



**COMMUNITY DEVELOPMENT DEPARTMENT**  
P.O. Box 1083, Corvallis, OR 97339-1083

Planning (503) 757-6908  
Housing and Redevelopment 757-6981  
Building 757-6929

M E M O R A N D U M

November 3, 1983

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Status Report on Benton County Industrial Zoning  
for the Corvallis Urban Fringe

This memo: 1) contains a chronology of events relating to Benton County's industrial zoning for the Corvallis Urban Fringe, and 2) discusses the proposed industrial zoning amendments that are a product of joint City-County worksessions.

At the November 7 City Council meeting, staff will make a presentation on the substance of the proposed industrial zoning for the urban fringe. The City Council committee appointed to work with the Board of Commissioners will discuss the committee's support for the proposal. Following discussion, it is anticipated that the Council will make a recommendation to the Board of Commissioners on the proposal.

BENTON COUNTY INDUSTRIAL ZONING CHRONOLOGY

December 6, 1982 The City Council adopted the Economy Element of the Comprehensive Plan which included a recommended 20-acre minimum lot size for the Light Industrial parcels 20 acres or larger in the urban fringe.

May 4, 1983 The Board of Commissioners adopted provisions in the County Zoning Ordinance. These provisions generally reduced the City's recommended 20-acre lot size to 5 acres with a possibility of further reduction to 1 (one) acre with an approved planned unit development. The 20-acre lot size was applied to one industrial parcel west of Hewlett-Packard.

May 4 The Corvallis Planning Commission recommended to the City Council that a 10-acre minimum lot size be applied to the parcels in question.

Mayor and City Council  
Benton County Industrial Zoning  
November 3, 1983

- June 2 LCDC unanimously adopted its staff's report which recommended that Corvallis' acknowledgement request be continued to allow Benton County to amend its Development Code. LCDC found that Benton County's industrial amendments did not comply with State-wide Planning Goal 9 (Economy of the State) and issued the following "in order to comply" statement:
- "Benton County must amend the Development Code consistent with the policies and analysis found in the Corvallis Comprehensive Plan and Economy Report, to retain Light Industrial land in large developable parcels, and to prohibit incompatible uses in industrially designated areas."
- LCDC extended the City and County's request for acknowledgement to September 14.
- June 7 At this joint City-County worksession, tentative agreement was reached on a 10-acre minimum lot size for vacant industrial parcels 20 acres or larger in the urban fringe.
- June 28 The Benton County Planning Commission held a public hearing on urban fringe industrial zoning. The proposed amendments placed a 10-acre minimum lot size on the subject parcels and restricted commercial uses on industrial lands. The Planning Commission unanimously recommended to the Board: 1) a 10-acre minimum lot size with the opportunity to reduce the lot size to 1 acre with an approved PUD and 2) to retain the commercial uses in the Zoning Ordinance that LCDC had found unacceptable on June 2.
- July 6 The Corvallis Planning Commission unanimously recommended to the City Council that they support the Benton County ordinance as originally drafted.
- July 25 At a joint City-County worksession, Benton County verbally presented a proposed Flexible Industrial Overlay District (FIOD). The City Council requested a written copy of the proposal.
- August 15 The City Council reviewed the County's July 29 proposal and City staff's proposal for a FIOD and directed staff to revise the City staff's proposal and transmit it to Benton County as the City's position.

Mayor and City Council  
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- August 24           The Board of Commissioners transmitted a second draft of the FIOD to the City.
- September 6        The City Council formed a committee composed of three Council members and the Mayor to work with the County on the FIOD.
- September 8        The City requested an extension from LCDC to October 21.
- September 8        Council member Charles Vars transmitted a revised FIOD to the Board of Commissioners.
- September 13      At a joint City-County worksession, the latest City and County proposals were discussed.
- September 23      The County proposed a revised FIOD at a joint worksession.
- September 29      The County revised and distributed another draft of the FIOD.
- October 13          The City Council committee distributed a revised FIOD.
- October 17          At a joint worksession, the City and County reached tentative agreement on the remaining issues. Staff was directed to prepare the agreed upon FIOD. This proposal is included as Attachment I.
- October 19          The City and County requested an extension from LCDC to November 30.

PROPOSED FLEXIBLE INDUSTRIAL OVERLAY DISTRICT

The proposed Flexible Industrial Overlay District (FIOD) is included as Attachment I. Each section of the district is discussed in the following paragraphs.

SECTION XXXI.01. PURPOSE

This section limits the applicability of the FIOD to six industrial parcels larger than 20 acres in the Corvallis Urban Fringe.

Mayor and City Council  
Benton County Industrial Zoning  
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#### SECTION XXXI.02. DEVELOPMENT OPTIONS

This section allows the parent parcel to develop with either one or both of the following options. Section 1.a. states that for lots 10 acres or larger one use is allowed per lot. Section 1.b. states that for each lot smaller than 10 acres one use is allowed and these lots must be contiguous. The total number of uses which may be developed on the parent parcel is limited to one use for each 10 acres of the parent parcel.

This section provides flexibility to the property owner while retaining large industrial parcels for development after annexation to the City. Small lots must be contiguous, which will allow consolidated access points and the option of community wells and sewage disposal, as well as preserve larger parcels for economic development after annexation.

#### SECTION XXXI.03. PERMITTED USES

The light industrial uses listed in Section 1. are identical to the light industrial uses permitted in the City. Sections 2.a. and b. and 3. permit commercial, agricultural and accessory uses that are compatible with light industrial uses. These uses are allowed in the City's Land Development Code. Using identical permitted uses in the City and County Land Development Codes ensures that uses approved in the County will be consistent with City uses upon annexation.

Section 4. states that industrial uses may be permitted only when public health, safety and welfare are not adversely affected. The Development Director and Planning Commission are required to impose conditions to reduce adverse environmental impacts such that the use will not create a public nuisance. These conditions will also serve to ensure that any proposed development will be compatible with subsequent development.

#### SECTION XXXI.04. SEQUENCE FOR DEVELOPMENT

This section lists application requirements for industrial development in addition to those already required by the County. Five standards and conditions are included that will apply to industrial development.

This section requires that facilities be planned for the entire parcel and that provisions be made for the location of City services and utilities.

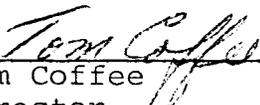
Mayor and City Council  
Benton County Industrial Zoning  
November 3, 1983

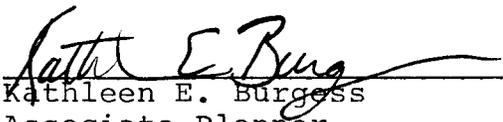
ARTICLE VIII. INDUSTRIAL

These sections amend the County's Industrial district to incorporate Article XXXI., the Flexible Industrial Overlay District.

ARTICLE I. INTRODUCTORY PROVISIONS

This section adds definitions used in the Flexible Industrial Overlay District. The definitions are from the City's Land Development Code to ensure consistency of terminology.

  
\_\_\_\_\_  
Tom Coffee  
Director

  
\_\_\_\_\_  
Kathleen E. Burgess  
Associate Planner

**DRAFT**

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR BENTON COUNTY, OREGON

An Ordinance Amending the Benton )  
 County Zoning Ordinance to add )  
 Article XXXI (Flexible Industrial )  
 Overlay District); to amend )  
 Article I (Introductory )  
 Provisions); and to amend Article )  
 VIII (Industrial); Amendments to )  
 the Benton County Zoning Map )

ORDINANCE 26J

THE BOARD OF COUNTY COMMISSIONERS ORDAINS AS FOLLOWS:

Short Title: Flexible Industrial Overlay District

Add:

Article XXXI Flexible Industrial Overlay District  
XXXI.01 Purpose

The purpose of this overlay zone is to insure the orderly industrial development of very specific parcels of land as illustrated on the Industrial Fringe area map (Exhibit "A"), a total of six(6) parcels numbered 16, 22, 24, 25, 26, and 27 respectively.

XXXI.02 Development Options

1. The property owner may choose either one or a combination of the following options. The remainder of the parent parcel must remain in one piece after the creation of lots in accordance with this section.
  - a. One use per ten acre lot created from each parent parcel. The minimum lot area requirement for this option is ten acres.
  - b. Lots of less than ten acres may be created as long as they are contiguous with one another. One use per lot shall be permitted.
2. The total number of lots allowed per parent parcel is shown as follows:

<u>Parent Parcel Number</u>	<u>Acreage</u>	<u>Number of Lots Per Parent Parcel</u>
16	23	2
22	45	4
24	65	6
25	57	5
26	54	5
27	57	5

XXXI.03 Permitted Uses

1. Light Industrial Use Types: Production, processing, assembling, packaging, or treatment of food products from previously processed materials; or

Production, processing, assembling, and packaging of finished products from previously prepared materials; or

Manufacturing and assembly of electronic instruments and equipment and electrical devices.

2. a. Commercial Use Types: animal sales and services (kennels, veterinary), automobiles and equipment repairs (heavy, light, and farm equipment), wholesaling, storage and distribution (light).
- b. Agricultural Use Types: horticulture (cultivation, storage), packing and processing (limited).
3. Permitted Accessory Uses: One residence shall be permitted per development site and shall be developed simultaneously with or following development of primary and accessory uses permitted outright. The location of the residence shall be located on the site plan submitted with a building permit. Said residence shall be arranged and related to the principal use and located for principal services to the employees or users of one or more of the primary uses on the same development site.

4. The Development Director shall consider proposed industrial uses listed in 1. above that require a Minimal Source Permit or a Regular Discharge Permit from the Department of Environmental Quality (DEQ). If the Development Director determines that the scope of a specific request requires a public hearing, the Director will refer the request to the Planning Commission.

Uses shall be permitted only when:

The Development Director or Planning Commission finds that public health, safety, and welfare associated with surrounding land uses will not be adversely affected based on technical findings regarding environmental quality performance standards. Before final action is taken by the Development Director or Planning Commission, an approval by the DEQ may be required.

When it appears that noise, dust, odors, emissions or other adverse environmental impacts will extend outside the boundary of a parcel upon which development is proposed, the Development Director or Planning Commission shall impose conditions reducing such adverse environmental impacts such that the use will not create a public nuisance.

#### XXXI.04 Sequence for Development

Any application for a land-use decision or Building Permit for these parcels made to the County will obligate the property owner of the entire parent parcel and the owner of any lot created as a result of a land-use decision or building permit approval to agree not to remonstrate against annexation to the City of Corvallis, and each party shall agree not to remonstrate against the formation of a local improvement district for the installation of public services in the future.

The following material shall be submitted with all development applications in accordance with the standards and conditions listed in 1 through 5 below. This material must be approved by the Development Director.

1. An access plan for the development area and for the parent parcel.
2. A plan showing the location of future City services and utilities.
3. A map depicting natural drainageways.

The following standards and conditions shall apply:

1. Access shall be consolidated to cause a minimum interference with traffic movements on abutting streets. Where necessary, additional rights-of-way shall be dedicated to maintain adequate traffic circulation.
2. Where access is proposed to a State Highway, approval by and compliance with the requirements of the State Highway Division is required.
3. Easements for future City services and utilities shall be granted.
4. Nonremonstrance agreements for future City services and utilities shall be signed.
5. A consent to annex shall be signed.

#### Article VIII Industrial

##### VIII.02 Standards for Application

Add: The Flexible Industrial Overlay District is applied in conjunction with the Industrial District on six parcels of land within the Corvallis Urban Growth Boundary, as shown on the Benton County Zoning Map. Section VIII.06 (Site Development Plan) of this article also applies to land zoned with the Flexible Industrial Overlay District.

VIII.03 Permitted Uses

Amend: 2. Office.

Amend: 4. Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, but not including junk yards.

Amend: 5. Commercial uses compatible with the purpose of this Article, including, but not limited to, the following: lumber yards, nursery stock production and sales, transportation centers, service garages, warehouses, wholesale operations, household equipment and appliance repair, rental establishments, car washes, animal hospitals, and printing services, provided that no adverse effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property lines.

VIII.04 Conditional Uses

Delete: 3. The following commercial and services uses, provided they do not preclude, and are secondary to, future development of the property with industrial uses permitted in VIII.03 above.

a. Office.

b. Sales, service and storage of mobile homes, campers, boats, bicycles, motor vehicles, but not including junk yards.

c. Commercial uses compatible with the purpose of this Article, including lumber yards, nursery stock production and sales, transportation centers, service garages, warehouses, wholesale operations, household equipment and appliance repair, rental establishments, car washes, animal hospitals, and printing services, provided that no adverse effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property lines.

VIII.05 Lot Area Requirements

Delete: 5. Where a PUD designation is applied to parcels zoned Industrial - 5 acre minimum, parcels as small as one(1) acre may be created provided a PUD is approved by Benton County. A condition of approval of a PUD will be that the property owner agree to annex the entire parcel to the City of Corvallis.

Article I Introductory Provisions

I.03 Definitions

Add: The following definitions shall apply only to Article XXXI (Flexible Industrial Overlay District):

97. Animal Sales and Services - Kennels:  
Kennel services for dogs, cats, and similar small animals.  
Typical uses include boarding kennels or dog training centers.
98. Animal Sales and Services - Veterinary:  
Typical uses include pet clinics, dog and cat hospitals, animal hospitals or veterinary hospitals.
99. Automobiles and Equipment Repairs - Farm Equipment:  
Repair of farm equipment and the sale, installation, or servicing of farm equipment and parts. Typical uses include farm equipment repair shops.
100. Automobiles and Equipment Repairs - Heavy Equipment:  
Repairs of trucks, etc., as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting and steam cleaning. Typical uses include truck transmission shops, body shops or motor freight maintenance groups.
101. Automobiles and Equipment Repairs - Light Equipment:  
Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto, or motorcycle repair garages, or auto glass shos.
102. Development Site:  
A legally established lot or parcel of land occupied or capable of being ocupied by a building or group of buildings including accessory structure(s) and accessory use(s), together with such yards or open spaces as are required by this Ordinance and having frontage upon a street.
103. Horticulture:  
Refers to premises primarlily devoted to horticultural and floracultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes.
- a. Horticulture - Cultivation: Cultivation of plants.
- b. Horticulture - Storage: Storage of plants, primarily in containers.
104. Land Division:  
Includes minor land partitions, major land partitions, and subdivisions.
105. Packing and Processing - (Limited):  
Packing or processing of crops grown on the premises.

106. Wholesaling, Storage, and Distribution (Light):

Refers to establishments or places of business primarily engaged in wholesaling, storage distribution, and handling of materials and equipment other than live plants and animals. Light wholesaling, storage, and distribution refers to these services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.

Amend the Benton County Zoning Map as shown on the attached Exhibit "A".

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_  
Effective Date \_\_\_\_\_

BOARD OF COMMISSIONERS  
FOR BENTON COUNTY

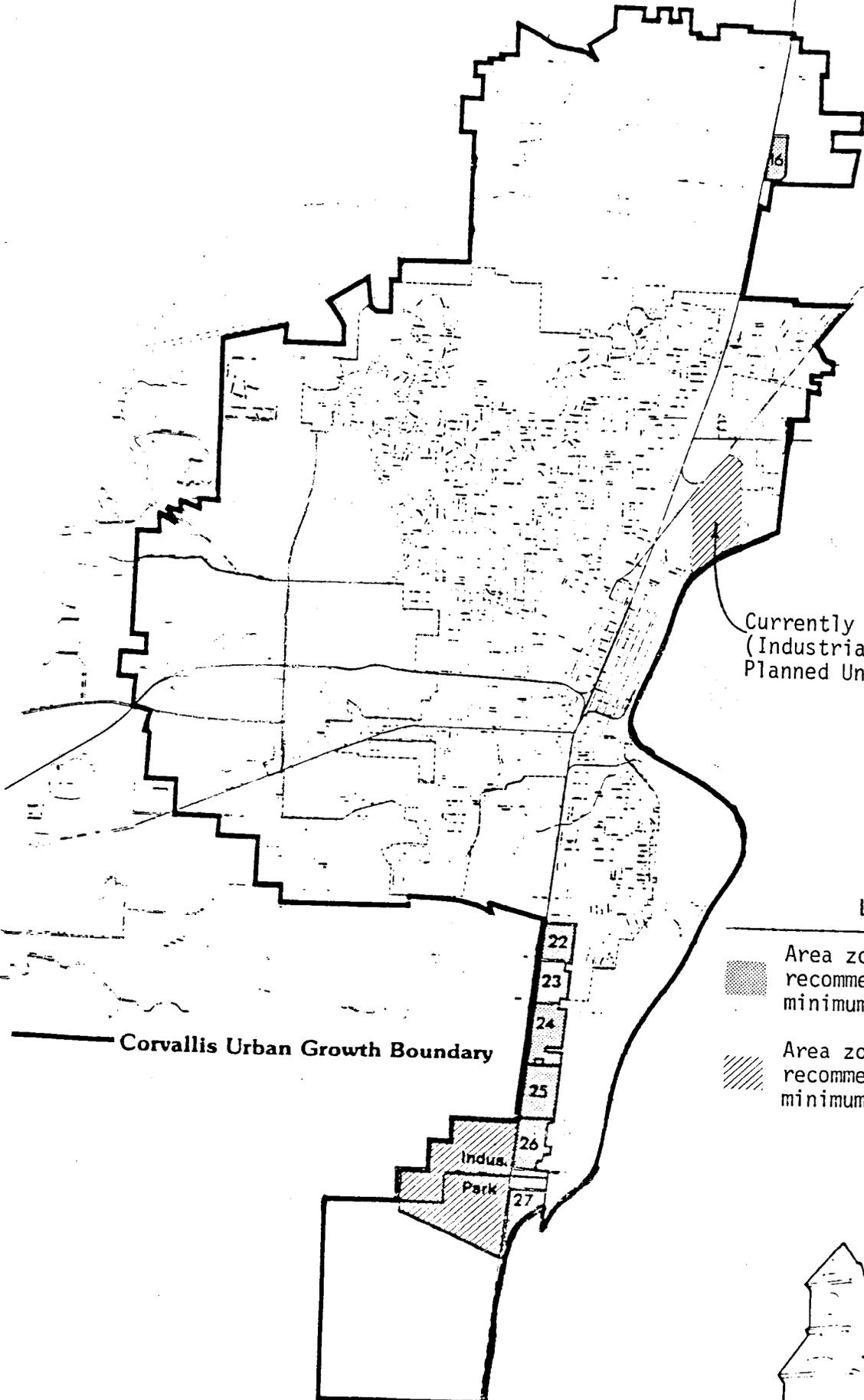
\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Barbara Ross, Chairman

Approved as to Form:

\_\_\_\_\_  
Richard T. Ligon, County Counsel

EXHIBIT "A"

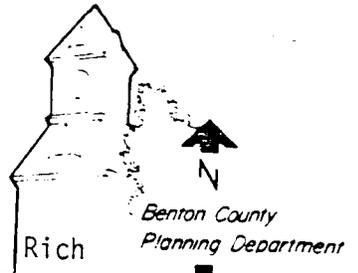


Currently zoned I-20/PUD  
(Industrial-20 acre min.,  
Planned Unit Development)

LEGEND

-  Area zoned Industrial recommended for 10 acre minimum parcel size.
-  Area zoned Industrial recommended for 20 acre minimum parcel size.

— Corvallis Urban Growth Boundary



Benton County  
Planning Department

Rich

*Urban Fringe*

July 11, 1983

RECEIVED

JUL 14 1983

CITY MANAGER'S OFFICE

TO: Mayor Alan Berg and  
Corvallis City Council Members

We, the undersigned property owners, respectfully request that the City Council seriously reconsider it's position regarding our parcels of Industrial designated land within the Corvallis Urban Growth Boundary.

We have previously requested the Benton County Planning Commission and the County Board of Commissioners to apply the same standards to our property as they apply to other fringe property with the same zone or designation. We see no justification for imposing nearly impossible standards to our property and substantially different standards to all other property of the same zone including a substantial amount of city-owned property. The City's attempt to make our land practically unusable until we are annexed to the city appears to be very counter-productive at a time when flexibility is so important to the economic well-being of the entire community.

The City has expressed concern about inadequate development controls prior to annexation. If you will review and compare the Benton County development standards, you will find these standards to be as high or higher than any other county in Oregon. We believe that these standards are adequate to protect our property. Also, with parcels the size of ours, there is added incentive for us, if we decide to develop, to develop in a manner that will increase the value of any retained property and insure desirability for future development.

We believe that the 10 acre minimum lot size that has been tentatively agreed to by the city and county is unreasonably large, but something that we can live with provided a conditional use process and a planned development procedure is retained to allow for smaller parcels.

We also consider it very important to retain as outright permitted uses all uses normally considered industrial uses or compatible with industrial uses, more specifically those uses that are outright permitted uses in the City of Corvallis General Industrial zone, and those uses permitted in Benton County's Industrial zone outside of the Corvallis Urban Growth Boundary.

We hope that you understand our concerns in this matter and that you will consider these requests reasonable and acceptable.

*Clarence Vanell*  
*Rosette Vanell, Secy.*  
*Venell Farms, Inc.*  
Rt. 3 Box 529  
Corvallis, OR 97333  
*Loren Neubert*  
*Laine Neubert*  
2000 SW Neubert Ave.  
Corvallis OR. 97333

Sincerely,  
*Ivan Chorak*  
*Mary Chorak*  
Route 3, Box 390  
Corvallis, Ore. 97333  
*Edmund M. Krause*  
*Laura Krause*  
3680 SW 3rd  
Corvallis, Oregon 97333  
*Wayne Lucia*  
*John W. Lucia*  
4611 SW Elliott St. Corvallis, OR 97333

cc: Benton County Board of Commissioners



## COMMUNITY DEVELOPMENT DEPARTMENT

P.O. Box 1083, Corvallis, OR 97339-1083

Planning  
Housing and Redevelopment  
Building

(503) 757-6908  
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757-6929

### M E M O R A N D U M

June 29, 1983

*Agreement  
Haben change*

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Benton County Planning Commission's Action on  
Industrial Lands

This memorandum discusses the Benton County Planning Commission's June 28, 1983, action on industrial lands and requests Council direction on this issue.

As was previously discussed in the June 14 Community Development Department memorandum, LCDC issued a continuance order on June 2, 1983, which directed Benton County to:

"Amend the Development Code consistent with the policies and analysis found in the Corvallis Comprehensive Plan and Economy Report, to retain Light Industrial land in large developable parcels, and to prohibit incompatible uses in industrially-designated areas."

Based on this order and on the June 7 City Council - County Commissioners meeting, amendments to the Benton County Zoning Ordinance were drafted. The amendments placed a 10-acre minimum lot size on the six vacant industrial parcels 20 acres or larger in the urban fringe and restricted commercial uses on industrial lands. These amendments were the subject of a public hearing held by the Benton County Planning Commission on June 28.

At the June 28 public hearing the Benton County Planning Commission voted unanimously:

To accept the 10-acre minimum lot size with the opportunity to reduce the lot size to 1 acre with an approved planned unit development, and

To retain the commercial uses in the Benton County Zoning Ordinance that LCDC had found unacceptable on June 2.

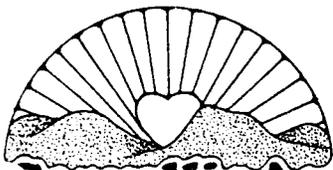
Mayor and City Council  
Industrial Lands  
June 29, 1983

Action Requested

Staff recommends that the Benton County Planning Commission's action be referred to the Corvallis Planning Commission for review and recommendation back to the City Council. This matter would be considered by the Planning Commission on July 6.

  
Kathleen B. Hann  
Associate Planner

KBH/las



## Corvallis Area Chamber of Commerce

350 S.W. Jefferson Street Corvallis, Oregon 97330 Phone: 757-1505

June 24, 1983

### MEMORANDUM

TO: Corvallis City Council  
FROM: Board of Directors and Economic Development Committee,  
Corvallis Area Chamber of Commerce  
RE: City/County Comprehensive Plan Compromise

The Corvallis Area Chamber of Commerce following actions by its Economic Development Committee on June 22, 1983 and Board of Directors on June 23, 1983 supports the City/County ten acre minimum zoning compromise for the seven vacant 20 acre or larger industrially zoned parcels of land located within the city's Urban Growth Boundary.

We urge that immediate actions be taken to implement this compromise with notification to the Land Conservation and Development Commission staff and commission in order that final approvals may be given on the Benton County Zoning Ordinance and the City of Corvallis Comprehensive Plan.

  
Ruth Jones, President  
Corvallis Area Chamber of Commerce

  
Ted Soliday, Chairman  
Economic Development Committee

RECEIVED

JUN 27 1983

CITY MANAGER'S OFFICE



"Corvallis - Heart of the Willamette Valley"



# benton county

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## board of commissioners

March 2, 1983

Mr. Alan Berg Mayor  
City of Corvallis  
501 S.W. Madison  
Corvallis, OR 97333

Dear Mayor Berg:

On February 28, the Board of Commissioners met with representatives from Rubicon Corporation and CH2M Hill to discuss their proposal to waive the semi-annual review constraints in the Corvallis Urban Fringe Management agreement. At our regular meeting on March 2, we approved the following motion:

"that the 'semi-annual' review constraints of the Corvallis Urban Fringe Management Agreement, Section 3, be waived for the purpose of reviewing the request by Rubicon Corporation."

Because we believe there is a significant community need to consider the zoning proposal at this time, we would encourage you to approve a similar motion at your meeting on March 7.

Benton County Board of Commissioners

  
Barbara Ross, Chairman

  
Dale D. Schrock, Commissioner

  
Charline R. Carr, Commissioner

kb

xc: Members, Corvallis City Council  
Gary Pokorny, City Manager  
Tom Coffee, Community Development Director  
Aldie Howard, County Development Director



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### M E M O R A N D U M

October 11, 1982

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Amendment of Corvallis Urban Fringe Management Agreement

*file*

The attached memorandum (Attachment I) to the Benton Government Committee describes a proposal to amend the Corvallis Urban Fringe Management Agreement (CUFMA) to expedite Comprehensive Plan amendments required by LCDC.

On August 4, 1982, the Planning Commission reviewed the proposal and unanimously recommended that the City Council adopt the amendment.

On August 24, 1982, the Benton County Planning Commission reviewed the proposal and recommended its approval of the amendment to the Board of Commissioners.

On October 6, 1982, the Benton County Board of Commissioners approved the Agreement with a modification clarifying that the amendment applies only to Section 3 (see Attachment II).

#### Action Requested

The City Council should, by motion, authorize the City Manager to sign the amended CUFMA.

  
\_\_\_\_\_  
Tom Coffee  
Community Development Director

TC:lh  
Attachments



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### M E M O R A N D U M

June 25, 1982

TO: Benton Government Committee

FROM: Community Development Department

SUBJECT: Amendment to Corvallis Urban Fringe Management Agreement Related to Joint Public Hearings for Corvallis Comprehensive Plan Acknowledgement Process

The City's Comprehensive Plan will be reviewed by LCDC on July 9, 1982. It is anticipated that the Commission will continue the City's request for acknowledgement for 150 days to correct deficiencies identified by LCDC staff.

In order to prepare the necessary Plan amendments and ordinance revisions within the continuance period, a number of public meetings and hearings will have to be held. Please refer to attached work program.

The Corvallis Urban Fringe Management Agreement (CUFMA) requires joint City-County Planning Commission hearings and City Council-County Commission hearings on any amendments of the "...Plan text, map and Urban Growth Boundary as they pertain to the Urban Fringe." (Section 3, paragraph 1) If revisions to the Comprehensive Plan, required by LCDC, are processed according to the CUFMA it will not be possible to comply with the LCDC continuance order in the time allowed.

Section 11 of the CUFMA provides for its amendment at any time by mutual consent of the City and County after review and recommendations by the respective Planning Commissions. To facilitate acknowledgement of the Corvallis Comprehensive Plan, it is recommended that the joint hearing requirement for Plan amendments be waived for those revisions required by LCDC. Such an amendment to the CUFMA would allow the City of Corvallis to process the required plan revisions in a timely manner and forward them to Benton County for review. This was the process used for County review of the Comprehensive Plan in 1981.

Benton Government Committee  
June 25, 1982

The following amendment would accomplish the above recommendation.

Add the paragraph to Section 3:

These procedures shall not apply to amendments of the Plan text, map or Urban Growth Boundary that may be required by the Land Conservation and Development Commission.

I have reviewed this proposal with Carl Stephani and he concurs with my recommendation.

Action Requested

It is requested that the BGC recommend that the City Council and County Commissioners refer the proposed amendments to their respective Planning Commissions for recommendation.

  
\_\_\_\_\_  
Tom Coffee  
Community Development Director

CORVALLIS URBAN FRINGE MANAGEMENT AGREEMENT

1. The City of Corvallis, Oregon and Benton County, Oregon hereby establish a joint management procedure pursuant to ORS 197.190 for the implementation of the Corvallis Urban Growth Boundary and plan for the Corvallis Urban Fringe; both of which form an integral part of the Corvallis Comprehensive Plan. The area situated inside the Corvallis Urban Growth Boundary and outside the Corvallis City limits shall be referred to as the Urban Fringe.
2. The City and County further agree to utilize the provisions of this agreement, the Corvallis Comprehensive Plan, as amended, the Benton County Comprehensive Plan, as amended, as the basis for review and action on Comprehensive Plan amendments, development proposals and implementing regulations which pertain to the Urban Fringe.
3. The City and County recognize that Oregon statutes and State-wide Planning Goals require a generalized, coordinated Comprehensive Plan map and policy statement for the Urban Fringe. The City and County agree to the following process for amendment of the Corvallis Comprehensive Plan text, map and Urban Growth Boundary as they pertain to the Urban Fringe.

A plan may only be amended semi-annually or after a determination by both City and County that there exists a significant community need to consider an amendment. If the determinations of the City and County differ, then the application for amendment will be considered at the next semi-annual review. The County will accept all applications for amendments and refer such applications to the City to allow for concurrent review.

The City and County staffs will jointly set the public hearing schedule for the amendment application(s). A joint public hearing will be held before the Corvallis and Benton County Planning Commissions. Following the close of the public hearing, the Planning Commissions shall deliberate either jointly or separately and forward a separate recommendation to their respective governing body.

If the Comprehensive Plan amendment is legislative in nature, the Benton Government Committee shall meet to discuss outstanding issues and recommend resolution of the matter to the City Council and County Commissioners.

A joint public hearing will be held before the Corvallis City Council and the Benton County Board of Commissioners. Within 30 days following the close of the public hearing each governing body shall reach a preliminary decision. Notice of the preliminary decision shall be forwarded to the other

governing body. If the positions of the two jurisdictions are identical, then the preliminary decision shall become final by passage of an ordinance by each governing body. If the positions of the two jurisdictions differ, either party may accept the decision of the other. If either party does not accept the decision, a joint meeting of the City Council and the Board of Commissioners will be held within 30 days of the last preliminary decision to resolve the differences prior to final action by either jurisdiction.

The procedures in this Section (No. 3) shall not apply to amendments of the Plan text, map, or Urban Growth Boundary that may be required by the Land Conservation and Development Commission.

4. The Benton County Board of Commissioners shall not initiate the creation of any special districts pertaining to the Urban Fringe for the provision of utilities, transportation, recreation, or other public facilities or services unless such districts:
  - a. Are approved by both parties; and
  - b. Recognize the City as the ultimate provider of urban services; and
  - c. Require improvements to full City standards; and
  - d. Lie within 1,000 feet of the City limits.
  
5. The Benton County Board of Commissioners shall not approve the creation of any special districts pertaining to the Urban Fringe for the provision of utilities, transportation, recreation, or other public facilities or services unless such districts:
  - a. recognize the City as the ultimate provider of urban services, and
  - b. require improvements to full City standards.
  
6. The City and County further agree to the following process for review and action on development proposals and implementing programs which pertain to the Urban Fringe:
  - a. The City shall make recommendations on development proposals, and implementing programs and projects which pertain to the Urban Fringe, for which the County has authority, including the following:
    - 1) Amendments to the zoning ordinance text and map;
    - 2) Planned unit developments;
    - 3) Conditional use permits;
    - 4) Land division;
    - 5) Public facility master plans;
    - 6) Public improvement projects;
    - 7) Utility extensions;

- 8) Recommendations for the designation of health hazard areas;
  - 9) Capital Improvement Program;
  - 10) Special district formation.
- b. The County shall make recommendations on development proposals and implementing programs which pertain to the Urban Fringe, for which the City has authority, including the following:
- 1) Public facility master plans;
  - 2) Requests for annexation;
  - 3) Capital Improvement Program.
- c. The jurisdiction which has the authority for making a decision on one of the items in either 6a or 6b shall formally request the other jurisdiction to review the proposal and recommend action. This request for review and recommendation shall allow the reviewing jurisdiction a minimum of twenty-one (21) days to respond. If no response is received or no extension is requested, it will be assumed that the reviewing jurisdiction has no comment.
- d. Nothing contained within this section is intended to alter the legal decision-making authority of either the City or the County.
7. Annexation applications to the City which are for areas outside the Urban Growth Boundary shall not be considered. Procedures for amending the Urban Growth Boundary prior to accepting such annexation applications are outlined in Section 3.
8. The City and County shall establish a planning area which shall extend beyond the Urban Growth Boundary wherein the County will give the City the opportunity to review and make recommendations on County plans, ordinances, and development proposals prior to action by the County.
9. The City and County agree to establish a significant service area boundary within two (2) years of the adoption date of this agreement.
10. The City and County agree to conduct reviews of the allocation of industrial land within the Corvallis Urban Fringe. The reviews shall be conducted by the Benton County Planning Commission and by the Corvallis Planning Commission. The reviews shall result in reports for submission to the respective governing bodies within one (1) year.
11. This agreement may be amended at any time by mutual consent of both parties after referral to the City and County Planning Commissions for recommendation.

12. This agreement may be terminated by either party provided that the following procedure is used:

- a. A public hearing shall be called by the party considering termination. That party shall give the other party notice of hearing at least 40 days prior to the scheduled hearing date. This 40-day period shall be used by both parties to seek resolution of any differences.
- b. Public notice of the hearing shall be in accordance with applicable state and local statutes and goals.
- c. An established date for termination of the agreement shall be at least 180 days after public hearing in order to provide ample time for resolution of differences, reconsideration of the decision and the adoption of a replacement Urban Fringe Management Agreement which complies with statewide goals, statutes, and administrative rules.

13. This agreement amends the agreement between the City of Corvallis and Benton County signed June 3, 1981.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1982.

CITY OF CORVALLIS

APPROVED AS TO FORM:

\_\_\_\_\_  
GARY F. POKORNY, CITY MANAGER

\_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

BENTON COUNTY  
BOARD OF COMMISSIONERS

APPROVED AS TO FORM:

  
DALE D. SCHROCK, CHAIRMAN

  
County Counsel

Date: \_\_\_\_\_