

## ORDINANCE 2023-27

### AN ORDINANCE RELATING TO MS4 STORMWATER, AMENDING THE CITY OF CORVALLIS LAND DEVELOPMENT CODE AND STATING AN EFFECTIVE DATE OF FEBRUARY 28, 2024.

#### THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

##### Section 1. Legislative Findings. The Council finds:

- a) The Council held a duly advertised public hearing on November 6, 2023, to consider the proposed Land Development Code (“LDC”) text amendments, in accordance with LDC § 1.2.80; and
- b) The public necessity, convenience, and general welfare require the proposed LDC text amendments, in accordance with LDC § 1.2.80.01. The City Council incorporates the staff analysis and findings from the Planning Commission Staff Report dated September 6, 2023, and adopts the analysis and findings as the City Council’s own; and
- c) The proposed LDC text amendments comply with Statewide Planning Goal 6, “Air, Land, and Water Quality” in accordance with LDC § 1.2.80.01. The City Council incorporates the staff analysis and findings from the Planning Commission Staff Report dated September 6, 2023, and adopts the analysis and findings as the City Council’s own; and
- d) The proposed LDC text amendments conform with Article 2 (Citizen Participation), Article 4 (Land Use Guidelines), Article 7 (Environmental Quality), and Article 10 (Public Utilities, Facilities, and Services) of the Corvallis Comprehensive Plan, in accordance with LDC § 1.2.80.01. The City Council incorporates the staff analysis and findings from the Planning Commission Staff Report dated September 6, 2023, and adopts the analysis and findings as the City Council’s own.

Section 2. In Land Development Code Section 1.6.30, the definitions “Construction Specifications” and “Engineering Standards” are established as set out in Exhibit A to this Ordinance.

Section 3. Land Development Code Sections 2.4.60.02, 2.4.60.06 and 2.4.90.07 are amended as set out in Exhibit A to this Ordinance.

Section 4. Land Development Code Section 2.11.50.04 is amended as set out in Exhibit A to this Ordinance.

Section 5. Land Development Code Sections 3.36.60.09, 3.36.60.10, and 3.36.60.18 are amended as set out in Exhibit A to this Ordinance.

Section 6. Land Development Code Sections 4.0.40, 4.0.60, 4.0.100, 4.0.110, and 4.0.130, as well as Table 4.0-3, are amended as set out in Exhibit A to this Ordinance.

Section 7. Land Development Code Section 4.1.30 is amended as set out in Exhibit A to this Ordinance.

Section 8. Land Development Code Section 4.2.30 is amended as set out in Exhibit A to this Ordinance.

Section 9. Land Development Code Section 4.11.50.02 is amended as set out in Exhibit A to this Ordinance.

Section 10. Exhibit A to this Ordinance is attached and incorporated as part of this ordinance.

Section 11. No other provision of the Land Development Code is amended by this ordinance.

Section 12. Effective Date. The best interest of the people of the City of Corvallis will be served if the effective date of this ordinance is delayed until February 28, 2024.

PASSED by the City Council this 6<sup>TH</sup> day of November 2023

APPROVED by the Mayor this 6<sup>TH</sup> day of November 2023

EFFECTIVE this 28th day of February 2024

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

## ORDINANCE 2023-27

### EXHIBIT A

*Headings in this exhibit, corresponding to Sections of this ordinance, are provided for reference, but will not be included in the text of the Land Development Code.*

#### **Section 2.**

##### Section 1.6.30 – SPECIFIC WORDS AND TERMS

[...]

Construction Specifications – Document containing the official City of Corvallis construction specifications, as published by the City Engineer and updated from time to time.

[...]

Engineering Standards – Document containing the official City of Corvallis engineering standards, as published by the City Engineer and updated from time to time.

[...]

#### **Section 3.**

##### 2.4.60.02 - Application Requirements

[...]

- c. Graphic Requirements - All illustrations must be drawn to scale and must contain a sheet title, date, north arrow, bar scale, and legend placed in the same location on each sheet and contain the information listed below. The graphics must demonstrate compliance with the approval criteria in Section 2.4.60.06;

[...]

2. Site Plan must include the following information, as applicable:

[...]

- h) Location of mail delivery facilities consistent with Section 4.0.110 and the Engineering Standards.

[...]

#### 2.4.60.06 - Review Criteria

A Tentative Plat must comply with the following:

- a. The standards of all acknowledged City Facility Master Plans and Specific Area Plans;
- b. The Engineering Standards;
- c. The adopted Oregon Structural Specialty Code, if existing structures would be affected by the Tentative Plat;
- d. The adopted Corvallis Fire Code;
- e. The Construction Specifications;
- f. The City Site Development Design Standards;
- g. The general land division standards in Section 2.4.90;
- h. The development standards in Article IV of this Code;
- i. Approval will not prevent future access for City services or access from a public street to and through the subject properties or adjacent properties;
- j. Consistency with the Minimum Density requirement of the zone, where specified.

The City may approve a tentative plat containing less than the minimum number of lots or parcels necessary to achieve required Minimum Density if the applicant demonstrates that the tentative plat will not preclude the ability to achieve required Minimum Density with future land division(s). The applicant must obtain approval of an Urban Conversion Plan consistent with Section 2.4.90.02.c to meet this requirement; and

- k. Consistency with the Maximum Density requirement of the zone, where specified. Additionally, the City will only approve a Partition of property created by Subdivision subsequent to December 11, 2014, if the resultant density within the entire Subdivision remains within the specified density range of the Zone.

[...]

#### 2.4.90.07 - Access and Minimum Street Frontage

[...]

- c. Vehicular access is not required to a lot, parcel, or tract, except where the Fire Code requires it.
  1. For each proposed lot, parcel, and tract where vehicle Access is proposed, the Access must comply with the standards in Sections 4.0.60.q, 4.1.30, 4.2.30.b.3, City Site Development Design Standards, Engineering Standards, and the Transportation System

Plan. Where necessary to comply, driveway locations must be consolidated and the Applicant must grant reciprocal access easements for shared driveways consistent with Section 2.4.90.10. See definition of Access and Frontage in Section 1.6.30.

[...]

#### ***Section 4.***

##### **2.11.50.04 - Review Criteria**

[...]

- e. Consistency with other applicable standards of this Code; the standards of all acknowledged City Facility Master Plans; the Engineering Standards; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-street Parking Standards; and any other applicable policies and standards adopted by the City Council; and

[...]

#### ***Section 5.***

##### **Section 3.36.60.09 – Transportation Improvements**

- a. The applicant must ensure that safe and convenient transportation improvements are provided in conjunction with new development. For the purposes of this section, “safe and convenient” means providing improvements consistent with functions identified with the street’s functional classification. This includes street and pedestrian improvements, designated tree planting areas, and in some cases, bicycle improvements and on-street parking. All transportation improvements must be constructed in accordance with the CMP Transportation Improvement Plan (TIP) and the Construction Specifications. If there is any conflict between the CMP and the Construction Specifications, the latter prevails.

[...]

##### **Section 3.36.60.10 – Pedestrian and Bicycle System Connections**

[...]

- h. Internal Pedestrian Circulation

[...]

- 2. With the exception of walkway/driveway crossings, walkways must be separated from vehicle parking or maneuvering areas by grade, different paving material, bollards, or landscaping. The applicant must construct walkways in accordance with the Construction Specifications. This provision does not require a separated walkway system

to collect drivers and passengers from cars that have parked on-site unless an unusual parking lot hazard exists.

[...]

#### Section 3.36.60.18 – OSU Street Standards

[...]

- b. General Provisions – Development must comply with the standards in Section 4.0.60 – Public and Private Street Requirements, except as modified in this chapter and below.

[...]

- 2. Improvements required with development must meet the Construction Specifications and ADA requirements.

[...]

### ***Section 6.***

#### Section 4.0.40 - BICYCLE REQUIREMENTS

[...]

- b. Safe and Convenient Bicycle Facilities - Safe and convenient bicycle facilities that minimize travel distance to the greatest extent practicable must be provided within the Development Site, and between bicycle facilities within the Development Site and public bicycle facilities abutting the Development Site.

- 1. For the purposes of this Section, safe and convenient means bicycle facilities that are free from hazards and provide a direct route of travel between destinations.
- 2. Bicycle/pedestrian easements connecting cul-de-sacs to other cul-de-sacs and streets or passing through unusually long or oddly shaped blocks must be a minimum of 15 ft. wide. Maintenance of the paved improvement is the responsibility of adjacent property owners. Additionally, a minimum of five ft. of landscaping must be provided on both sides of these bicycle/pedestrian facilities, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Maintenance of the landscaping is the responsibility of adjacent property owners.

- c. Widths for Pedestrian/Bicycle Facilities - Adequate widths for pedestrian/bicycle facilities must be provided in accordance with the requirements in the Engineering Standards.

[...]

#### Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

- a. Traffic evaluations are required for all development proposals in accordance with the Engineering Standards and the following:

[...]

- d. Private streets may be provided on a Development Site if all the following conditions are met:

[...]

4. The applicant grants a public access easement over the entirety of the private street.

[...]

- j. Alley standards are as follows -

1. Standards for Alleys Serving both Residential and Nonresidential Use Types

- a) Alleys serving Residential Use Types must be privately owned, with the exception of existing publicly owned alleys. Alleys serving nonresidential Use Types may be private, but are strongly encouraged to be public;
- b) Alleys must be designed consistent with the Engineering Standards;

[...]

- n. Urban Commercial Street and Sidewalk Standards

[...]

| <b>Table 4.0-3- Urban Commercial Street and Sidewalk Standards</b> |                                      |                                      |   |                                       |
|--|--------------------------------------|--------------------------------------|---|---------------------------------------|
|  | <b>Arterial Highway</b>              | <b>Arterial</b>                      | <b>Collector</b>                                  | <b>Local</b>                          |
| Auto amenities <sup>1</sup>  | 3 Lanes (12 ft.)                     | 2-3 Lanes (11 ft.)                   | 2 Lanes (11 ft.)                                  | 2 Lanes (10 ft.)                      |
| Bike amenities <sup>1</sup>  | Bike Lanes (6 ft.) <sup>2</sup>      | Bike Lanes (6 ft.) <sup>2, 4</sup>   | Bike Lanes (6 ft.) <sup>2, 4</sup>                | N/A                                   |
| Pedestrian amenities   | 2 Sidewalks with tree wells (11 ft.) | 2 Sidewalks with tree wells (11 ft.) | 2 Sidewalks with tree wells (11 ft.) <sup>3</sup> | 2 Sidewalks with tree wells (11 ft.)  |
| Auto Parking   | Parking aisles (8 ft.)               | Parking aisles (8 ft.)               | Parking aisles (8 ft.) <sup>3</sup>               | Parking aisles (8 ft., angled 19 ft.) |

1. Lane widths shown are the standard. The absolute minimum for autos is 10 ft. and for bikes, 5 ft. The City will only consider approving these minimums in locations where existing development along a sub-standard route, or other severe physical constraint, precludes construction of the standard width.
2. One way streets will only be required to provide 1 bike lane.
3. On Monroe Avenue, between 14<sup>th</sup> Street and 26<sup>th</sup> Street, sidewalks must be 10 ft. wide with tree wells, and only 1 (8 ft.) parallel parking aisle is required.
4. On streets where sharrows have been approved, bike lanes may not be required.

[...]

#### Section 4.0.100 - LAND FOR PUBLIC PURPOSES

- a. Easements for public facilities must be provided whenever they are located outside the right-of-way. Requirements are provided in facility master plans, the Engineering Standards and this Chapter.
- b. Utility easements with a minimum width of seven ft. must be granted to the public adjacent to all street rights-of-way for franchise utility installations. The Director may allow alternatives to this requirement with the concurrence of the City Engineer and affected utility companies.

[...]

- e. Where street, trail, utility, or other rights-of-way and/or easements in or adjacent to a Development Site are nonexistent or of insufficient width, dedications and/or easements meeting current standards will be required.

[...]

#### Section 4.0.110 - MAIL DELIVERY FACILITIES

[...]

- c. Mail delivery facilities and associated sidewalk transitions, when they are necessary, must comply with the Construction Specifications. Mailboxes must comply with the U.S. Post Office standards for mail delivery facilities.

[...]

#### Section 4.0.130 - STORM WATER MANAGEMENT AND DISCHARGE CONTROL

To reduce pollution, lower the risk of flooding on downstream properties and to help maintain or restore the Properly Functioning Conditions of receiving waters, development that creates or replaces impervious surfaces must provide stormwater retention, or treatment and detention, consistent with the requirements of Municipal Code 4.05, the Engineering Standards and this Section.



a. Retention Requirements

Municipal Code 4.05 provides the thresholds and requirements for stormwater retention. In some instances, retention will not be allowed or may not be feasible. The Engineering Standards provide guidance and requirements to make this determination. When retention is required, but not allowed or not feasible, treatment is required.

b. Detention Requirements

Stormwater detention is required when stormwater retention is not allowed or not feasible, and the following thresholds are met.

1. Development that creates impervious surfaces in excess of 25,000 sq. ft. is required to implement stormwater detention measures consistent with the Engineering Standards. Impervious surfaces include such elements as roads, driveways, parking lots, walks, patios, roofs, etc.
  2. Expansion and Redevelopment
    - a) Development that creates new or redeveloped impervious area totaling at least 10,000 sq. ft. and resulting in at least 25,000 sq. ft. of post-development impervious area must implement stormwater detention measures for the new and redeveloped impervious area consistent with the Engineering Standards. Redeveloped impervious area consists of roof area and new or replaced impervious area, minus any reduction in total impervious area, associated with substantial improvement or replacement of structures.
    - b) Pre-developed runoff conditions for redeveloped impervious area must assume a runoff pattern based on good condition grass and the corresponding native hydrologic soil group for the site. Detention is required to the point at which gravity flow to the existing abutting storm drainage system can be feasibly maintained, as determined during development plan review.
  3. Exemptions and Subtractions to Stormwater Detention Requirements
    - a) Properties east of the Marys River and south of Highway 20/34 (specifically identified in the Stormwater Master Plan as the Mill Race Basin, the Goodnight Basin, properties draining or piped directly into the Marys River or Willamette River, and areas subject to the South Corvallis Drainage Master Plan) are exempt from detention requirements because of their proximity to the Marys River or Willamette River and the need for quick dispersion of stormwater.
    - b) Properties subject to Section 4.0.130.b.1, above, may subtract the square footage of underground parking, for each level of structured parking, from the square footage subject to detention requirements.
  4. Stormwater facilities south of Goodnight Avenue must be constructed in accordance with the requirements of the South Corvallis Drainage Master Plan.
- c. Stormwater management facilities (retention, treatment or detention) within a regulated Riparian Corridor must be located outside of the applicable riparian easement area or the Floodway, whichever is greater. Riparian easement areas are identified in Section 4.13.70, and this standard applies regardless of whether or not an easement has been granted.

## ***Section 7.***

### **Section 4.1.30 - STANDARDS FOR VEHICLE ACCESS, MANUEVERING, AND PARKING**

[...]

- a. Access to Arterial, Collector, and Neighborhood Collector Streets

[...]

2. Location of all accesses must be consistent with the access spacing standards of the Transportation System Plan, and are subject to review and approval by the City Engineer. Design and number of accesses must be consistent with the Engineering Standards.

[...]

- f. Street Access Standards - Except where required for emergency vehicle and refuse / recycling collection vehicle access, driveway access points are not required by this Code. The standards of this section regulate driveway access points to streets. For the purpose of this section, a driveway access point is defined as any point where a private driveway accesses a public street. Any new or modified driveway access point requires a City development permit, and must comply with the standards of this Code, the Site Development Design Standards, Engineering Standards, and Transportation System Plan.

[...]

## ***Section 8.***

### **Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE**

[...]

- b. Areas Where Trees May Not be Planted:
1. Within 10 ft. of fire hydrants and utility poles;
  2. Within 20 ft. of street light poles;
  3. Within 5 ft. of a driveway Curb Cut;
  4. Within 10 ft. of a public sanitary sewer, storm drainage, or water line;
  5. Within 10 ft. of a stormwater facility unless the tree is a required component of the treatment process;
  6. Trees may not block traffic signs or traffic signals. The minimum distance of trees from STOP signs in planter strips is 30 ft. on Local and Local Connector streets, and 50 ft. on Arterial, Collector, and Neighborhood Collector streets; and
  7. Where the Director determines the trees may be a hazard to the public interest or general welfare.

Exceptions to the above spacing standards may be considered by the City Engineer on a case-by case basis.

[...]

### ***Section 9.***

#### **4.11.50.02 - Calculation of the Base Minimum Assured Development Area (MADA)**

[...]

- c. Additional Allowances / Area Credits for Determining the Minimum Assured Development Area of Residential and Nonresidential Sites -The Minimum Assured Development Area calculated in Section 4.11.50.02.a and Section 4.11.50.02.b may be increased above the base MADA by adding the areas determined by the provisions below:

[...]

- 3. Above-ground stormwater detention facilities designed and constructed consistent with the Engineering Standards; and

[...]