlying district.

Section 3.31.30 - IMPLEMENTATION

Chapter 2.9 contains procedural requirements for the following:

a. Section 2.9.30 - Procedures for Historic Landmark and District Designation;

b. Section 2.9.40 - Procedures for Demolition or Moving an Historic Structure;

c. Section 2.9.50 - Procedures for Removing an Historic Designation; and

d. Section 2.9.60 - Procedures for Alternation of an Historic Resource.

CHAPTER 3.32
PD (PLANNED DEVELOPMENT) DISTRICT OVERLAY

The Planned Development (PD) District overlay can be applied in conjunction with any other district. Property with a PD District designation shall be developed in accordance with the provisions of Chapter 2.5.

Section 3.32.10 - PURPOSES

This overlay district 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 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. 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 district and approved as part of a Conceptual and Detailed Development Plan, in accordance with Chapter 2.5 - Planned Development.

Section 3.32.30 - IMPLEMENTATION

Property may be designated with a PD District overlay in any of the following ways:

a. With approval of a Conceptual Development Plan in accordance with Chapter 2.5;

b. Upon annexation in accordance with Chapter 2.6;

c. In conjunction with a Comprehensive Plan map change in accordance with Chapter 2.1; or

d. In conjunction with a district map change in accordance with Chapter 2.2.

Section 3.32.40 - INITIATION

A PD District overlay may be initiated in any of the following ways:

a. An application filed by a property owner for a Planned Development in accordance with Chapter 2.5; or

b. By the hearing authority in conjunction with an annexation, Comprehensive Plan map amendment, or district map change when the hearing authority finds the applicable district standards are not adequate to do any of the following:

    1. Address circulation or other common facilities issues;

    2. Resolve issues related to an unusual site configuration, steep topography or significant natural feature;

    3. Assure comprehensive planning and coordinated development where the property is large and/or has mixed uses; or,

    4. Address compatibility issues where desirable to locate more intensive land uses next to less intensive residential land uses.

CHAPTERS 3.33 - 3.35 RESERVED

CHAPTER 3.36
OSU (OREGON STATE UNIVERSITY) DISTRICT

This district 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 district provides a process for timely review of such mutual concerns as parking, access to campus, location and size of buildings, availability of campus-oriented housing, and public utilities. Not all property in this district is owned by the University but has been identified as land needed for future expansion.

Section 3.36.10 - PURPOSES

Purposes of this district are to:

a. Facilitate University development;

b. Ensure compatibility of OSU development with surrounding areas;

c. Ensure adequacy of public utilities and transportation facilities;

d. Expedite the development review process.

Section 3.36.20 - GENERAL PROVISIONS

In conjunction with this district, a Physical Development Plan for campus development was originally adopted in 1986 and has been revised periodically by the University. Major revisions to this plan are required to be submitted for review and approval by the City in accordance with the Conceptual Development Plan review procedures in Chapter 2.5 - Planned Development. The Physical Development Plan must be compatible with Comprehensive Plan policies and responsive to the unique requirements of the proposed use and its relationship with and effects on the surrounding community.

The Conceptual Development Plan process facilitates a comprehensive approach of possible benefits and effects of University development rather than project-by-project review. Any major modification in the Physical Development Plan, as defined in Chapter 2.5 - Planned Development, requires a public hearing before the Planning Commission in accordance with Chapter 2.0. At the discretion of the University, a Conceptual Development Plan may be submitted prior to a Detailed Development Plan to establish land use approval.

Minor changes may be approved, conditionally approved, or denied by the Director. Notice shall be provided in accordance with Chapter 2.16 - Request for Interpretation, if the site is within 300 ft of the OSU boundary. Appeals of a Director's decision may be filed in accordance with Chapter 2.19 - Appeals.

Section 3.36.30 - PERMITTED USES

3.36.30.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
   - Family
   - Group Residential
   - Group Residential/Group Care
   - Residential Care Facilities

   (b) Residential Building Types:
   - Single Detached
   - Single Detached (Zero Lot Line)
   - Duplex
   - Single Attached (Zero Lot Line, 2 Units)
   - Attached (Townhouse)
   - Multi-Dwelling

2. Civic Use Types:
   - Administrative Services
   - Community Recreation
   - Cultural Exhibits and Library Services
   - Lodge, Fraternal, and Civic Assembly
   - Parking Services
   - Public Safety Services
   - Religious Assembly
   - University Services and Facilities
   - Freestanding wireless telecommunication facilities up to 60 ft in height, subject to the standards in Chapter 4.9.

3. Commercial Use Types:
   - Communication Services
   - Professional/Administrative Services
   - Research Services

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6.
4. Major Services and Utilities
5. Minor Utilities, subject to standards in Chapter 4.9
6. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations.

7. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.36.30.02 - Special Development - Uses Allowed Through Planning Review.

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

1. Uses that require a State or Federal air quality discharge permit (except for parking).

2. Traffic and/or parking consequences of any proposed development. The proposed development itself shall not be the subject of the public hearing if consistent with the Physical Development Plan and it complies with the standards of the OSU District.

   Following the close of the public hearing and based on whether the University has adequately addressed traffic and parking impacts, the Commission shall approve, conditionally approve or deny the proposed traffic and parking aspects of the development. Satisfactory resolution of any denial through additional public hearing process(es) shall be accomplished prior to occupancy of the development.
3. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
4. 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, subject to the standards in Chapter 4.9.
5. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
6. 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.

b. **Type II: Plan Compatibility Review:** Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Freestanding wireless telecommunication facilities 61 to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.36.40 - DEVELOPMENT STANDARDS

3.36.40.01 - Residential Use Standards

Residential building types shall be developed in accordance with the standards contained in the RS-20 District (Chapter 3.8).

3.36.40.02 - Civic and Commercial Use Standards

a. Setback for structures:

   1. Private streets - Minimum setback shall be 50 ft from centerline;

   2. Along public streets average minimum setback from a property line shall be 60 ft with a minimum setback of 40 ft;

   3. Structures within 400 ft of the district boundary shall have a minimum setback from a property line twice the height of the structure, except when abutting a public street.

b. Maximum building height for structures within 400 ft of the district boundary shall be 60 ft. Other structures within the main campus shall be limited to a maximum height of 112 ft.

c. Each use, activity, or operation shall comply with applicable State and Federal standards and not create a nuisance because of odor, noise, vibration, dust, smoke, or gas.

d. Artificial lighting shall be arranged and constructed as to not produce direct glare on adjacent residential properties or otherwise interfere with the use and enjoyment of adjacent properties.

e. Off-street parking, loading, and access requirements shall be provided in accordance with Chapter 4.1, except where modified by the Physical Development Plan.

f. Street trees shall be provided in accordance with Chapter 4.2.

g. Mechanical equipment, outdoor storage areas, trash receptacles, and parking lots shall be screened from view from public places and neighboring properties through the use of features such as berms, fences, facades, and dense landscaping in accordance with Chapter 4.2.

h. Long expanses of fence along public streets shall include offsets, landscaping, and change in materials to prevent visual monotony.

CHAPTER 3.37
AG-OS (AGRICULTURE-OPEN SPACE) DISTRICT

Section 3.37.10 - PURPOSE

This district is intended to recognize areas within the City suitable for agricultural research use and for uses compatible with agricultural and horticultural research use types. The characteristics of such use types typically result in preservation of large open space areas. Residential uses are accessory to the primary uses.

Section 3.37.20 - PERMITTED USES

3.37.20.01 - General 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.

2. Agriculture Use Types:
   - Animal Husbandry
   - Aquaculture
   - Horticulture, Cultivation, and Storage
   - Research Facilities and Services related to the above use types
   - Row Field Crops
   - Tree Crops

b. Accessory Uses Permitted Outright

1. Animal Sales, Services: Veterinary
2. Animal Waste Processing
3. Packing and Processing: Limited
4. Essential Services
5. Required off-street parking for uses permitted in this district in accordance with Chapter 4.1
6. Other development customarily incidental to the primary use in accordance with Chapter 4.3
7. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
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.

3.37.20.02 - Special Development - Uses Allowed Through Discretionary Review

a. Type I: Conditional Development: Subject to review in accordance with Chapter 2.3 and Section 3.37.50 below.

1. Commercial Use Types:
   - Animal Sales and Services:
     - Horse Stables
     - Kennels
     - Stockyards
     - Veterinary

2. Agriculture Use Types:
   - Packing and Processing: General
3. Planned Development to be reviewed in accordance with Chapter 2.5
4. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
5. 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, subject to the standards in Chapter 4.9.
6. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential 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.
7. 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.

b. **Type II: Plan Compatibility Review**: Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Accessory Dwelling Units subject to Standards in Chapter 4.3
2. Major Utilities
3. Minor Utilities subject to standards in Chapter 4.9
4. Projections, such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50.
5. Freestanding wireless telecommunication facilities 61 to 75 ft in height, subject to the standards in Chapter 4.9.

Section 3.37.30 - PERFORMANCE STANDARDS

Each use, activity, or operation within this district 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 OS-AG District.

a. **Boundary Area** - A setback of not less than 25 ft shall be provided along each OS-AG District boundary line where the line abuts any residential district.

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

When residential development is proposed next to AG-OS land, a continuous plant or plant/berm buffer is required along lot lines where dwellings are proposed within 100 ft of AG-OS land lot lines. The responsibility of providing such a buffer shall be that of the applicant of proposed new development, whether residential or agriculture uses.

ARTICLE IV

DEVELOPMENT STANDARDS

ARTICLE IV - DEVELOPMENT STANDARDS

Table of Contents

Chapter 4.0: Improvements Required with Development

Section	4.0.10	Purposes
	4.0.20	Exceptions
	4.0.30	Timing of Improvements
	4.0.40	Pedestrian Requirements
	4.0.50	Bicycle Requirements
	4.0.60	Transit Requirements
	4.0.70	Street Requirements
	4.0.80	Public Utility Extensions
	4.0.90	Public Improvement Procedures
	4.0.100	Franchise Utility Installations
	4.0.110	Land for Public Purposes
	4.0.120	Mail Delivery Facilities
	4.0.130	Ponding Areas and Flood Hazards

Chapter 4.1: Parking, Loading, and Access Requirements

Section	4.1.10	Purposes
	4.1.20	General Provisions
	4.1.30	Off-Street Parking Requirements
	4.1.40	Standards for Off-Street Parking and Access
	4.1.50	Modification to Parking Requirements
	4.1.60	Standards for Off-Street Loading Facilities
	4.1.70	Standards for Bicycle Access and Parking

Chapter 4.2: Landscaping, Buffering, Screening

Section	4.2.10	Purposes
	4.2.20	General Provisions
	4.2.30	Required Tree Plantings
	4.2.40	Buffer Plantings
	4.2.50	Screening (Hedges, Fences, Walls, Berms)
	4.2.60	Recommended Street Trees

Chapter 4.3: Accessory Development Regulations

Section	4.3.10	Purpose
	4.3.20	Accessory Uses Encompassed by Principal Uses
	4.3.30	Accessory Developments Subject to Controls
	4.3.40	Residential Use Types
	4.3.50	Civic, Commercial, Industrial, Agricultural, or Extractive Use Types

Chapter 4.4: Land Division Standards

Section	4.4.10	Purposes
	4.4.20	General Provisions
	4.4.30	Special Provisions for Lots Created Through Land Partitions or Minor Replats

Chapter 4.5: Flood Control and Drainageway Provisions

Section	4.5.10	Purposes
	4.5.20	Applicability
	4.5.30	Greater Restrictions
	4.5.40	Disclaimer of Liability
	4.5.50	Procedures
	4.5.60	Standards in the Floodway Fringe
	4.5.70	Standards in the Floodways
	4.6.80	Drainageway Dedications

Chapter 4.6: Solar Access

Section	4.6.10	Purposes
	4.6.20	Performance Standard
	4.6.30	Waiver of Standard in Subdivisions
	4.6.40	Adjustments to Implement Solar Standard in Subdivisions
	4.6.50	Waiver of Standard in Planned Developments

Chapter 4.7: Corvallis Sign Regulations

Section	4.7.10	Purposes
	4.7.20	Offenses
	4.7.30	Sign Maintenance Required
	4.7.40	Nonconforming Signs
	4.7.50	Prohibited Signs
	4.7.60	Permits Required for Installation of Signs
	4.7.70	Exemptions from Specific Requirements of Regulations
	4.7.80	Allocation Provisions and Design Standards by Type of Sign
	4.7.90	Allocation Provisions and Sign Standards by District
	4.7.100	Sign Construction Standards
	4.7.110	Variance to Standards
	4.7.120	Administrative

Chapter 4.8: Manufactured Dwelling Park Standards

Section	4.8.10	Purposes
	4.8.20	Area Requirements
	4.8.30	Permitted Structures
	4.8.40	Setback and Separation for the Park Perimeter
	4.8.50	Park Perimeter Treatment
	4.8.60	Setback and Separation for Structures within the Park
	4.8.70	Site Development Standards
	4.8.80	Landscape Plan

Chapter 4.9: Additional Provisions

Section	4.9.10	Purposes
	4.9.20	Manufactured Home Design Standards
	4.9.30	Minor Utilities
	4.9.40	Accessory Dwelling Units in the RS-3.5 and RS-5 Districts
	4.9.50	Exceptions to Building Heights and Projections

CHAPTER 4.0
IMPROVEMENTS REQUIRED WITH DEVELOPMENT

Section 4.0.10 - PURPOSES

This chapter provides general information regarding improvements required with residential, commercial, and industrial development. It is intended to clarify timing, extent, and standards for improvements required in conjunction with development. In addition to the standards in this chapter, additional standards for specific situations are contained in other chapters within Article IV.

Section 4.0.20 - EXCEPTIONS

a. Single family residential development on existing lots are exempt from this chapter, with the exception of Section 4.0.40 - Pedestrian Requirements.

Section 4.0.30 - 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 in accordance with the provisions of 2.4.40.09 prior to approval of the final plat.

   2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or secured in accordance with the provisions of 2.4.40.09 prior to occupancy of structures.

b. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

Section 4.0.40 - PEDESTRIAN REQUIREMENTS

a. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:

   1. Sidewalks shall be a minimum of 5 ft wide on local through streets and a minimum of 4 ft wide on cul-de-sacs. The sidewalks shall be separated from curbs by a tree planting area that provides at least 6 ft of separation between sidewalk and curb.

   2. Sidewalks along arterial and collector streets shall be separated from curbs with 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 6 ft wide.

3. The timing of the installation of sidewalks shall be as follows:

   (a) Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements.

   (b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.

   (c) Where sidewalks on local streets abut common areas, drainageways, or other publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.

b. Safe and convenient pedestrian facilities that strive to 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 reasonably free from hazards which would interfere with or discourage pedestrian travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians considering destination and length of trip.

   2. To meet the intent of "b" above, 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. When these connections are less than 220 ft long (measuring both the on-site and the off-site portions of the path) and they directly serve 10 or fewer on-site dwellings, the paved improvement shall be no less than 5 ft wide. Connections that are either longer than 220 ft or serving more than 10 on-site dwellings shall have wider paving widths as specified in Section 4.0.50.c.

   3. Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian ways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:

      (a) The on-site pedestrian circulation system shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out-of-direction pedestrian travel.

      (b) Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.

      (c) Walkways shall be as direct as possible and avoid unnecessary meandering.

(d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.

(e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. (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).

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 concurrent with development. Dedication of the trail to the City shall be provided in accordance with Section 4.0.110.d.

d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent 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 concurrent with development.

Section 4.0.50 - BICYCLE REQUIREMENTS

a. On-street bikelanes shall be required on all arterial and collector streets and constructed at the time of street improvements.

b. Safe and convenient bicycle facilities that strive to 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.

1. For the purposes of this section, "safe and convenient" means bicycle facilities which: are reasonably free from hazards which would interfere with or discourage bicycle travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of bicyclists considering destination and length of trip.

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.

c. Adequate widths for pedestrian/bicycle facilities shall be provided in accordance with the following standards:

1. 8 ft bikepaths should be used where long term bicycle and pedestrian usage is expected to be relatively low (a neighborhood facility rather than a community-wide facility) and with proper alignment to ensure adequate sight distance.

2. 10 ft shall be used as a standard width for two-way bikepaths.

3. 12 ft bikepaths shall be provided in areas with high bicycle volumes or multiple use by bicyclists, pedestrians and joggers.

d. To provide for orderly development of an effective bicycle network, bicycle facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

Section 4.0.60 - TRANSIT REQUIREMENTS

a. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the Corvallis Transit System (*i.e.*, bus pull-outs are typically spaced at 1500 ft apart).

b. New developments at or near existing or planned transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:

1. All commercial and civic use developments shall provide a prominent entrance oriented towards arterial and 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 4.0.40.b.

Section 4.0.70 - STREET REQUIREMENTS

a. Traffic evaluations shall be required of all development proposals in accordance with the following:

1. A proposal establishing the scope of the traffic evaluation shall be submitted for review to the City Engineer. The evaluation requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Large projects should assess all nearby key intersections. Once the scope of the traffic evaluation has been approved, the applicant shall present the results with an overall site development proposal. If required by the City Engineer, such evaluations shall be signed by a Licensed Professional Civil Engineer or Licensed Professional Traffic Engineer.

2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Corvallis Transportation Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.

b. Location of new arterial streets shall conform to the Corvallis Transportation Plan in accordance with the following:

1. Arterial streets should generally be spaced in one-mile intervals.

2. Traffic signals should generally not be spaced closer than 1500 ft for reasonable traffic progression.

c. Local streets shall be designed to discourage through traffic. *NOTE: For the purposes of this section, "through traffic" means the traffic traveling through an area that does not have a local origination or destination.* To discourage through traffic the following street designs shall be considered, as well as other designs intended to discourage traffic:

1. Straight segments of local streets should be kept to less than a quarter mile in length, and include design features such as curves and "T" intersections.

2. Local streets should typically intersect in "T" configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent "T" intersections shall maintain a minimum of 125 ft between the nearest edges of the 2 rights-of-way.

3. Cul-de-sacs should not exceed 600 ft nor serve more than 18 dwelling units.

d. Development sites shall be provided with access from a public street 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 concurrent with development.

2. Half-street improvements, as opposed to full-width street 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-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-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 concurrent with development.

e. To provide for orderly development of adjacent properties, public streets installed concurrent with development of a site 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 to extend street improvements to the edge of adjacent properties may be installed without turn-arounds, subject to the approval of the Fire Marshal.

2. In order to assure the eventual continuation or completion of the street, reserve strips may be required in accordance with 2.4.40.04.

3. Drainage facilities shall be provided to properly manage storm water run-off from temporary dead-ends.

f. Where required by the Planning Commission or Director, public street improvements may be required 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 in accordance with Chapter 2.14 concurrent with the development.

g. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

h. To provide off-street loading and/or access to parking areas, alleys shall be provided in commercial and industrial districts to serve abutting properties unless other permanent provisions are approved by the Planning Commission or Director.

i. Location, grades, alignment, and widths for all public streets shall be considered in their 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 the safety and capacity of the street network is not adversely effected. The following standards shall apply:

1. 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.

2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.

3. As far as practical, arterial streets and 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.

4. Centerline radii of curves shall not be less than 500 ft on arterial streets, 300 ft on collector streets, and 100 ft on local streets.

5. 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 or collector street with another arterial or collector street shall have a minimum of 100 ft of straight (tangent) alignment perpendicular to the intersection.

   (b) The intersection of a local 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 can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft along the right-of-way lines of the acute angle.

   (d) Intersections with arterial streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.

6. Right-of-way and improvement widths shall be as specified in the table below.

FACILITY	FEATURE	WIDTH (ft)	NUMBER	FEATURE WIDTH (ft)	ROW WIDTH
Local Street	Travel Lanes	14	1	14	
	Parking	7	2	14	
	Total Curb-to-Curb Width →			**28**	
	Park Strip	6	2	12	
	Sidewalks	5	2	10	
	Total Width →			**50**	50
Cul-de-sac Bulb	Bulb Radius	38	---	38	
	Park Strip	6	---	6	
	Sidewalks	4	---	4	
	Total Radius →			**48**	48
2 Lane Collector	Travel Lanes	12	2	24	
	Bikelanes	6	2	12	
	Total Curb-to-Curb Width →			**36**	
	Park Strip	12	2	24	
	Sidewalks	5	2	10	
	Total Width →			**70**	70

FACILITY	FEATURE	WIDTH (ft)	NUMBER	FEATURE WIDTH (ft)	ROW WIDTH
3 Lane Collector	Travel Lanes	10	2	20	
	Left Turn Lane	12	1	12	
	Bikelanes	6	2	12	
	Total Curb-to-Curb Width →			**44**	
	Park Strip	12	2	24	
	Sidewalks	5	2	10	
	Total Width →			**78**	78
2 Lane Arterial	Travel Lanes	12	2	24	
	Bikelanes	6	2	12	
	Total Curb-to-Curb Width →			**36**	
	Park Strip	12	2	24	
	Sidewalks	5	2	10	
	Total Width →			**70**	70
3 Lane Arterial	Same as 2 Lane Arterial, but with one additional 12 ft wide lane				
	Total Curb-to-Curb Width →			**48**	
	Total Width →			**82**	82
4 Lane Arterial	Same as 2 Lane Arterial, but with two additional 12 ft wide lanes				
	Total Width →			**94**	94
5 Lane Arterial	Same as 2 Lane Arterial, but with three additional 12 ft wide lanes				
	Total Width →			**106**	106

j. Where standards do not exist to address unusual situations, the Planning Commission or Director may require as conditions of development approval of special design standards recommended by the City Engineer.

k. 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 invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and

3. Where a private street is installed in conjunction with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

Section 4.0.80 - PUBLIC UTILITY EXTENSIONS

a. All development sites shall be provided with public water, sanitary sewer, and storm drainage.

b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrent with development.

c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.

d. To provide for orderly development of adjacent properties, public utilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. All public utility installations required with development shall conform to the City's adopted facilities master plans.

f. Private on-site sanitary sewer and storm drainage facilities may be considered 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 4.0.70.f above);

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.

Section 4.0.90 - PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive 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. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.

Section 4.0.100 - FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements 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 created with a subdivision shall have an individual service available or secured in accordance with provisions of Section 2.4.40 prior to approval of the final plat.

b. Where necessary, in the judgement of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.

c. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing 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 4.0.70.f. above); and

    3. The development is non-residential.

d. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of Section 2.4.40 prior to occupancy of structures.

e. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:

1. Poles for street lights and 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;

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 shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.

g. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.

2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

3. The standard street light installation is a wood pole. The City Engineer shall coordinate actual installation of street lights when there are sufficient occupants on a public street to warrant their installation.

Section 4.0.110 - LAND FOR PUBLIC PURPOSES

a. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:

1. When located between adjacent lots, easements shall be provided on one side of a lot line.

2. 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. Public utility easements with a minimum width of 7 ft shall be provided adjacent to all street rights-of-way for franchise utility installations.

c. Where a development site is traversed by a drainageway or water course, drainageway improvements in accordance with the Corvallis Drainage Master Plan and a drainageway dedication in accordance with the requirements of Chapter 4.5 shall be provided to the City.

d. 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, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.

e. Where existing rights-of-way and/or easements within 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. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.

g. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed 2 years.

h. Environmental assessments shall be provided by the developer 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 the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

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 checking 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.

Section 4.0.120 - MAIL DELIVERY FACILITIES

a. In establishing placement of mail delivery facilities 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 shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.

b. Where mail delivery facilities are proposed to be installed 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 the associated sidewalk transition (if necessary) around these facilities shall conform with the City's standard construction specifications. Actual mailbox units shall conform with the 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 4.0.130 - PONDING AREAS AND FLOOD HAZARDS

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 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.

CHAPTER 4.1
PARKING, LOADING, AND ACCESS REQUIREMENTS

Section 4.1.10 - PURPOSES

These regulations are established in order to provide on-site parking and loading areas and access to such areas of adequate capacity, and appropriate location and design. The parking requirements are intended to provide sufficient parking in close proximity to the various uses for residents, customers, and/or employees; and to maintain traffic carrying capacity of nearby streets. These regulations apply to both motorized vehicles (hereafter referred to as 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, showing location of permanent parking and loading facilities.

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 Structures** - When an existing structure is altered to the extent that the existing use is intensified, vehicle and bicycle parking shall be provided in the amount required for such intensification.

   When increased intensity requires no more than 2 vehicle 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 2 spaces, they shall be provided. Additional spaces shall be required for the intensification but not for the original use.

e. **Change in Use** - When an existing structure is changed in use from one use type to another use type as listed in Section 4.1.30 below and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.

f. **Inoperative Motor Vehicles** - In any residential district, 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 requirements of individual uses.

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, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles or bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

j. **Location of Required Parking.**

1. **Vehicles** - Vehicle parking required for residential uses in accordance with RS-3.5, RS-5, RS-6, RS-9, RS-9U, RS-12, and RS-12U district provisions shall be provided on the development site of the primary structure. Except where permitted by 4.1.50.02 below, required parking for all other use types in other districts, as well as residential uses developed in accordance with RS-20 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 arterials and collectors where there is not a controlled intersection within 100 ft of the subject property.

2. **Bicycles** - Bicycle parking required for all use types in all districts shall be provided on the development site in accordance with Section 4.1.70 below.

k. **Unassigned Parking in Residential Districts.**

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, to 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 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 for each oversized bedroom.

m. **Fractions** - When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 or more of a space) a full space shall be required.

n. **Assessment District Exemption** - Sites and structures located in a municipal parking assessment district shall not be subject to off-street parking facility requirements for vehicles.

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.

p. **Parking Reduction Allowed.**

1. A reduction of up to 10 percent of required vehicle parking may be allowed if a transit pull-out, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft.

2. The amount of vehicle parking may be reduced by one space for every 8 required bicycle parking spaces. (For each 4 additional covered bicycle parking spaces provided over the minimum requirement, one vehicle space may be eliminated, not to exceed 10 percent of required vehicle parking spaces. Additional reductions of vehicle parking spaces may be granted through the Lot Development Option procedures contained in Chapter 2.12).

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

a. **Residential Uses Per Building Type:**

1. **Single Detached and Single Attached (Zero Lot Line), and Manufactured Homes:**
   Vehicles: 2 spaces per dwelling unit
   Bicycles: None required

2. **Duplex, Attached, and Multi-Dwelling:**
   Vehicles:

Studio or Efficiency Unit	-	1 space per unit
1 Bedroom Unit	-	1 space per unit
2 Bedroom Unit	-	1.5 spaces per unit
3 Bedroom Unit	-	2.5 spaces per unit

   Bicycles:

Studio or Efficiency Unit	-	1 space per unit
1 Bedroom Unit	-	1 space per unit
2 Bedroom Unit	-	1.5 spaces per unit
3 Bedroom Unit	-	2 spaces per unit

   The required bicycle parking may be located within a structure, in accordance with the provisions of Section 4.1.70.

3. **Group Residential:**

Vehicles:

- Fraternities, sororities, cooperatives, and boarding houses: 3 spaces for each 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).
- Retirement homes, intermediate care facilities, and halfway houses: 1 space for each 3 persons for which sleeping facilities are provided to be based on the maximum number of people to be accommodated.

Bicycles:

- Fraternities, sororities, cooperatives, and boarding houses: 3 spaces for each 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).
- Retirement homes, intermediate care facilities, and halfway houses: 10 percent of required vehicle parking, or 2 spaces, whichever is greater.

4. **Group Care:**

Vehicles: 1 space per 1,000 sq. ft of gross floor area

Bicycles: 10 percent of required vehicle parking, or 2 spaces, whichever is greater

b. **Civic Use Types:**

Unless otherwise noted, the figures given refer to vehicle parking requirements. Unless a specific bicycle parking figure is given, required bicycle parking shall be 10 percent of required vehicle parking or 2 spaces, whichever is greater. However, where less than 3 vehicle spaces are required, then only one parking space shall be required.

1. **Administrative Services** - 1 space per 400 sq. ft of gross floor area
2. **Community Recreation Buildings** - 1 space per 200 sq. ft of gross floor area
3. **Cultural Exhibits and Library Services**

   Vehicles: 1 space per 200 sq. ft of gross floor area

   Bicycles: 30 percent of required vehicle parking
4. **Day Care/Small Schools** - 2 spaces for each classroom
5. **Hospitals** - 1 space per 1,000 sq. ft of gross floor area
6. **Lodge, Fraternal, and Civic Assembly** - For that area without eating or drinking facilities - 1 space for each 4 fixed seats (18 lineal inches of bench shall be considered 1 seat). For that area with eating or drinking facilities - 1 space per 4 fixed seats or stools and one space for each 50 sq. ft of dining or drinking area where there are no fixed seats.
7. **Public Safety Services** - 2 spaces per bed (sleeping accommodations) or as per administrative service requirements.
8. **Religious Assembly** - 1 space for each 4 fixed seats (18 lineal in. of bench shall be considered 1 seat) and 1 space for each 50 sq. ft of public assembly area where there are no fixed seats.

9. **Schools:**

Vehicles:

- Preschool/Kindergarten - 2 spaces per teacher
- Elementary - 2 spaces per classroom
- Middle School/Junior High - 3 spaces per classroom
- Senior High, Vocational (or similar institutions), or University - 6 spaces per classroom

Bicycles:

- Preschool/Kindergarten - 10 percent of required vehicle parking
- Elementary - 8 spaces per classroom
- Middle School/Junior High - 8 spaces per classroom
- Senior High - 8 spaces per classroom
- Vocational (or similar institutions), or University - 8 spaces per classroom, plus 25 percent of required vehicle parking

c. **Commercial Use Types (for accompanying office and indoor service areas):**

Unless otherwise noted, the figures given refer to vehicle parking requirements. Unless a specific bicycle parking figure is given, required bicycle parking shall be 10 percent of required vehicle parking or 2 spaces, whichever is greater. However, where less than 3 vehicle spaces are required, then only one parking space shall be required.

1. **Administrative and Professional Services** - 1 space per 400 sq. ft
2. **Agricultural Sales** - 1 space per 400 sq. ft of gross floor area for accompanying office and indoor service area
3. **Agricultural Services** - 1 space per 400 sq. ft of gross floor area
4. **Animal Sales and Services:**
   - **Auctioning** - 1 space per 50 sq. ft of gross floor area
   - **Grooming** - 1 space per 400 sq. ft of gross floor area
   - **Horse Stables** - exempt
   - **Kennels** - exempt
   - **Stockyards** - 1 space per 5,000 sq. ft of gross floor area
   - **Veterinary** - 1 space per 400 sq. ft of gross floor area
5. **Automotive and Equipment:**
   - **Cleaning** - 1 space per 400 sq. ft of gross floor area
   - **Fleet Storage** - 1 space per 400 sq. ft of storage area
   - **Repairs/Heavy Equipment** - 1 space per 800 sq. ft of gross floor area
   - **Repairs/Light Equipment** - 1 space per 400 sq. ft of gross floor area
   - **Sales/Rentals, Farm Equipment** - 1 space per 500 sq. ft of gross floor area
   - **Sales/Rentals, Heavy Equipment** - 1 space per 800 sq. ft of gross floor area
   - **Sales/Rentals, Light Equipment** - 1 space per 400 sq. ft of gross floor area
   - **Storage, Nonoperating Vehicles** - 1 space per 400 sq. ft of gross floor area
   - **Storage, Recreational Vehicles and Boats** - 1 space per 400 sq. ft of gross floor area
6. **Building, Maintenance and Services** - 1 space per 400 sq. ft of gross floor area
7. **Business Equipment Sales and Services** - 1 space per 400 sq. ft of gross floor area
8. **Business Support Services** - 1 space per 400 sq. ft of gross floor area

9. **Communication Services** - 1 space per 400 sq. ft of gross floor area
10. **Construction Sales and Service** - 1 space per 400 sq. ft of gross floor area
11. **Convenience Sales and Personal Services** - 1 space per 400 sq. ft of gross floor area
12. **Eating or Drinking Establishments** - 1 space per 4 fixed seats or stools (18 lineal inches of bench shall be considered one seat) and 1 space for each 50 sq. ft of dining or drinking area where there are no fixed seats
13. **Explosive Storage** - 1 space per 5,000 sq. ft of gross floor area
14. **Financial, Insurance, and Real Estate Services** - 1 space per 400 sq. ft of gross floor area
15. **Food and Beverage Retail Sales** - 1 space per 400 sq. ft of gross floor area
16. **Funerals and Interment Services:**
    - **Crematory and Undertaking** - 1 space for each 4 fixed seats (18 lineal inches of bench shall be considered 1 seat) and 1 space for each 50 sq. ft of public assembly area where there are no fixed seats
    - **Interring and Cemeteries** - exempt
17. **Fuel Sales** - 1 space per 400 sq. ft of gross floor area
18. **Laundry Service** - 1 space per 400 sq. ft of gross floor area
19. **Medical Services** - 1 space per 200 sq. ft of gross floor area
20. **Participant Sports or Recreation:**

    Vehicles:

    Indoor:

    Bowling areas - 3 spaces per alley and 5 spaces as required for eating and drinking area

    All others - 1 space per 50 sq. ft of gross floor area

    Outdoor:

    1 space per 4 fixed seats (18 lineal inches of bench shall be considered one seat) for visitor seating and one space per four participants based on projected participant capacity

    Bicycles: 20 percent of required vehicle parking
21. **Personal Services, General** - 1 space per 400 sq. ft of gross floor area
22. **Regional Shopping Center** - 1 space per 300 sq. ft of gross floor area
23. **Repair Services, Consumer** - 1 space per 400 sq. ft of gross floor area
24. **Research Services** - 1 space per 300 sq. ft of gross floor area
25. **Retail Sales, General** - 1 space per 400 sq. ft of gross floor area
26. **Retail Sales, Bulky Merchandise** (examples: furniture or motor vehicles) - 1 space per 800 sq. ft of gross floor area
27. **Scrap Operations** - 1 space per 400 sq. ft of gross floor area
28. **Spectator Sports and Entertainment:**

    Vehicles: Limited - 1 space per 4 fixed seats (18 inches of bench shall be considered one seat) and 1 space per 50 sq. ft where there are no fixed seats

    Bicycles: 20 percent of required vehicle parking.
29. **Swap meets** - Limited: 1 space per 4 fixed seats (18 inches of bench shall be considered one seat) and one space per 50 sq. ft where there are no fixed seats

30. **Transient Habitation:**

Vehicles:

- Campground - 1 space per designated camping space
- Lodging - 1 space per guest room or suite

Bicycles:

- Campground - Exempt
- Lodging - 10 percent of required vehicle parking.

31. **Wholesaling, Storage, and Distribution** - 1 space per 5,000 sq. ft of gross floor area

d. **Industrial Use Types:**

Unless otherwise noted, the figures given refer to vehicle parking requirements. Unless a specific bicycle parking figure is given, required bicycle parking shall be 10 percent of required vehicle parking or 2 spaces, whichever is greater. However, where less than 3 vehicle spaces are required, then only one parking space shall be required.

1. **Limited Manufacturing** - 1 space per 400 sq. ft of gross floor area or 1 space per employee on the largest shift, whichever is greater.
2. **Technological Production, General Industrial, Intensive Industrial** - 1 space per 1,000 sq. ft of gross floor area or 1 space per employee on the largest shift, whichever is greater.

e. **Agricultural Use Types:** exempt

f. **Extractive Use Types:** exempt

Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section. These facilities shall be designed, paved, curbed, drained, striped, and constructed in accordance with the standards established by the City Engineer. A permit from Development Services Division shall be required to construct parking, loading, and access facilities, except for single detached, duplexes, single attached, attached, and manufactured dwellings.

a. **Access to Arterial and 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 arterials and collectors (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 may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

3. No development site shall be allowed more than 1 access point to any arterial or collector street (as designated in the Corvallis Transportation Plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

4. When developed property is to 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 and 3 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

Development may occur without access to a City standard street when that development constitutes infill on an existing substandard public street. A condition of development shall be that the property owner sign an irrevocable petition for public street improvements. The form shall be provided by the City Engineer and recorded with the property through the Benton County Recorder's Office. This shall be required with approval of any of the following applications:

- Land partitions;
- Conditional development;
- Building permits for new non-residential construction or structural additions to non-residential structures (except accessory development); or
- Building permits for new residential units.

c. Vision Clearance

1. Except within the Central Business District (CB) vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards adopted by the City Engineer that take into account 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 meeting approval by the City Engineer are permitted within vision clearance areas.

d. Backing or Maneuvering of Vehicles - Developments required to provide 4 or more parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

e. **Screening** - Screening of all parking areas containing 4 or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with district requirements and Section 4.20.40 in Chapter 4.2 - Landscaping, Buffering and Screening. Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum 5-ft depth of buffer plantings adjacent to the right-of-way.

f. **Lighting** - Provided to illuminate a parking facility shall be arranged to not produce direct glare on adjacent properties.

g. **Setbacks**

Where there will be backing movements from a driveway to the public right-of-way, all off-street parking shall be provided so that a minimum of 19 ft of length is provided 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** - Shall be required in accordance with the provisions of Section 4.0.40.

i. **Driveways** - Shall be surfaced as required by standards established by the City Engineer. No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length. 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 considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

Section 4.1.50 - MODIFICATION TO PARKING REQUIREMENTS

The provisions of this section as to number of spaces 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 for the accommodation of compact cars. Compact car spaces should be located near the entrance to any lot or aisle.

4.1.50.02 - Group Care Facilities

The number of spaces required may be modified for uses such as group care facilities where it can be demonstrated that automobile use or ownership is significantly lower than for other dwelling or lodging facilities.

Section 4.1.60 - STANDARDS FOR OFF-STREET LOADING FACILITIES

For every use or premise mentioned in Section 4.1.30 "c" and "d" in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 sq. ft or more, at least 1 off-street loading space shall be provided on site. One additional space shall be provided for each additional 20,000 sq. ft or major fraction thereof.

Off-street loading facilities shall conform with the following standards:

a. Each loading berth shall be not less than 35 ft in length and 10 ft in width 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 ordinances and statutes.

d. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.

e. Screening for off-street loading is required and shall be the same as screening for parking lots in accordance with Section 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 set forth in this section. Bicycle parking shall be located on site with safe, convenient access to the public right-of-way.

a. Location

1. Safe, convenient pedestrian access shall connect the bicycle parking area to the main entrance of the principle use of the site.

2. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier 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 bicycle parking facility.

5. Bicycle parking facilities shall be placed in a convenient location near the main entrance of the site's principal use.

6. For security and convenience purposes, 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 be a minimum of 6 ft in length and 2 ft in width.

2. Overhead clearance in covered areas shall be at least 7 ft.

3. A minimum 5-ft wide aisle shall be provided beside or between each row of bicycle parking.

c. Rack/Enclosure Standards

1. Bicycle parking facilities shall consist of either a lockable enclosure (locker) in which the bicycle is stored or a stationary object (rack) to which the bicycle may be locked.

2. Lockers and racks shall be securely anchored to the pavement or a structure.

3. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks. Racks shall be designed and installed to permit the frame and both wheels to be secured, with removal of the front wheel, or the frame and one wheel to be secured, if both wheels remain on the bicycle.

4. Bicycle racks shall be designed to hold bicycles securely by means of the frame, in a manner that will not cause damage to the wheels.

d. Covering

1. All use types, with the exception of public parks and the Central Business District, a minimum of 50 percent of the required bicycle parking shall be covered.

2. If covering is provided for vehicle parking, a proportionate amount of bicycle parking shall also be covered. However, at least the minimum amount specified in 1 and 2 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 purposes, lighting shall be provided in bicycle parking areas such that all facilities are thoroughly illuminated and visible from adjacent sidewalks and/or vehicle parking areas during all hours of use.

CHAPTER 4.2
LANDSCAPING, BUFFERING, SCREENING

Section 4.2.10 - PURPOSES

Corvallis recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This chapter prescribes standards for landscaping, buffering, and screening. 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. Where landscaping is required by this Code, detailed planting plans and irrigation plans shall be submitted for review with development permit application. Development permits shall not be issued until the Director has determined the plans comply with the purposes clause and specific standards in this chapter. Required landscaping for Planned Developments shall be reviewed and approved by the Planning Commission, and in no case shall landscaping be less than that required by this chapter. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy, and shall provide a minimum 90 percent ground coverage within 3 years.

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 significantly prune any trees in a public right-of-way. Landscaping, buffering, and screening required by the Code shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind.

c. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 8-in. or greater diameter measured at a height of 4 ft above grade and shrubs (excluding blackberries, poison oak, and similar noxious vegetation) over 3 ft in height are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5 ft outside the tree's dripline. In addition, the tree shall be protected from damage during construction by a construction fence located 5 ft outside the dripline.

d. Planters and boundary areas used for required plantings shall have a minimum diameter of 5 ft (2.5 ft radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7.5 ft.

e. Irrigation systems shall be required in RS-12, RS-12(U), RS-20, PA-O, SA, SA(U) CS, LC, RTC, and LI districts unless waived by the Director. Irrigation systems are recommended for planting areas in all other districts to assure survival of plant materials. Where required, a detailed irrigation system plan shall be submitted with building permit application. The plan shall indicate source of water, pipe location and size, and specifications of backflow device. The irrigation system shall utilize 100 percent sprinkler head to head coverage or sufficient coverage to assure 90 percent coverage of plant materials in 3 years.

f. 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.

Section 4.2.30 - REQUIRED TREE PLANTINGS

Tree plantings in accordance with the following standards are required for all parking lots for 4 or more cars, public street frontages, and along private drives more than 150 ft long. Trees shall be planted outside the street right-of-way except where there is a designated planting strip or City adopted street tree plan.

Selection of species may be made from the list in Section 4.2.60. Alternate selections must be approved by the Director following written request. Frequency of trees in planting shall be determined by the type of tree used. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief. (See recommended tree list for examples in each category):

Street Trees

Medium canopy trees	-	Maximum 30 ft on center spacing.
Large canopy trees	-	Maximum 50 ft on center spacing.

Parking Lot Trees

Medium canopy trees	-	Minimum 1 tree per 8 cars.
Large canopy trees	-	Minimum 1 tree per 12 cars.

Trees may not be planted:

- Within 5 ft from permanent hard surface paving or walkways, unless special planting techniques and specifications approved by the Director are used.

- Unless approved otherwise by the City Engineer:
  Within 10 ft of fire hydrants and utility poles;
  Within 20 ft of street light standards;
  Within 5 ft from an existing curb face; or
  Within 10 ft of a public sanitary sewer, storm drainage or water line.

- Where the Director determines the trees may be a hazard to the public interest or general welfare.

- Trees shall be pruned to provide a minimum clearance of 8 ft above sidewalks and 12 ft above street and roadway surfaces.

Section 4.2.40 - BUFFER PLANTINGS

Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.

4.2.40.01 Parking, Loading, and Vehicle Maneuvering Areas

Buffering is required in conjunction with issuance of construction permits for parking areas containing 4 or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying ground cover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities. Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements.

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

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

Where landscaping is used for required screening, it shall be at least 6 ft in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.

A chain link fence with slats shall qualify for screening only if a landscape buffer is provided in compliance with Section 4.2.40 above.

4.2.50.01 - Height Limit

The height of hedges, fences, walls, and berm shall be measured from the lowest adjoining finished grade, except where used to comply with screening requirements for parking, loading, storage, and similar areas. In these cases, 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. Height of hedges, fences, and walls may not exceed 3 ft in height within a required front yard, exterior side yard (side yard facing street) or the rear yard of a through lot (except where required by the Code or the Planning Commission to meet screening requirements or as permitted in "b" below).

b. Hedges, fences, and walls may be as tall as 5 ft in an exterior side yard (excluding the front yard area) or rear frontage on a through lot where designed and constructed to prevent visual monotony through use of offsets (minimum 2 ft), change in materials, or landscape buffers which comply with the buffering requirements in Section 4.2.40. Gates are required in rear-yard fences on through-lots since it remains the property owner's responsibility to maintain the area from curb to a proposed fence. In multi-dwelling development or planned developments and subdivisions a 20-ft wide planting area shall be established between the sidewalk and the fence. The planting area shall be designed to minimize maintenance and to assure coniferous trees are planted at least 15 ft from the sidewalk.

c. Hedges, fences, and walls may exceed 3 ft in rear and side (except exterior) yards. Fences and walls over 6 ft high require building permit approval prior to construction.

d. Earthen berm up to 6 ft in height may be used to comply with screening requirements. Slope of the berm may not exceed 2:1 and the faces of the slope shall be planted with ground cover, shrubs, and trees.

e. Long expanses of fences and walls shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.

4.2.50.02 - Service Facilities

Trash dumpsters, gas meters, ground level air conditioning units, and other service facilities shall be appropriately screened with a fence, wall or plantings.

4.2.50.03 - Swimming Pools

Swimming pools more than 18 in. deep shall be surrounded and screened with a minimum 4-ft high secured fence or wall. Access to the secured area must have a self-latching gate in accordance with Chapter 9 of the City's Municipal Code.

Section 4.2.60 - RECOMMENDED STREET TREES

The following species are appropriate trees for street tree and parking lot planting situations. Other varieties may be used only with approval by the Director.

Medium canopy trees:

Acer platanoides "Almira": Almira Norway Maple
Acer platanoides var.: Norway Maple
Acer rubrum "Armstrong": Armstrong Red Maple *
Acer rubrum "Deric": Deric Red Maple
Acer rubrum "Scalon": Scalon Red Maple
Carpinus betulus purpurea: Purple European Hornbeam
Cercidiphyllum japonicum: Katsura Tree
Carpinus caroliniana: American Hornbeam
Cladrastic lutea: American Yellow Wood
Fagus sylvatica "Heterophylla": European Beech *
Fraxinus oxicarpa "Flame": Flame Ash
Fraxinus holotricha "Morain": Morain Ash
Fraxinus pennsylvanica lanceolata: Marshall's Seedless Ash
Phellodendron amurense: Amur Cork Tree
Prunus blieriana "Newport" or "Thundercloud": Flowering Plums
Prunus campanulata: Taiwan Flowering Cherry
Prunus serrulata "Kwansan": Kwansan Flowering Cherry
Prunus subhirtilla "Autumnalis": Autumn Flowering Cherry
Pyrus calleryana "Bradford": Bradford Pear *
Quercus phellos: Willow Oak *
Saphora japonica: Japanese Pagoda Tree
Styrax japonica: Fragrant Snowbell
Tilia cordata: Little Leaf Linden *

Large canopy trees:

Acer rubum spec.: Red Maple *
Acer saccharum: Sugar Maple *
Ginko biloba: Ginko *
Gleditsia triacanthos var.: Moraine Thornless Honey Locust *
Liriodendron tulipifera: Tulip Tree *
Paulownia tormentosa: Empress Tree *
Platanus acerifolia: Sycamore (should have a 12' wide planting area) *
Quercus coccinea: Scarlet Oak *
Quercus robur: White Oak *
Quercus rubra: Red Oak *

* Because of their strong central trunk growth pattern or large mature size, these trees should not be planted beneath overhead utilities.

CHAPTER 4.3
ACCESSORY DEVELOPMENT REGULATIONS

Section 4.3.10 - PURPOSE

These provisions are intended to establish the relationship between principal and accessory development and specify criteria for regulating accessory developments.

Section 4.3.20 - ACCESSORY USES ENCOMPASSED BY PRINCIPAL USES

In addition to uses expressly included in each development district as primary, accessory, or special development uses each district shall provide for accessory developments specifically 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 principal development. The Director shall base the decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments and the relationship between the proposed accessory development and principal development. The Director's determination shall be made in accordance with procedures set forth 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 principal uses within each district, except as otherwise provided below:

a. Accessory development involving nonconforming uses and structures is subject to the requirements of Chapter 1.4 - Nonconforming Development.

b. In a residential district, a side and/or rear yard may be reduced to 3 ft for an accessory structure erected more than 60 ft from streets other than an alley.

c. In any residential district, the rear yard of a corner lot may be reduced to 8 ft for an accessory structure and its projections erected more than 25 ft from streets.

d. Fences shall be considered as accessory structures and are subject to the requirements of Section 4.2.50.

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 Plan Compatibility review in accordance with Chapter 2.13 when closer than 5 ft from any property line.

Section 4.3.40 - RESIDENTIAL USE TYPES

a. Accessory structures shall be detached from the primary residence and shall not become additional permanent living area.

b. Subject to the restrictions and limitations specified, the following types of accessory structures shall be permitted in districts where Residential use types are permitted:

1. Private garages
2. Children's playhouses
3. Radio and television receiving antennas (personal use)
4. Sheds
5. Shops (nonbusiness purposes)
6. Barns
7. Kennels for dog and cat keeping
8. Gazebos
9. Solar and wind energy systems. Includes solar collectors, storage facilities, distribution components, and wind generation devices.
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.

Section 4.3.50 - CIVIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, OR EXTRACTIVE USE TYPES

Accessory development customarily associated with, and subordinate to the principal Civic, Commercial, Industrial, Agricultural or Extractive use types shall be permitted where these use types are authorized.

4.3.50.01 - Industrial and Agriculture/Open Space Districts

a. A single dwelling unit shall be permitted as follows in industrial and agricultural/open space districts provided that the uses are for and in accordance with the following:

1. Caretaker or Superintendent. On a lot or building site with a permitted industrial use and occupied exclusively by a caretaker or superintendent of such industrial use and his/her family; or

2. Farm Owner or Operator. On a lot or building site having a net area of at least 5 acres being farmed and occupied exclusively by the owner or operator and his/her family, or;

3. Kennel Owner or Operator. On a lot or building site with a kennel, and occupied exclusively by the owner or operator and the owner's or operator's family.

4. In a Limited Industrial District, residential development in accordance with 3.23.20.01.

b. Retail outlets and offices accessory to the primary use, developed in conjunction with (simultaneously) or following development of the primary use.

CHAPTER 4.4
LAND DIVISION STANDARDS

Section 4.4.10 - PURPOSES

These land division standards are intended to preserve, protect, and promote the public health, safety, convenience, and general welfare and are implemented in conjunction with the subdivision and partition procedures set forth in Chapters 2.4 and 2.14, respectively and 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 conformance with the requirements of the applicable district and this chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be accomplished through a Planned Development (Chapter 2.5).

4.4.20.02 - Blocks

a. **General:** Length, width, and shape of blocks shall take into account need for adequate lot size and street width and circulation, recognizing limitations of the topography.

b. **Size:** No block shall be more than 1,200 ft in length between corner lines except along arterial street unless the topography or location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 ft.

4.4.20.03 - Lots, General Requirements

a. **Size and Shape:** Lot size, width, shape, and orientation shall be appropriate for location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and depth shall not generally exceed 2½ times the average width. Lot sizes shall not be less than required by the Code for the applicable district. 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.

b. **Access:** Each lot shall abut upon a street other than an alley for a width of at least 30 ft unless the lot is created through a land partition or minor replat in which case 4.4.30.01 below shall apply.

c. **Through Lots:** Through lots shall be avoided except where essential to provide separation of residential development from collector or arterial streets or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 20 ft wide shall be required adjacent to through lots in accordance with Chapter 4.2. No rights of access shall be permitted across this planting screen easement. All through lots having frontage on parallel or approximately parallel streets shall provide the required front yard on each street, except as specified in Chapter 4.2.

d. **Lot Side Lines:** Side lines of lots, as far as practicable, shall be at right angles to the street the lots face.

e. **Lot Grading:** Lot grading shall conform to 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 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.

Section 4.4.30 - SPECIAL PROVISIONS FOR LOTS CREATED THROUGH LAND PARTITIONS OR MINOR REPLATS

In addition to complying with the provisions of 4.4.20 above, partitions and minor replats shall be subject to the following standards and procedures.

4.4.30.01 - Accessway

a. Lot access requirements of 4.4.20.03.b. above may be reduced and combined, for residential lots, to provide an accessway (a narrow strip of land connecting a parcel to a dedicated right-of-way) in accordance with the following:

1.	Accessway to a single lot and 1 dwelling unit	17 ft
2.	Accessway to a single lot and 2 dwelling units or combined accessways to 2 lots and 2 dwelling units	23 ft
3.	Accessway to a single lot with more than 2 dwelling units	28 ft
4.	Combined accessway to 2 or 3 lots and three or 4 dwelling units with a common drive	28 ft
5.	Combined accessway to 2 or 3 lots and 5 or more dwelling units with a common drive	34 ft

b. Accessways must connect to a dedicated right-of-way at least 40 ft in width 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 street paved to a minimum of 20 ft in width;

2. The accessway serves a single lot and not more than 2 dwelling units;

3. The property owner signs an irrevocable petition for public street improvements and record 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.

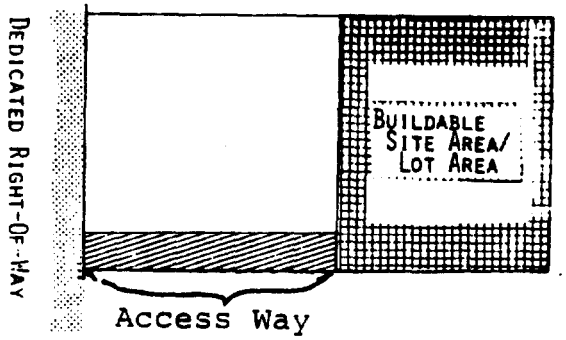
c. The City Engineer may require that any private access or driveway over 50 ft in length or serving 2 or more lots shall be constructed at the same time as the adjacent public street is constructed. This provision includes all required drainage, sewage, and utility facilities.

4.4.30.02 - Lot Width

The minimum width of the building site area shall meet the lot width requirement of the applicable district.

4.4.30.03 - Lot Area

The lot area shall be as required by the applicable district and shall be provided entirely within the building site area exclusive of any accessway (see figure below).



4.4.30.04 - Front Yard Determination

When the partitioned lot is a flag lot, the property owner may determine the location of the front yard, provided that no side yard is less than 10 ft long.

4.4.30.05 - Site Improvements

These requirements shall be in addition to other improvements required 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 drive is within 10 ft of the lot line. Screening may also 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.

b. **Fire Protection:** The Fire Chief may require installation of a fire hydrant and turn-arounds where 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.

4.4.30.07 - Reciprocal Easements

Where a common drive is to be provided to serve more than one lot, a reciprocal easement to ensure access rights shall be recorded with the approved partition map.

CHAPTER 4.5
FLOOD CONTROL AND DRAINAGEWAY PROVISIONS

Section 4.5.10 - PURPOSES

These flood control and drainageway provisions are intended to reduce flood damage and loss of life in areas subject to periodic flooding. They are also intended to protect open, natural streams and drainageways as an integral part of the City environment and to maintain both hydrological and biological functions of an open drainageway system in accordance with the Corvallis Drainage Master Plan. This is important in order to manage stormwater drainage, minimize maintenance costs, protect properties adjacent to drainageways, improve water quality, protect riparian plant and animal habitats, and provide opportunities for trail linkages.

Section 4.5.20 - APPLICABILITY

These provisions apply to areas in the 100-year flood plain as identified by the Federal Emergency Management Agency (FEMA) or the Corvallis Drainage Master Plan; other natural drainageways; and properties adjoining natural drainage areas that collect stormwater.

Section 4.5.30 - GREATER RESTRICTIONS

This chapter of the Code 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.

Section 4.5.40 - DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This 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 flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 4.5.50 - PROCEDURES

Compliance of development applications with the provisions of this chapter shall be determined through the development review processes identified in Chapter 1.2 - Legal Framework (Section 1.2.110) or the building permit review process. Applications for building permits or other permits for structures and other development activities located in the flood plain or adjoining a natural drainage area shall be submitted and reviewed to assure sites are reasonably safe from flooding before any permits are issued or improvements, construction or development begins.

4.5.50.01 - Application

These applications shall contain the following information:

a. Description of the extent to which any water course will be altered or affected as a result of proposed development;

b. 1. Elevation in relation to the National Geodetic Vertical Datum (NGVD) of the lowest floor (including basement) of all new structures; or

   2. Elevation in relation to the NGVD to which any existing structure has been or is proposed to be flood proofed and certification by a registered professional engineer that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in 4.5.60.03 below.

All applications will be reviewed to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

4.5.50.02 - City Responsibility

It shall be the responsibility of the City to record and maintain as a public record elevation and flood proofing information for new construction and substantial improvements and other related information as required for submittal by this chapter of the Code.

4.5.50.03 - Interpretation of Flood Insurance Rate Map Boundaries

When there appears to be a conflict between a mapped boundary and actual field conditions, the City Engineer shall interpret the exact location of the boundaries of the flood plain. Where FEMA base flood elevation information is unavailable for flood hazard areas, the City Engineer shall utilize other available data as a basis for applying standards in the floodway fringe and floodway.

Section 4.5.60 - STANDARDS IN THE FLOODWAY FRINGE

Development within the floodway fringe (Zones A, AH, A1-A30, AE, and AO on the Flood Insurance Rate Map), including residential and nonresidential structures and the public and private facilities serving these structures, shall be constructed so as to minimize damage from flooding. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

In the floodway fringe the following standards are required:

4.5.60.01 - Anchoring

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All mobile homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors as approved by the Building Official.

4.5.60.02 - Residential Construction

New construction and substantial improvement (as defined in Chapter 1.6) of any residential structure, including mobile and manufactured homes, shall have the lowest floor, including basement, elevated to a minimum of 1 ft above base flood elevation. Accessory structures 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. Designs for meeting this requirement shall meet standards outlined in Chapter 23, Division IV of the Appendix, of the Structural Specialty Code and shall meet or exceed the following minimum criteria:

a. A minimum of 2 openings having a total net area of not less than 1 sq. in. for every sq. ft of enclosed area subject to flooding shall be provided; and

b. The bottom of all openings shall be no higher than 1 ft above grade; and

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

4.5.60.03 - Nonresidential Construction

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated 1 ft above the level of the base flood elevation or:

a. Be flood proofed so that the structure is watertight 1 ft above the base flood level; and

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.

Designs for meeting these requirements shall meet standards outlined in Chapter 23, Division IV of the Appendix, of the Structural Specialty Code.

Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 4.5.60.02 above.

Applicants proposing to flood proof nonresidential buildings shall be notified that the flood insurance premiums shall be based on rates for structures with a lowest floor that is 1 ft below the flood proofed level.

Section 4.5.70 - STANDARDS IN THE FLOODWAYS

New construction, substantial improvements, and encroachments are prohibited within the 0.2 ft rise floodway. The floodway is the portion of the flood plain where high volumes of moving water flow through stream or drainageways as determined by the most recent data. Nonstructural development, such as parking lots, may be permitted within the floodway when certification by a registered professional engineer is provided to the satisfaction of the City Engineer that encroachments will not result in any increase in flood levels and/or flood hazard during the occurrence of the base flood discharge as defined in Chapter 1.6.

Section 4.5.80 - DRAINAGEWAY DEDICATIONS

Because development either increases the amount of surface water runoff or decreases the time to peak flow destined for the drainageway, any new development, expansion, or redevelopment proposed on land adjoining an open, natural drainageway shall require either dedication or granting of an easement of lands suitable for conveying storm waters and maintaining and operating an effective open drainageway system. The dedication or easement is intended to satisfy the purposes cited in Section 4.5.10 above and shall be reviewed and approved by the City Engineer.

a. **Dedication** - A drainageway dedication shall be required when:

1. A parcel of land is divided into 2 or more parcels, whether by land partition or subdivision;

2. A permitted development of any kind (building, parking lot, *etc.*) is proposed on a vacant parcel of any size;

3. A Detailed Development Plan is proposed in accordance with Chapter 2.5 for a parcel, regardless of whether structures exist;

4. A Special Development - (Type I or II) is proposed for a vacant parcel of any size; or

5. Development is proposed on a partially developed parcel, and the proposed new development constitutes an increase of 50 percent or more in impervious coverage of the parcel. The effects of new development shall be cumulative from the date of adoption of this code, and when the net effect of one or more changes results in an increase of 50 percent or more in impervious cover of the parcel, a dedication shall be required.

b. **Easement** - A drainageway easement shall be required with further development of any partially or fully developed parcel, when no items listed in "a" above apply. The easement shall contain sufficient restrictions on the use of the area to satisfy the purposes cited in Section 4.5.10 above. Restrictions shall apply to structural improvements, regrading, or decrease in vegetative cover.

c. When a dedication or an easement is required, the following width shall be provided:

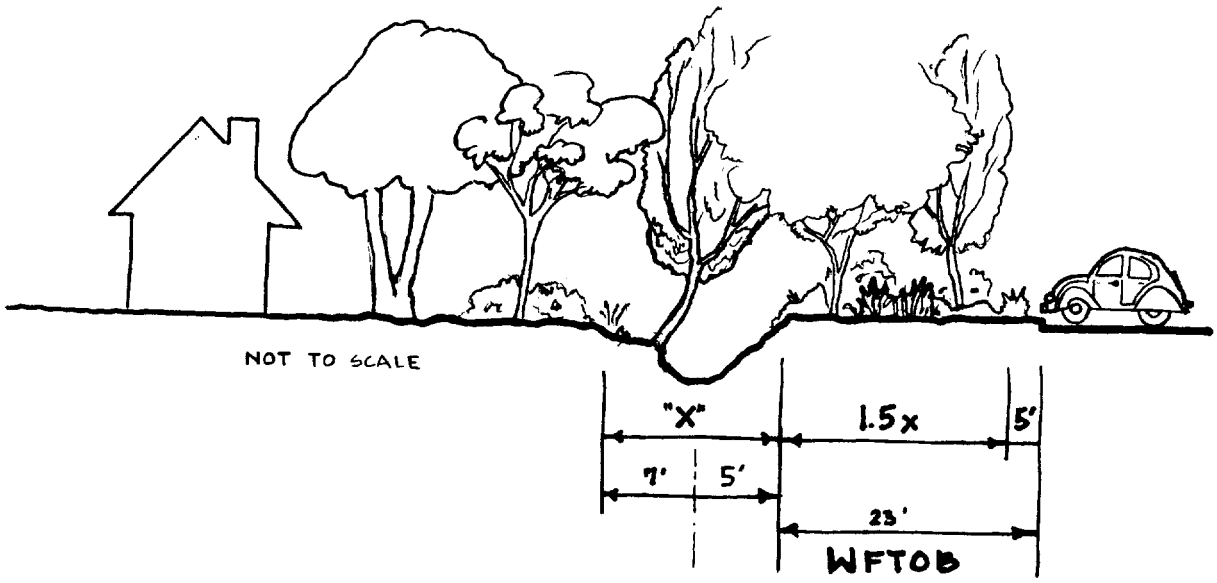
1. The dedication or easement area shall include the drainage channel plus additional width as determined by the following formula:

WFTOB = 1.5x + 5 ft

WFTOB = **W**idth **F**rom **T**op **O**f **B**ank (*i.e.,* width of the dedicated or easement area needed on each side of a drainageway channel).

x = Width of channel from top of bank to top of bank as determined by the City Engineer or 30 ft, whichever is less.

Note: In the formula (1.5x + 5 ft), the +5 ft can be waived when the City Engineer finds that there is minimal risk that impervious cover, compaction, or trenching activities will occur in this 5 ft area.



2. In some situations the width of the protected drainageway needs to be wider than specified in "c" above, due to the natural sloughing and realigning of the stream that is anticipated when channel side slopes are greater than 2:1 (27 degrees from horizontal). In situations where the channel's side slopes are greater than 2:1, the protected drainage area shall be the channel width plus additional width as determined by the following formula:

   WFTOB = 1.5x times 1.6 plus 5 ft

3. If the 0.2 ft rise floodway boundary (as determined by maps on file with the City Engineer) extends beyond the required width as specified above, additional dedication or easement widths shall be provided as needed to encompass the floodway.

4. If the federally designated 100-year flood plain (as determined by maps on file with the City Engineer) extends beyond the required width as specified above, additional dedication or easement widths shall be provided for flood management or to preserve riparian areas. Such dedications or easements shall not exceed 50 ft as measured from the top of the bank.

5. The City Engineer may reduce the required dedication or easement width under the following circumstances:

   a. Where the requirements as specified above conflict with development that is already constructed and is a permitted use in the district, or

   b. Where the requirements as specified above would result in a parcel that is undevelopable under the standards of the applicable district.

CHAPTER 4.6
SOLAR ACCESS

Section 4.6.10 - PURPOSES

This chapter is intended to require that opportunities for use of solar energy be protected during the design of new residential subdivisions and residential planned developments. Solar energy can make a significant long-term contribution to the City's energy supply. Use of this energy can be encouraged by providing and protecting solar access for use of property owners.

Section 4.6.20 - PERFORMANCE STANDARD

Residential subdivisions and planned developments on parcels of more than 1 acre shall be designed so that solar access protection, as defined in Chapter 1.6, is available at ground level to the following:

a. South face of existing residential buildings adjacent to the development;

b. In residential subdivisions, a minimum of 80 percent of lots with sufficient east/west dimension to allow orientation of the long axis of a building to utilize solar energy; and

c. In planned developments, a minimum of 80 percent of the buildings with sufficient east/west dimension to allow the long axis of the building to utilize solar energy.

Section 4.6.30 - WAIVER OF STANDARD IN SUBDIVISIONS

A waiver from the requirements of Section 4.6.20 above may be granted by the Planning Commission to the minimum extent necessary to:

a. Preserve existing vegetation;

b. Reflect physical land development constraints related to the shape or topography of the site;

c. Accommodate north-facing slopes of 10 percent or more; or

d. Meet City design requirements for provision of streets, drainageways, utilities, landscaping, and location of buildings consistent with minimum setbacks.

Section 4.6.40 - 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; or

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 long side of a dwelling located in this area would have solar access; or

c. Where the proposed change would not increase shade on the affected dwelling more than that resulting from more than a 6-ft high fence on the property line fence; or

d. Where the Director finds an error in the original solar calculations has been made so that a two-story house cannot be centered on the height restricted lot, then a variation may be granted to the minimum extent necessary to assure two-story construction.

Any other modifications shall be in accordance with Chapter 2.12 - Lot Development Option.

Section 4.6.50 - WAIVER OF STANDARD IN PLANNED DEVELOPMENTS

For residential planned developments, a waiver from the requirements of Section 4.6.20 above may be granted by the Planning Commission based on the provisions of Section 4.6.30 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 dwelling types; or

b. Address future housing needs in the community by encouraging affordable housing, as defined in Chapter 1.6, to increase housing choices.

A 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 Uniform Building Code requirements.

CHAPTER 4.7
CORVALLIS SIGN REGULATIONS

Section 4.7.10 - PURPOSES

The Corvallis sign regulations serve the community by:

a. Requiring sound construction, by requiring that signs be maintained, and by limiting the number of visual images to be communicated;

b. Providing an equitable opportunity to use signs outside of public rights-of-way as a communication medium;

c. Providing standards for frequency, location, size, construction, 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 these provisions or of the Corvallis Building Code shall be committing a Class B infraction subject to the penalties set forth in these regulations. 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:

- Signs that already existed when these regulations were adopted, have an approved city, county, or state sign permit, and conformed to the provisions of Ordinance 72-57 as amended, but do not conform to the provisions of these sign regulations; and

- Signs on lands annexed to the City and have an approved County or State sign permit.

b. A nonconforming sign[s] may continue to be used until altered, replaced, modified, or moved, at which time the sign shall be brought into conformance with all provisions of these regulations.

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 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 the same to be done) 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 in Chapter 4.1 - Parking, Loading, and Access Requirements) of a street or driveway intersection in districts that have a frontyard 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 graphically appear similar to these types of signs;

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

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, 4.7.80, and 4.7.90 below. This includes, but is not limited to: sandwich boards, 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;

h. Signs that are moving or have any moving part. This includes movement by mechanical, electrical, or kinetic means, wind currents, or any other means;

i. Inflatable signs, including balloons and blimps;

j. Pennants, flags, and banners See 4.7.70.b. regarding official national, state, and local flags and 4.7.80.05 regarding temporary banners;

k. Signs that have copy changeable by other than manual means (except time and temperature signs that are part of a permanent sign);

l. Roof signs including signs projecting more than 4 ft above an eave on sloped roofs, or 4 ft above the parapets on flat roofs;

m. Signs with visible A-frames, trusses, or guy wires as part of the sign or sign structure;

n. 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;

o. 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 4.7.60 - PERMITS REQUIRED FOR INSTALLATION OF SIGNS

Unless exempted by Section 4.7.70 below, 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 to the Development Assistance Center for review.

b. The Director shall review the sign permit application to assure it is complete, accompanied by the appropriate fee, and the proposed sign complies with the provisions of these regulations and other City ordinances. A permit shall only be issued when all of these criteria have been met.

c. An approved sign permit does not replace, supersede, or waive structural or electrical standards and permits required by the Corvallis Building Code. These other permits must also be obtained prior to work on the installation of a sign.

d. The applicable permit review fee shall be doubled if sign installation is begun before obtaining a permit. Payment of such double fee shall not relieve any person from full compliance with these regulations.

e. The permit shall expire if a sign is not installed as approved within 180 days from the date of a sign permit application approval. Reapplication shall include a new, fully completed application form and a new application fee. The application must comply with the findings in "b" above, including any amendments to these regulations adopted since the previous permit approval.

f. An approved sign permit may be revoked by the Director if the approved sign is not constructed and installed as approved, if incorrect information was provided on the application, or if the City approved the permit in error. 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 4.7.70 - EXEMPTIONS FROM SPECIFIC REQUIREMENTS OF REGULATIONS

The following types of graphic communication are exempted 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 the City, Benton County, the State of Oregon, the U.S. Government, a public utility, or an agent including:

   * Street identification signs;
   * Traffic control, safety, warning, hazard, construction, and related signs.

b. One official national, state, and local government flag or banner per property when installed in a manner that meets City ordinances and when flown and maintained with the respect due 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 Flag Code, the American flag should never be used for advertising purposes in any manner.

   The flag structure shall not exceed 20 ft or 110 percent of 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 an inspection(s) of the footing and structure, as per the Corvallis Building Code, prior to installation of the structure.

c. Campaign signs shall be exempt from the permit requirements and allocational limitations of these regulations;

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. One permanent memorial sign or tablet per property that displays only historical information, name of a building, date of erection, and/or logo, is exempt from the provisions of these regulations. Sign area may not exceed 10 sq. ft.

f. Permanent signs directing and guiding traffic and parking on private property, not to exceed 6 sq. ft and limited to 1 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 2 sq. ft, are also exempted.

g. A non-illuminated blade sign (1 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 limitation of 2 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 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 signs prohibited by 4.7.50 (a,b,c,e, and i) shall not be visible from outside of the building.

j. Temporary signs conforming with this chapter shall be exempt from the permit requirements.

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 utilized. Unless specified elsewhere in these regulations, the sign allocation for a property shall be determined by multiplying length of a property's primary frontage by a factor known as the primary frontage multiple, which is identified for each district 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 provisions of the Corvallis 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 otherwise permitted by these regulations, free-standing and temporary signs. That portion of the sign allocation utilized by a business or tenant for attached signage on a given frontage shall be utilized in not more than 2 signs. If property frontage allocation for attached signs exceeds the maximum sign area size of the district, additional allocation may be utilized in (an) additional sign(s), provided that an 8-ft separation is maintained between signs.

c. Sign area allocation calculated for a primary frontage may be utilized for an attached sign(s) that faces a secondary frontage, limited to one sign per establishment. The amount of allocation used for secondary frontage signs shall be subtracted from and shall not exceed the total sign allocation for the property.

d. The maximum projection of attached signs facing secondary frontages shall be 6 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 2 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.

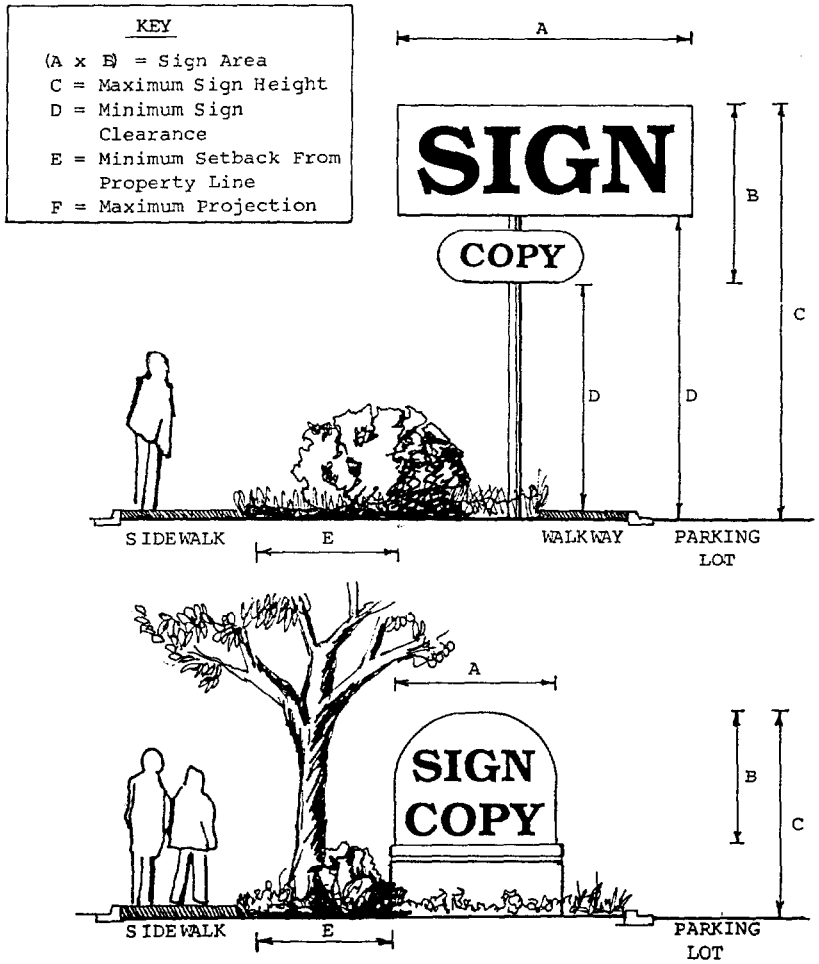
g. Up to 2 poles, each with a maximum diameter of 6 in., may be placed within the vision clearance area, as defined in Section 4.1.40, and used to support a sign above a vision clearance area. Any other intrusion into the vision clearance area by a sign or its supporting structure is prohibited without written approval of the City Engineer.

4.7.80.02 - General Requirements for Free-Standing Signs

a. Minimum separation between free-standing signs shall be 100 ft.

b. Minimum clearance above a pedestrian walkway shall be 10 ft.

c. The following diagram illustrates the terms applicable to free-standing signs under this section and Section 4.7.90.



4.7.80.03 - General Requirements for Attached Signs

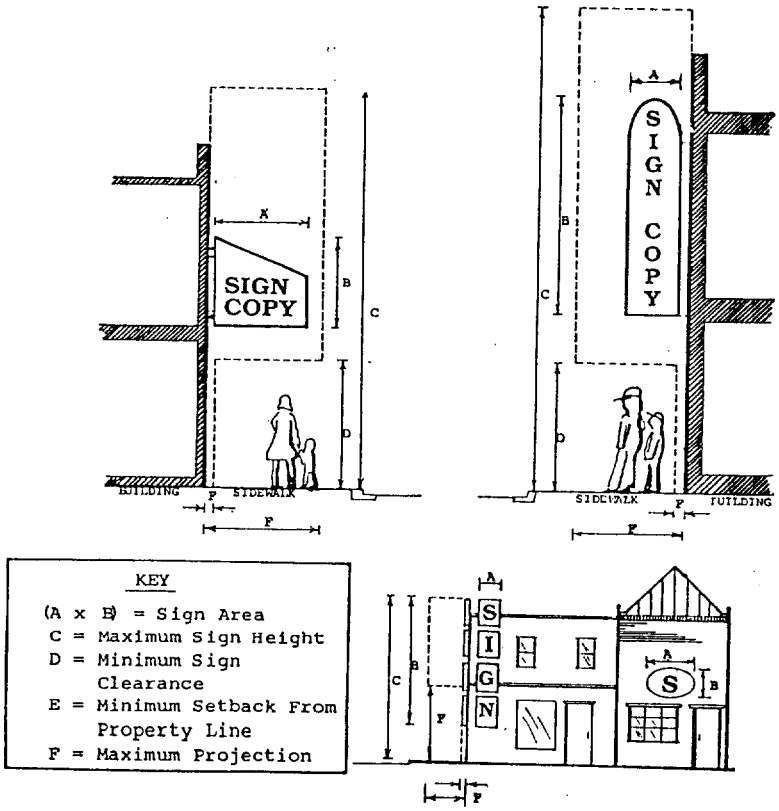
a. Where an attached sign projects more than 6 in., minimum clearance above a pedestrian walkway shall be 7½ ft.

b. In residential districts, an attached sign may not extend above the top of a wall, eave, or parapet. In other districts, an attached sign may extend up to 4 ft above a wall, eave, or parapet on the exterior of the building face.

c. Where an attached sign projects more than 1 ft, the edge of the sign face closest to the building shall not project more than 6 in.

d. For attached signs (other than awnings and marquees) that project more than 1 ft, a minimum separation of 5 ft for each foot of projection shall be maintained between signs to facilitate visibility. No attached sign shall project more than 8 ft from the building face.

e. The following diagram 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

One temporary sign per property (other than banner 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 district in Section 4.7.90 below. Total sign area of temporary signs shall reduce, and may not exceed, total sign allocation of a property. A temporary sign installed and utilized in compliance with these regulations is exempt from permit requirements.

4.7.80.05 - General Requirements for the Use of Banner Signs

a. Use of banner signs is allowed in all office, OSU, commercial and industrial districts, and for properties in residential districts with a primary frontage measuring greater than 200 ft.

b. Each banner sign requires an approved sign permit. Banners may 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 3 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.

   2. Each property is limited to 2 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 7 consecutive days, after which time the banner shall be removed.

c. All banners shall be securely attached flush with a building face and comply with the maximum sign height provisions for attached signs in the applicable district. The sign area of a banner sign shall not reduce sign allocation for a property.

4.7.80.06 - General Requirements for Blade Signs

a. One nonilluminated blade sign (above the walkway and under weather protecting awnings, marquees, and parapets) placed at each entrance to a building is allowed. An approved sign permit is required prior to installation. Blade signs are exempt from the limitation of 2 attached signs per occupant or business, as discussed in 4.7.80.01.b above.

b. Vertical dimension of a blade sign shall not exceed 1 ft and the width may not exceed 90 percent of the width of the weather protection, for a maximum sign area per sign of 4 sq. ft.

Section 4.7.90 - ALLOCATION PROVISIONS AND SIGN STANDARDS BY DISTRICT

The following provisions and design standards, organized by district designation, specify how a property's total sign allocation may be utilized. Unless specified elsewhere in these regulations, total sign allocation shall be determined by multiplying length of the property's primary frontage by the primary frontage multiple, which varies from district to district.

4.7.90.01 - Sign Standards for All Residential Districts

Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1/10 sq. ft	5 sq. ft	16 ft	6 in.	
Temporary	1/10 sq. ft	5 sq. ft	4 ft		

Special Instructions:

a. Attached signs shall not extend above eaves.

b. Unless specified below, signs shall be limited to one frontage.

c. Where a primary frontage exceeds 100 ft:

1. Permanent free-standing signs are allowed (minimum setback is 5 ft);
2. Maximum height for temporary and free-standing signs is 6 ft;
3. Maximum sign area is 16 sq. ft;
4. Illuminated signs are permitted.

d. Banner signs that comply with 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 Shopping Area-University (SA-U) District

Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1 1/2 sq. ft	32 sq. ft	20 ft	See 4.7.80	
Free-standing	1 1/2 sq. ft	32 sq. ft	8 ft	See 4.7.80	5 ft
Temporary	1 1/2 sq. ft	5 sq. ft	6 ft	See 4.7.80	5 ft

Special Instructions:

a. Attached signs may project over the right-of-way.

b. Height of attached signs shall not exceed 4 ft above the eave or parapet.

c. Banner signs that comply with 4.7.80.05 are permitted.

d. Illuminated signs are permitted.

4.7.90.03 - Sign Standards for These Districts:

- Shopping Area (SA)
- Shopping Area-Special Shopping (SA-SSD)
- Professional and Administrative Offices (P-AO)
- Research Technology Center (RTC)

Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1 1/2 sq. ft	100 sq. ft	25 ft	See 4.7.80	
Free-standing	1 1/2 sq. ft	100 sq. ft	20 ft	See 4.7.80	5 ft
Temporary	1 1/2 sq. ft	5 sq. ft	6 ft	See 4.7.80	

Special Instructions:

a. Height of attached signs shall not exceed 4 ft above the eave or parapet.

b. Banner signs that comply with 4.7.80.05 shall be permitted.

c. Illuminated signs are permitted.

4.7.90.04 - Sign Standards for These Districts:

- Community Shopping (CS)
- Linear Commercial (LC)
- Central Business (CB)
- Central Business Fringe (CBF)
- Light Industrial (LI)
- General Industrial (GI)
- Intensive Industrial (II)

Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1 1/2 sq. ft	200 sq. ft	25 ft	See 4.7.80	
Free-standing	1 1/2 sq. ft	200 sq. ft	25 ft	See 4.7.80	
Temporary	1 1/2 sq. ft	5 sq. ft	6 ft	See 4.7.80	

Special Instructions:

a. Attached signs may project over the right-of-way only in the CB district.

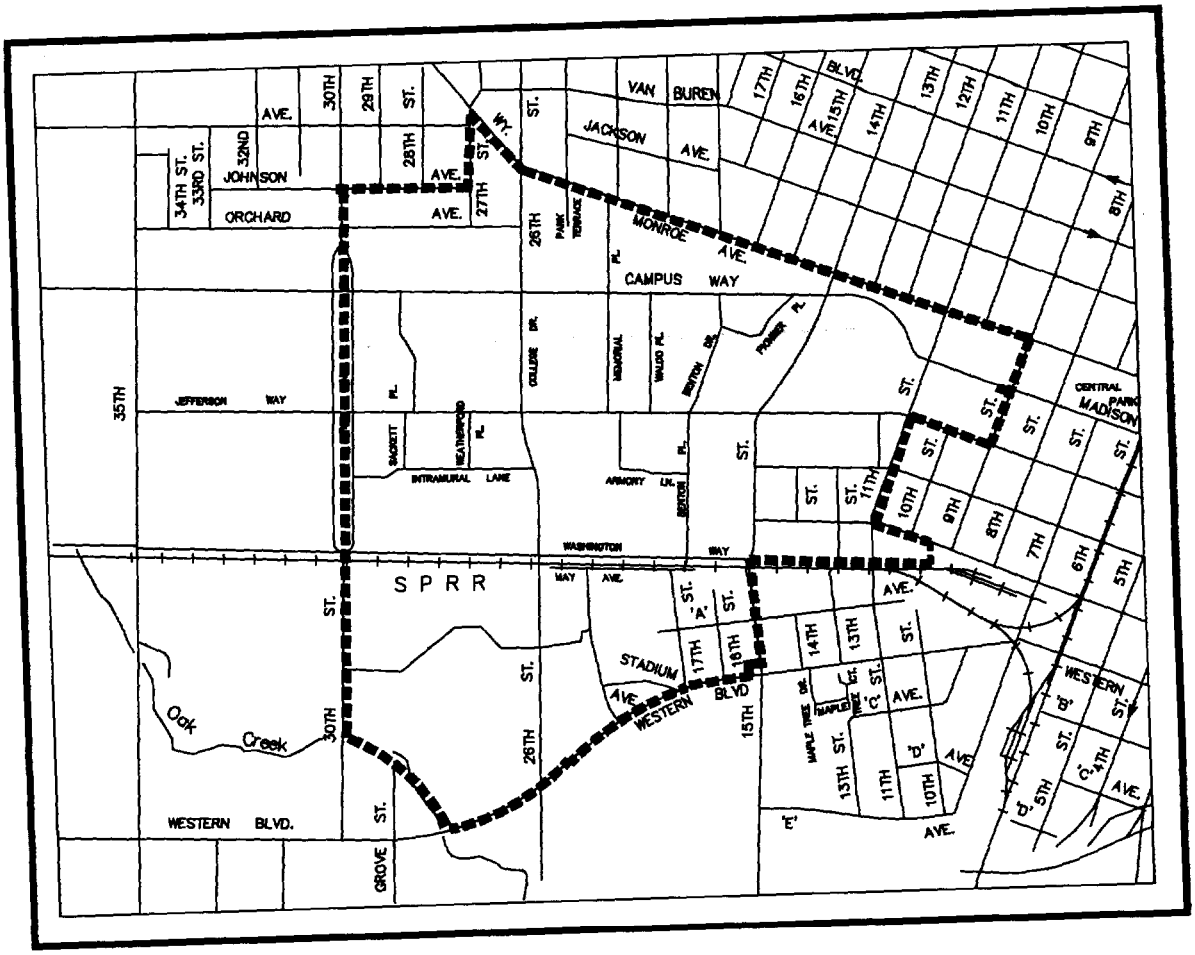
b. Height of attached signs shall not exceed 4 ft above the eave or parapet.

c. Illuminated signs are permitted.

d. Banner signs that comply with 4.7.80.05.

4.7.90.05 - Sign Standards for Oregon State University (OSU) District

Sign regulations for the OSU district vary depending on location and visual impact of the sign in relation to properties surrounding the district. The following part of the OSU district 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 District, and north of Western Boulevard and Oak Creek.



OSU SIGN EXEMPTION AREA

a. Any sign inside the exemption area shall be exempt from these regulations, provided that it:

- is more than 100 ft inside the exemption area;
- has a sign area of less than 32 sq. ft; or
- doesn't function as a graphic communication to people outside the exemption area

b. Any sign located in the OSU District 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.

c. All other signs in the OSU District outside the exemption area shall have a sign area not greater than 32 sq. ft. Free-standing signs shall not exceed 6 ft in height, and attached signs shall not vertically or horizontally project from a building more than 6 in. Unless otherwise exempted, signs along the boundary shall have a minimum separation of 100 ft apart. An approved Corvallis Sign Permit is required prior to installation of any sign not exempted by the provisions of Section 4.7.70 and subsections 4.7.80.03, 4.7.80.05.a & -.b, and 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 petition the Planning Commission for approval to exceed limitations as a modification of the Physical Development Plan (See Chapter 3.36 - OSU District).

4.7.90.06 - Sign Standards for the Historic Preservation (HP) District

A sign to be placed on a building or property in a Historic Preservation District shall comply with both the provisions of these regulations and Chapter 2.9 - Historic Preservation Provisions.

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

A sign to be placed on property in the Willamette River Greenway district (WRG) and visible from the Willamette River shall be consistent with the purposes of the Greenway, as stated in Chapter 3.30 - Willamette River Greenway District Overlay.

4.7.90.08 - Sign Standards for the Agriculture-Open Space (AG-OS) District

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

4.7.90.09 - Signs in Planned Developments

A sign plan shall be required for all Planned Developments (See Chapter 2.5). 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 by the following procedures:

a. The plan shall be reviewed by the Planning Commission concurrently with Detailed Development Plan review.

b. Before approving the sign plan, the Commission shall find that the signs in the proposed sign plan comply with these regulations and are compatible with the type of development (existing and future) surrounding the Planned Development. Whereas other development standards in Planned Developments may be varied, standards for signs in Planned Developments shall not benefit the development to a greater degree than is otherwise permitted by the provisions of these regulations.

c. An approved sign permit for each sign in a Planned Development shall be obtained prior to construction or installation. A proposed sign shall comply with 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 (Chapter 2.5).

Section 4.7.100 - SIGN CONSTRUCTION STANDARDS

This section provides material, structural design, and safety clearance standards for the construction of signs.

4.7.100.01 - Materials for Permanent Signs

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

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

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

Maximum Size of Exposed Glass Panel		Maximum Thickness of Glass (in.)	Type of Glass
Any Dimension (in.)	Area (sq. in.)		
30	500	1/8	Plain, Plate, or Wired
45	700	3/16	Plain, Plate, or Wired
144	3600	1/4	Plain, Plate, or Wired
>144	>3600	1/4	Wired

2. Wooden anchors and supports that are embedded in the soil, or within 6 in. of the soil, shall be all heartwood of durable species or shall be pressure treated with an approved preservative. Such anchors or supports shall be marked or branded by an approved agency.

3. Sections of approved plastics shall not exceed 225 sq. ft unless approved by the Building Official.

4. Permanent free-standing signs may be constructed of any material meeting requirements of the Corvallis Building Code. Structural components of permanent attached signs shall be constructed of noncombustible materials. However, on walls permitted to be of unprotected combustible construction, nonelectric nonprojecting signs may be constructed of unprotected combustible materials. Nonstructural trim, such as moldings, battens, caps, nailing strips, cutouts, and letters, may be of wood, metal, approved plastics, or any combination thereof.

4.7.100.02 - Materials for Temporary Signs and Banner Signs

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

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

4.7.100.03 - Structural Design of Signs

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

a. No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the Corvallis Building Code requirements for parapet walls specified for seismic zones.

b. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead loads and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any part of the building.

c. The overturning moment produced from lateral forces shall in no case exceed two thirds of the dead-load resisting moment. Uplift due to the overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

d. Signs and sign structures shall be designed and constructed to resist wind forces and seismic forces, as specified in the Corvallis Building Code.

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

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

4.7.100.04 - Clearances and Electrical Signs

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

a. Signs shall be located at least 6 ft horizontally and 12 ft vertically from overhead electrical conductors (bare or insulated) installed above the ground if energized in excess of 750 volts. If the conductor is enclosed in iron pipe or other material covering of equal strength, this requirement may be modified by the Building Official.

b. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.

c. No sign shall obstruct any openings to the extent of reducing light or ventilation below that point required by the Corvallis Building Code.

d. Signs erected within 5 ft of an exterior wall having openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

e. The enclosed shell of electric signs shall be watertight, except that service holes fitted with covers shall be provided into each compartment of such signs.

f. Electrical equipment used in connection with signs shall be installed in accordance with the Corvallis Building Code.

g. All signs containing electrical wiring shall be subject to the provisions of the Corvallis Building Code and shall bear the required testing agency label.

Section 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 use of signs as a communication medium for a primary frontage. In these cases it may be appropriate to vary a particular standard to enable a property owner to utilize signage in a manner similar to others in the district.

a. To request a variance, 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 variance request shall not be granted for any of the following:

- Size of a proposed sign;
- Limitations on visibility resulting from required landscaping;
- Location of buildings or other structures;
- Lack of exposure on a primary sign frontage;
- Convenience or economic hardship to the applicant;
- 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 type of the proposed sign is not of a type prohibited by these regulations.

2. The variance is the minimum remedy necessary to eliminate the hardship.

3. The variance does not substantially subvert the basic regulating formula relating the amount of sign area to the amount of sign frontage.

4. No other alternative solution that complies with these regulations is available to the applicant.

e. The Land Development Hearings Board may impose such conditions on the approval as necessary to achieve the purposes of these regulations.

f. The Land Development Hearings Board decision shall be final unless the decision is appealed to the City Council in accordance with Chapter 2.19 - Appeals.

g. Where a sign approved through these variance procedures is not installed within 1 year, the variance approval shall expire and all work must fully comply with these regulations as amended to that date.

Section 4.7.120 - ADMINISTRATIVE

4.7.120.01 - Enforcement

The Director shall administer and enforce these regulations and is authorized to issue citations for violations of these regulations in accordance with Chapter 1.3 - Enforcement.

4.7.120.02 - Violations

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

a. A person cited for a violation shall be fined up to one hundred ($100.00) dollars.

b. Each day a sign is in violation of these regulations 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 and this notice shall be provided to individuals utilizing the sign, to the owner of the sign or enterprise, and/or to the property owner.

b. Notice shall be 3 working days for temporary signs and 14 working days for permanent signs.

c. In the event that 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 the safety of the public, the Director may cause removal of the sign immediately, without prior notice, and the expenses for 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 PARK STANDARDS

Section 4.8.10 - PURPOSES

These provisions are established to ensure a safe and healthful living environment for residents of manufactured dwelling parks and to ensure that a manufactured dwelling park can provide affordable quality housing compatible with adjacent land uses. In addition, these provisions are intended to ensure compliance with State regulations governing review of manufactured dwelling park development.

Section 4.8.20 - AREA REQUIREMENTS

a. Minimum Size for Manufactured Dwelling Park (as defined in Chapter 1.6) - 5 acres.

b. Minimum Size for Manufactured Home Space - 3,000 sq. ft
Note: ORS 446.100(c) requires that the space be at least 30 ft wide and 40 ft long.

Section 4.8.30 - PERMITTED STRUCTURES

a. Manufactured Homes and Mobile Homes, as defined in Chapter 1.6.

b. Accessory Structures - Structures customarily incidental to the primary use in accordance with Chapter 4.3.

Section 4.8.40 - SETBACK AND SEPARATION FOR THE PARK PERIMETER

a. **Setback Between Park Structures and Abutting Properties** - Between abutting property and any dwelling or accessory park structure or a park road there shall be a minimum setback equal to the rear yard setback specified by the district of the abutting property but in no case shall the setback be less than 5 ft.

b. **Setback Between Park Structures and a Public Street Right-of-Way** - Between the public right-of-way and any dwelling or accessory structure there shall be an average setback along the public street of 25-ft with a minimum setback equal to the front yard setback of the district.

Section 4.8.50 - PARK PERIMETER TREATMENT

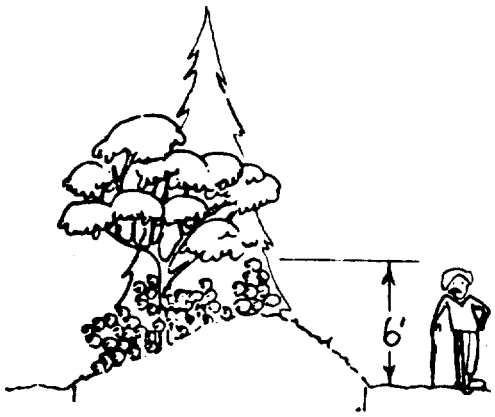
a. **Perimeter Treatment Adjacent to Abutting Properties** - A sight-obscuring fence or wall 6-ft in height shall surround each manufactured dwelling park, except as specified below for lands adjacent to public streets. Plantings in the required setback area shall be used to reinforce this buffer.

b. **Perimeter Treatment Adjacent to Public Streets** - An applicant can chose one of two options for perimeter treatment.

1. **Option I:** On lands adjacent to public streets a 6-ft high sight-obscuring screen shall be provided through the use of fencing and vegetation and/or earth sculpting and vegetation.

   (a) **Fencing** - Any fence shall have an average 15-ft setback from the public right-of-way and shall meet vision clearance requirements. Fencing closer than 15 ft to the public right-of-way shall be subject to the district's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.

   (b) **Earth Sculpting** - Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 ft in 2 years. This combination is subject to the following standards:



   (1) The earth sculpting, as a minimum, shall include a berm whose form does not have a slope over 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.

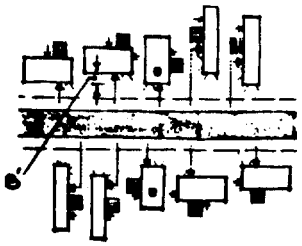
   (2) At least one row of deciduous and/or evergreen shrubs spaced not more than 5 ft apart shall be placed on this berm.

   (3) Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

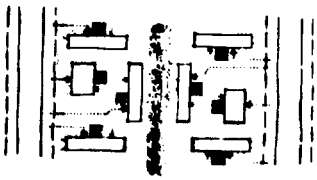
2. **Option II:**

   (a) A manufactured home space that abuts the perimeter setback shall be a minimum of 5,000 sq. ft.

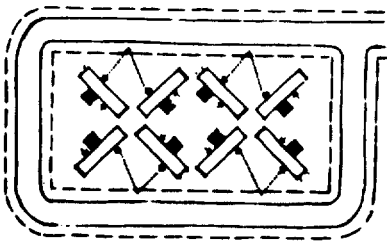
(b_1) Manufactured homes abutting a public street shall have staggered setbacks and a variety of living unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 ft as measured perpendicular from the street, or



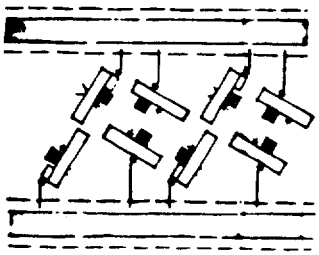
OR



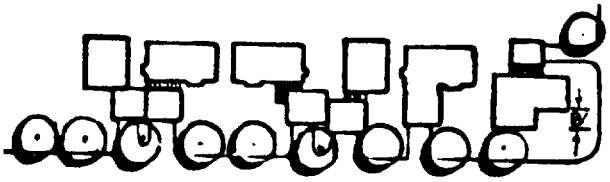
(b_2) An alternative to the above is to utilize a uniform setback but provide a substantial acute or obtuse angle from the street, such as indicated below, or



OR



(b_3) A third alternative is to establish an 8-ft minimum building offset by utilizing attached garages or triple wide expansions such as indicated below.



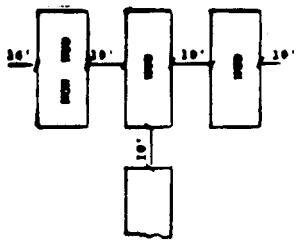
(c) Driveway access on local public streets may occur at the maximum frequency of one access for every two dwellings. Access from individual dwellings shall not be permitted on arterial streets. Access to collector streets shall be subject to review by the City Engineer.

Section 4.8.60 - SETBACK AND SEPARATION FOR STRUCTURES WITHIN THE PARK

a. Between dwellings, there shall be at least a 10-ft separation on all sides.

b. Dwellings must be placed at least 14 ft apart where a flammable or combustible fuel storage vessel is located on or between units.

c. Between dwellings and park buildings there shall be a minimum separation of 10 ft.



d. Between any structure and a park street or between a structure and a sidewalk intended for public use there shall be a minimum distance of 5 ft.

e. Between accessory structures and between dwellings and accessory structures the following shall apply:

1. An accessory building shall not be located closer than 6 ft to any dwelling or other accessory building on adjacent space, except that a double carport or garage may be built which serves two adjacent dwellings.

2. When a double carport or garage is built to serve two adjacent dwellings, a minimum 3-ft separation shall be provided between the double carport and any adjacent structure, dwelling, or dwelling accessory structure. As an alternative, a 1-hour fire separation may be provided through the center of the double carport serving adjacent dwelling.

Section 4.8.70 - SITE DEVELOPMENT STANDARDS

a. Parking and Accessways

1. **Parking** - Off-street parking facilities shall be provided on-site in accordance with Chapter 4.2.

2. **Street Widths** - The minimum width for park streets shall be 20 ft. If on-street parking is permitted, ORS 446.095(1) requires a minimum width of 30 ft. Streets serving more than 12 dwelling spaces shall be a minimum of 24 ft in width. Streets serving more than 30 dwelling spaces shall be a minimum of 28 ft in width.

3. **Street Standards** - Streets shall be paved to standards adopted by the City Engineer.

4. **Dead End Streets** - Cul-de-sacs over 400 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 turn-around approved by the City Engineer.

5. **Walks** - Paved walks, at least 5 ft wide and accessible to wheelchairs, shall be provided to connect park buildings to a park street or public street. In addition, a street sidewalk (or an equivalent pedestrian walking system) shall be provided to connect areas having more than 25 living units with the public sidewalk system.

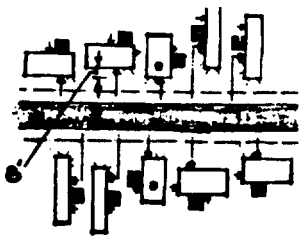
6. **Lighting** - Private park roadways shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.

7. **Street Signs** - Street identification signs shall be provided according to applicable City requirements if 50 or more manufactured dwelling spaces are provided.

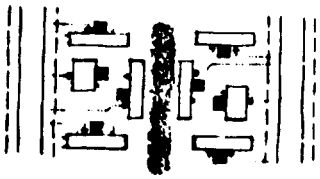
8. **Fire Access** - Access for fire protection services shall permit fire apparatus to approach within 100 ft of each dwelling. In addition, each manufactured dwelling space shall have direct access to a street to permit emergency escape. This access shall be an unobstructed area not less than 14 ft wide.

b. Siting of Dwellings Within the Park

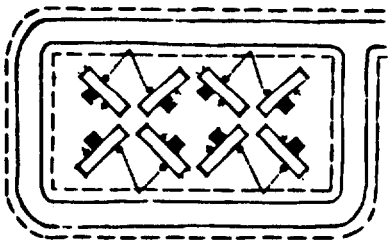
1. Dwellings shall have staggered setbacks and a variety of living unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 ft as measured perpendicular from the street.



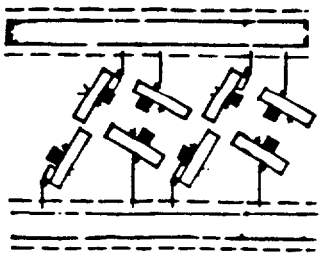
OR



2. An alternative to the above is to utilize a uniform setback but provide a substantial (greater than 30 degrees) acute or obtuse angle from the park street, such as indicated below.



OR



c. **Public and Private Facilities**

1. Each manufactured dwelling park 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 the requirements of Chapter 4.0.

2. Applications for manufactured dwelling parks that would adjoin an open, natural drainageway or would be located in a floodway fringe shall be reviewed in accordance with Chapter 4.5 - Flood Control and Drainageway Provisions.

d. **Play Areas** - A separate play area shall be provided in all manufactured dwelling parks that accommodate children under 14 years of age unless each manufactured dwelling space has a minimum size of 4,000 sq. ft. A required play area shall not be less than 2,500 sq. ft in area with no dimension less than 30 ft. There shall be at least 100 sq. ft of play area provided for each manufactured dwelling space occupied by children.

e. **Space Coverage** - Not more than 60 percent of a manufactured dwelling space may be occupied by a dwelling and any other attached or detached structures used in conjunction with such dwelling.

f. **Decks** - Each manufactured dwelling stand shall be provided with one or more, at least semi-private, outdoor living area adjacent to the dwelling, constructed of concrete, asphalt, flagstone, wood, or other equivalent surface material totaling at least 120 sq. ft of area and not less than 8 ft wide in any dimension.

g. **Skirting** - Each mobile home or manufactured home located in a manufactured dwelling park shall have continuous skirting that, in design, color, and texture, appears to be an integral part of the exterior walls or the foundation of the dwelling.

Section 4.8.80 - LANDSCAPE PLAN

A landscape plan is required prior to issuance of building permits. This plan shall be drawn to scale showing the location of existing trees and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, contour lines indicating any earth sculpting to be used, and other pertinent landscape information.

a. **Plant Coverage and Maintenance**

Required landscape areas shall be covered by living plant material capable of attaining 90 percent ground coverage within 3 years and shall be continuously maintained and irrigated with permanent facilities sufficient to maintain the plant material.

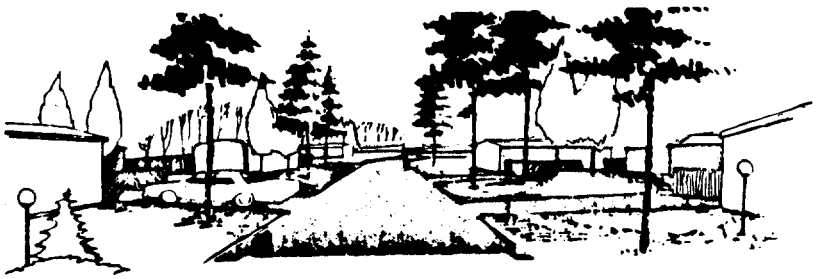
b. Plantings in Perimeter Area

In addition to the requirements specified in perimeter treatments above and in Chapter 4.2 - Landscaping, Buffering, and Screening, landscaping shall be used to provide screening of decks and storage areas from the public roadway. Plant masses shall also be established between perimeter dwellings in order to reduce negative visual effects of roads and vehicle storage areas located within the park.

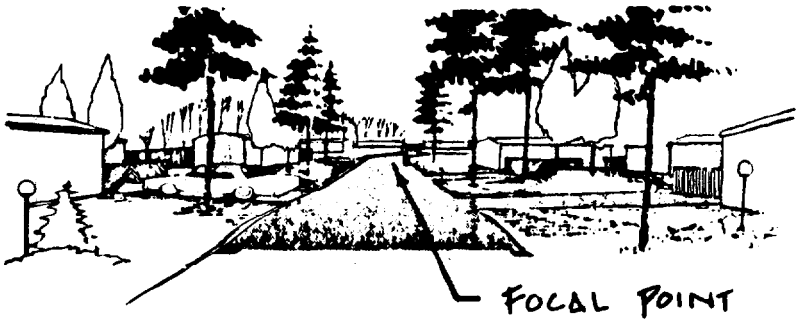
c. Plantings Along Park Street

1. **Street Trees** - Street trees shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, and Screening.

2. **Planting Continuity** - Similar street trees shall be repeated to provide continuity for street plantings. Repetition of landscape elements such as lighting fixtures, consistent fencing styles, or similar carports can complement this street tree pattern.

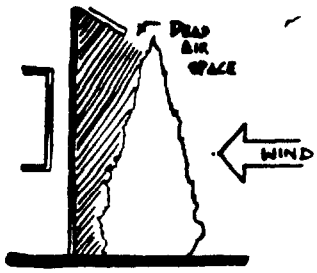


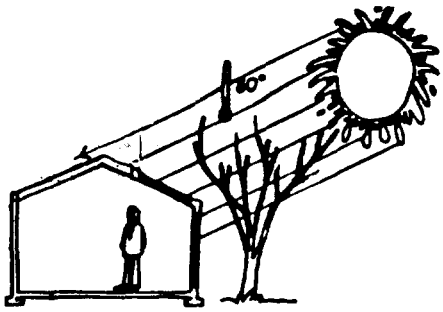
3. **Street Focal Points** - The real or apparent end of a street provides a focused view which shall be heavily vegetated either with foreground plants or (as below) with background plants.



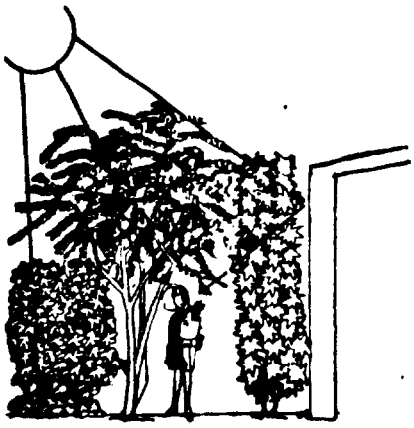
d. **Planting for Energy Efficiency** - Appropriate plant materials shall be utilized to cool dwellings in the summer and help insulate them in the winter. Possible applications are illustrated below.

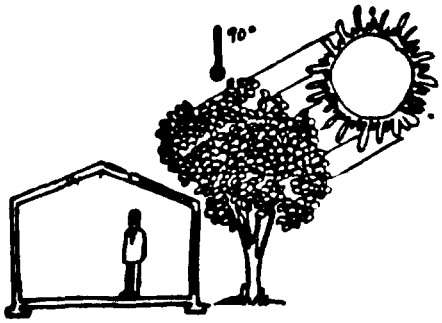
WINTER





SUMMER





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 deals with special development standards for manufactured homes on individual lots, minor utilities, accessory dwelling units in residential districts and with exceptions to building heights and projections.

Section 4.9.20 - MANUFACTURED HOME DESIGN STANDARDS

Manufactured homes are defined as a single detached residential building type in Chapter 1.6 and are allowed in all residential districts. Manufactured homes placed on individual lots shall:

a. Be multi-sectional (double-wide or wider) and enclose a floor area of not less than 1000 sq. ft;

b. Have a backfill style foundation or skirting of pressure treated wood, masonry, or continuous concrete footing wall construction, complying with the minimum set-up standards of the adopted Manufactured Dwelling Administrative Rules, Chapter 918;

c. Have a pitched roof with a minimum 3 ft in height for each 12 ft in width.

d. Have siding or roofing that is non-reflective;

e. Be certified by the manufacturer to have exterior thermal envelopes meeting performance standards specified by State law for single-family dwellings constructed under the State one- and two-family dwelling code; and

f. Have a garage or carport with exterior materials the same as the main unit.

Section 4.9.30 - MINOR UTILITIES

Minor Utilities (as defined in Chapter 3.0) require Conditional Development approval in accordance with Chapter 2.3 when placed in a residential district; or, Plan Compatibility Review in accordance with Chapter 2.13 when located in commercial districts. In addition to complying with the review criteria contained in those chapters, 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 district 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-3.5, RS-5, RS-6, RS-9 AND RS-9(U) DISTRICTS

Accessory dwelling units constructed during the time period of March 14, 1996 to April 30, 1998 in accordance with Land Development Code provisions 4.9.40 and with applicable building permits and following established City procedures, shall be recognized as legal conforming uses and structures.

In addition to complying with the specific requirements of the zoning district, accessory dwelling units are subject to special development provisions. The developer has the option of selecting to develop the ADU in accordance with the Standards Option or the Guideline Option listed below:

Section 4.9.40.01 - Standards Option

Accessory Dwelling Units shall meet the following standards:

a. The owner of the lot must occupy either the principal residence or the accessory unit;

b. Provisions be made for drainage, water and sewage waste shall meet City and Building Code standards;

c. The accessory dwelling unit shall meet all applicable codes of the City (ex: setback standards for the primary residence, height standards, building code provisions, etc);

d. The lot requirements (width, depth, *etc.*) on which the principal residence and accessory dwelling unit are located shall be met;

e. The accessory dwelling unit 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%). Roof materials shall be the same as on the primary residence. (Roof Pitch Addendum: where multiple roof pitches are proposed, roof pitch compliance can also be obtained if the majority of roof area meets the above standard and the remainder is 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 & type, and with the same window trim as exists on the majority of all windows on the primary residence. This provision can be waived to accommodate the following:
   * The "View Window" criteria listed below; or
   * 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 5' or more above floor elevation. This provision is not applicable when the windows face an abutting garage or building wall where no windows exist.

5. Color - Accessory dwellings shall have the same color of siding, trim and roof as exist on the primary structure.

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

f. The accessory dwelling unit shall not exceed either 40% of the gross floor area of the primary dwelling unit (exclusive of garage[s]), or the area of a two-car garage (480 square feet), whichever is greater, but in no case shall the accessory dwelling unit exceed 900 square feet;

g. Entrance Door - The primary entrance door to a detached accessory dwelling shall be located 5' or more towards the interior of the lot from the abutting side yard setback lines. The 5' extra setback is not required when there is an existing or created screen located between the ADU and the property line. The screen needs to be at least 80% opaque to a height of at least 6 feet with the intent of interrupting a line of sight towards the first floor windows and toward the yard area on abutting properties.

h. Walkways - Walkways to the primary access door of an Accessory Dwelling shall maintain at least a 5' separation between the walk and the side property line. This provision is not applicable when there is an existing or created screen located between the ADU and the property line. The screen needs to be at least 80% opaque to a height of at least 6 feet with the intent of interrupting a line of sight towards the first floor windows and toward the yard area on abutting properties.

i. No off-street parking needs to be provided for the accessory dwelling unit so long as the parking requirement for the primary dwelling unit is met. 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 accessory dwelling unit 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;

k. In the RS-6 District, the minimum lot area to establish an accessory dwelling unit shall be 6,500 square feet;

l. In the RS-9 and RS-9(U) Districts, the minimum lot area to establish an accessory dwelling unit shall be 5,000 square feet;

m. Upon issuance of a building permit for an accessory dwelling unit, the City shall cause to be recorded a deed restriction on the property stating that as a condition for the issuance of the building permit for the accessory dwelling unit, the property owner must reside on the premise or the accessory dwelling unit may not be used as a residence;

n. Only one accessory dwelling unit shall be allowed on a lot or contiguous lots under one ownership.

Section 4.9.40.02 - Guideline Option

4.9.40.02.01 - Purpose

This option is intended to minimize compatibility concerns related to Accessory Dwelling Units with respect to architectural compatibility, window design, primary entry door location and the related walkway to this door while facilitating the development of ADU's. The following provisions implement related Comprehensive Plan Policies.

4.9.40.02.02 - Procedures

Whenever an ADU development application is filed using the Guideline 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 the following:

4.9.40.02.03 - Review Criteria

In addition to complying with the specific requirements of the zoning district, accessory dwelling units are subject to the following provisions:

a. The owner of the lot must occupy either the principal residence or the accessory unit;

b. Adequate provision shall be made for drainage, water and sewage waste;

c. The accessory dwelling unit shall meet all applicable codes of the City (ex: setback standards for the primary residence, height standards, building code provisions, etc);

d. The lot requirements (width, depth, *etc.*) on which the principal residence and accessory dwelling unit are located shall be met;

e. The accessory dwelling unit shall be architecturally integrated with the primary dwelling unit through the use of the following:

1. Roofs - New roofs shall be similar in pitch, overhang, and materials to that of the primary residence;

2. Building Materials for Exterior Walls - New exterior walls shall be constructed of materials and patterns similar in appearance to those on the primary residence;

3. Windows - New windows and window trim shall be similar to the appearance of windows that exist on the primary residence unless variations are needed to protect the privacy of abutting properties.

4. Color - Accessory dwellings shall have similar color of siding, trim and roof as exist on the primary structure.

f. The accessory dwelling unit shall not exceed either 40% of the gross floor area of the primary dwelling unit (exclusive of garage[s]), or the area of a two-car garage (480 square feet), whichever is greater, but in no case shall the accessory dwelling unit exceed 900 square feet;

g. The entrance to the accessory dwelling unit shall be oriented or appropriately buffered to minimize impacts and protect the privacy of adjacent properties;

h. No off-street parking needs to be provided for the accessory dwelling unit so long as the parking requirement for the primary dwelling unit is met. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard;

i. A garage may be converted to an accessory dwelling unit 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;

j. In the RS-6 District, the minimum lot area to establish an accessory dwelling unit shall be 6,500 square feet;

k. In the RS-9 and RS-9(U) Districts, the minimum lot area to establish an accessory dwelling unit shall be 5,000 square feet;

l. Upon issuance of a building permit for an accessory dwelling unit, the City shall cause to be recorded a deed restriction on the property stating that as a condition for the issuance of the building permit for the accessory dwelling unit, the property owner must reside on the premise or the accessory dwelling unit may not be used as a residence;

m. Only one accessory dwelling unit shall be allowed on a lot or contiguous lots under one ownership.

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 (excluding flagpoles and wireless telecommunications facilities) not used for human occupancy with a height, measured from the adjacent grade, of 75 ft or less are not subject to the development district height limits. Such structures exceeding 75 ft 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. *Note: Flagpoles are subject to Section 4.7.70.b., which limit 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, which limits their height to 150 ft, or as specified in individual development district standards.*

4.9.50.02 - Projections from Buildings

Architectural features, such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces and flues, shall not project more than 3 ft into a required yard, except that a minimum 30 in. setback shall be maintained from any property line. However, no architectural features shall be located within a vision clearance area as defined in Section 4.1.40. 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) may be approved as an outright permitted use, or may require Plan Compatibility Review in accordance with Chapter 2.13 or Conditional Development approval in accordance with Chapter 2.3, depending on the type of facility (colocated/attached or freestanding) and its proposed location. Uses that are permitted outright require building permits only. All facilities located in the Willamette River Greenway District Overlay are subject to the provisions of Chapter 3.30 - Willamette River Greenway District Overlay. All facilities located on Historic Preservation District Overlay properties 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 residential districts) are exempted from the requirements to have an approved Conceptual Development Plan and/or Detailed Development Plan in accordance with Chapter 2.5, Sections 2.5.40 and 2.5.50. Facilities proposed to be located in residential districts 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.

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 facilities are exempted from the provisions in Chapter 4.9, Section 4.9.50 - Exceptions to Building Heights and Projections. Additional height limitations are defined under allowed uses for individual development districts (Chapters 3.1 through 3.37).

b. **Setbacks:**

1. Setbacks for freestanding wireless telecommunication facilities, including associated ground-level equipment, are as follows:

   - 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 district.

   - A facility located on a site adjacent to the Corvallis Gateway Corridor, defined as the right-of-ways 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.

   - All freestanding wireless telecommunication facilities shall comply with the setback requirements of the underlying development district.

2. Ground-level equipment associated with colocated/attached wireless telecommunication facilities shall meet the setback requirements of the underlying development district. When the ground-level equipment is on a site abutting a residential district 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 new 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 new 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 new facility under 50 ft in height, including attached antennas, must be separated from other freestanding wireless telecommunication facilities by at least the height of the new facility 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 contain documentation 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:
   - Facilities up to 120 ft in height shall accommodate at least two facilities/providers.
   - 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 this 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.

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 of Chapter 4.2 - Landscaping, Section 4.2.50 - Screening (Hedges, Fences, Walls, Berms).

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 district 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.

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. All facilities subject to FAA requirements shall submit documentation with the application which demonstrates compliance with FAA requirements.

j. **Signage:** Warning and safety signs, up to three square ft in area, are allowed. All other signs are prohibited.

k. **Site Access:** Site access is subject to the provisions of Chapter 4.1- Parking, Section 4.1.40, Standards for Off-Street Parking and Access. The facility operator will implement measures to prohibit unauthorized site access.

l. **Decommissioning:** A facility shall be removed by the facility owner or operator within six months of the date that 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.