

Rural Unincorporated Community Plan

GREENBERRY, BENTON COUNTY 2013



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Historic information and photos courtesy of Benton County Historical Society Museum.

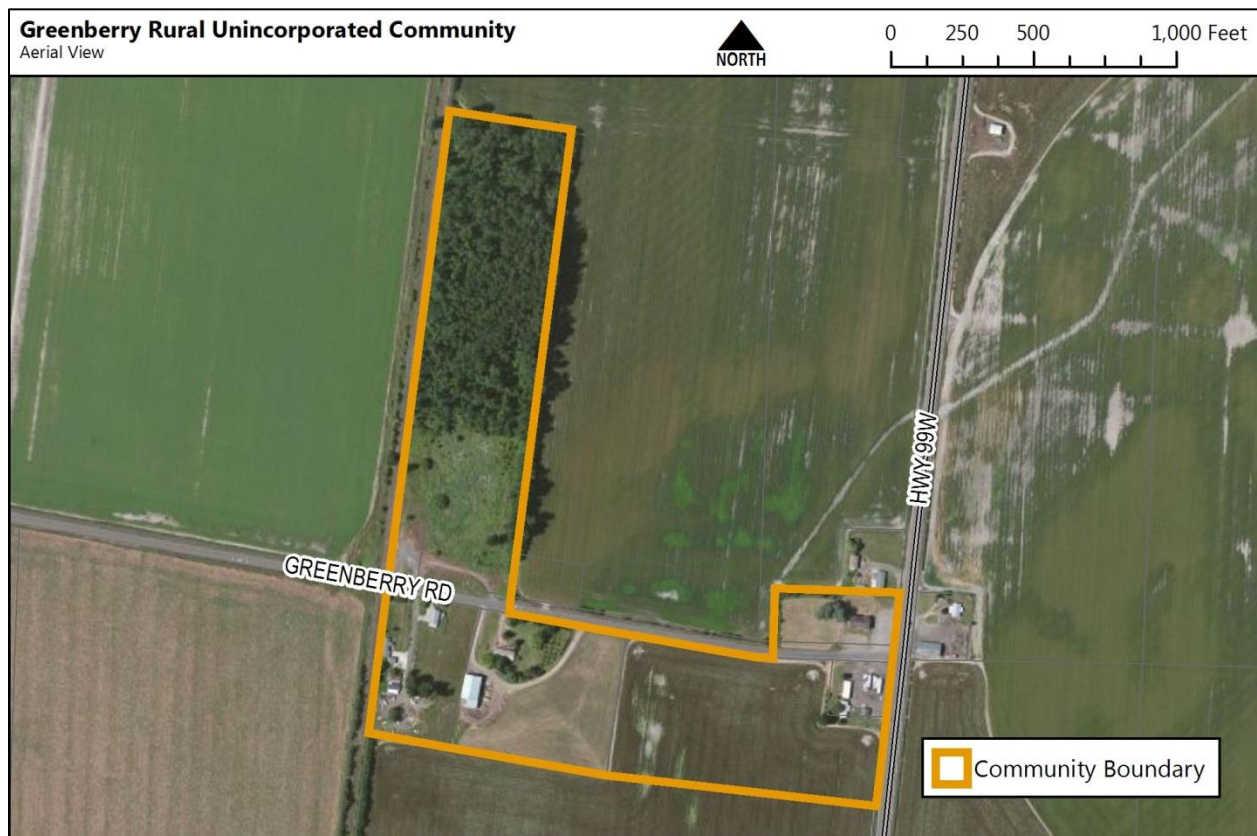
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Greenberry Rural Community Plan

I. Background

a. Location and Community Description

Greenberry is located 7.7 miles south of Corvallis, at the intersection of Greenberry Road and US Hwy 99W. The community consists of seven (7) parcels: the original Goal 3 and 4 exception area plus a 2-acre parcel that is the site of the historic Willamette Grange. The community boundary encompasses 39.09 acres, and extends from Hwy 99W westward to the Union Pacific Railway right-of-way. Uses are primarily residential, with seven (7) residences, one commercial, and one public use. Zoning is Agriculture Industrial (AI), Rural Commercial (RC), and Exclusive Farm Use (EFU).



b. Planning of Unincorporated Communities

In December of 1994 the State of Oregon's Land Conservation and Development Commission (LCDC) adopted Oregon Administrative Rule (OAR) amendments that provided a framework for counties to use in identifying and designating unincorporated

communities outside established Urban Growth Boundaries (UGBs). Known as the Unincorporated Communities Rule, or simply “the Rule”, OAR Chapter 660, Division 22 establishes planning rules for unincorporated communities pertaining to allowed land uses, public facilities, and development standards.

The Unincorporated Communities Rule requires counties to adopt land use and zoning measures specific to unincorporated communities in order to ensure that cumulative development in the communities will not:

- Result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations, or
- Exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

The Unincorporated Communities Rule limits the types of land that can be included in an officially designated Unincorporated Community. Lands identified as “exception areas” (i.e., rural lands that are zoned for commercial, industrial or residential use, not farm or forest use) can be included if they have historically been considered part of the community. The land included must represent a “contiguous concentration” of commercial, industrial, public use, or residential land. Residential land to be included must be of a greater density than residential exception lands that are outside of identified Unincorporated Communities.

Further, the designated community must have been identified in a county’s acknowledged comprehensive plan as a “rural community,” “service center”, “rural center”, “resort community” before the adoption of the Rule, or the community must be listed in the DLC’s January 30, 1997 “Survey of Oregon’s Unincorporated Communities.”

Benton County’s 1982 Comprehensive Plan identifies ten (10) rural communities, then known as “rural service centers”, and the county was required to prepare plans for five (5) of these communities as Periodic Review tasks. These communities are:

- **Alpine**
- **Alsea**
- **Bellfountain**
- **Greenberry**
- **Wren**

Community plans for two communities, Wren and Alsea, were adopted in 2005. This document details Benton County’s planning process and resulting plan for the community of Greenberry. Benton County’s 2007 Comprehensive Plan outlines policies for planning of rural communities. See Appendix A.

c. Plan Process

The county’s process in preparing the Greenberry Unincorporated Community Plan consisted of the following steps:

- Identification of the community boundary, complying with ORS 660-022-0020 and recognizing the county’s 1982 Goal Exception document, and
- Inventory and analysis of data and information about the community related to the existing land uses, available public services, parcel sizes, and current plan policies and zoning regulations, and
- Review of the characteristics of the community and existing zoning regulations for consistency with the State Rule, and
- Public outreach consisting of meetings with key community members, and
- Development of appropriate zoning changes, working closely with members of the community, to achieve community-identified land use goals by employing opportunities available in the State Rule.

II. Land Use Planning

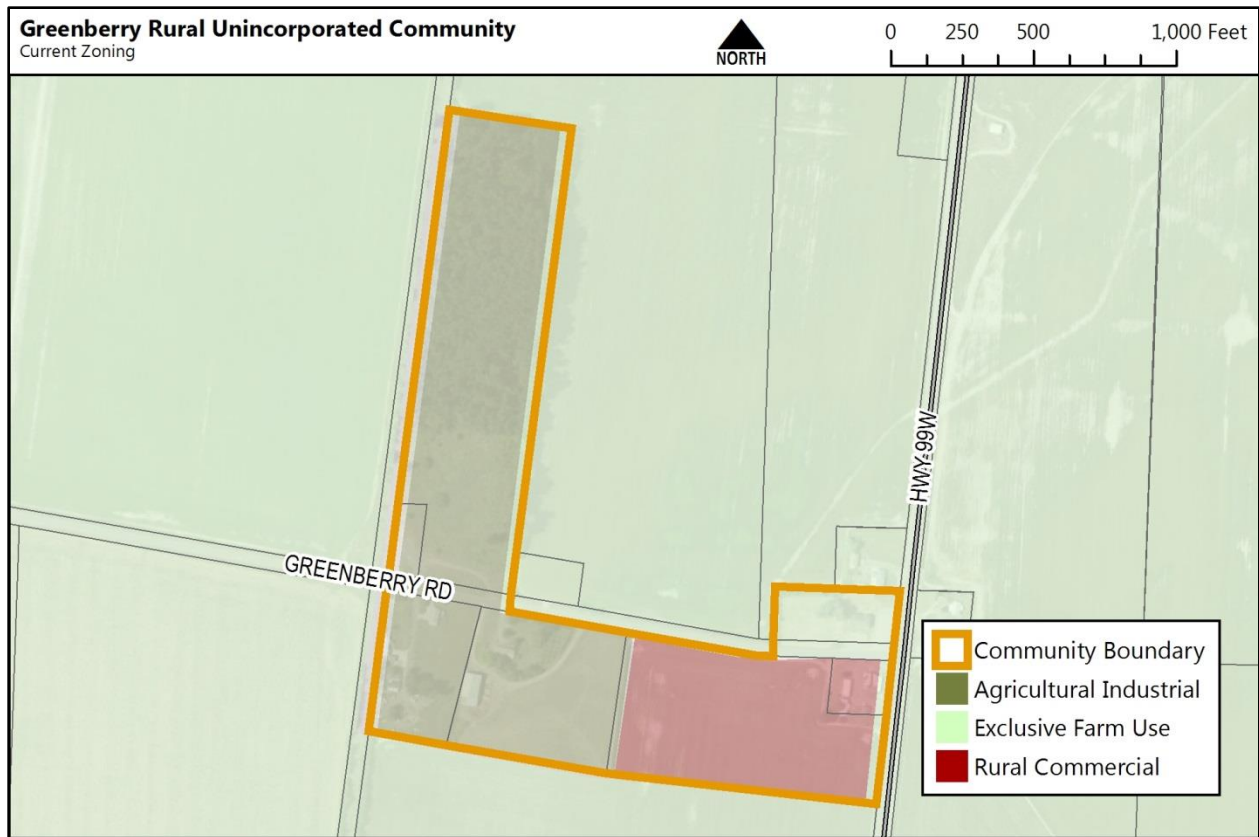
a. Land Use and Zoning

Greenberry’s community boundary contains 39.09 acres zoned Agriculture Industrial (AI), Rural Commercial (RC), and Exclusive Farm Use (EFU). Uses are primarily residential, with seven (7) residences, one commercial, and one public use.

With the adoption of the County’s 1974 Zoning Map, parcels currently zoned AE were zoned Light Industrial (M-1) and the land currently zoned RC was zoned Community Commercial District (C2). Adoption of the 1979 Zoning Map designated these lands Agriculture Industrial and Commercial, as they have remained.

Current Land Use	Current Zoning	Developed Parcels	Vacant Parcels
Residential	AI	2 total of 7 dwellings	1
Commercial	RC	1 business (tavern/antique store)	1
Public	EFU	1 grange	0

Table 1: Greenberry Zoning and Land Use



Residential Uses - Four dwellings are located on lands zoned AI, three constructed in 1920, and one in 1975, all pre-dating zoning in this portion of Benton County. Three more dwelling units, two freestanding and one apartment over the tavern, are located on the Greenberry Store and Tavern property on Highway 99W.



Commercial Uses - Established circa 1940, the Store and Tavern have a longstanding commercial history in the community, and currently operate as a thriving tavern with a restaurant advertising home-cooking, as well as an antique store in a detached building.

Discussions with the current owners have indicated that their future intent is to re-open the small convenience store that once operated out of the tavern building. Serving clientele from the local farming community as well as OSU students, the Greenberry Tavern functions as the de facto community center, offering an array of local breweries

on tap and staging weekly activities such as live music, “Trivia Night”, and karaoke. This 0.73 acre parcel is currently zoned Rural Commercial (RC).

Although 1940 aerial photos show structures and industrial activity, possibly a mill, on the A1-zoned parcels along the Union Pacific rail line, these were abandoned and removed by 1970, and the land is vacant today.

Public Use, Willamette Grange – Constructed in 1923, and noted as a locally rare example of Georgian Revival architectural style, this structure was placed on the National Register of Historic Places in 2009. In its heyday the Grange served as a social gathering place for the predominantly agricultural population, a place for dances, celebrations, plays, and school events. As the membership has dwindled, and community activities have ceased using the Grange, this building has experienced deterioration and is in need of repair and maintenance.



Willamette Grange,
Constructed 1923

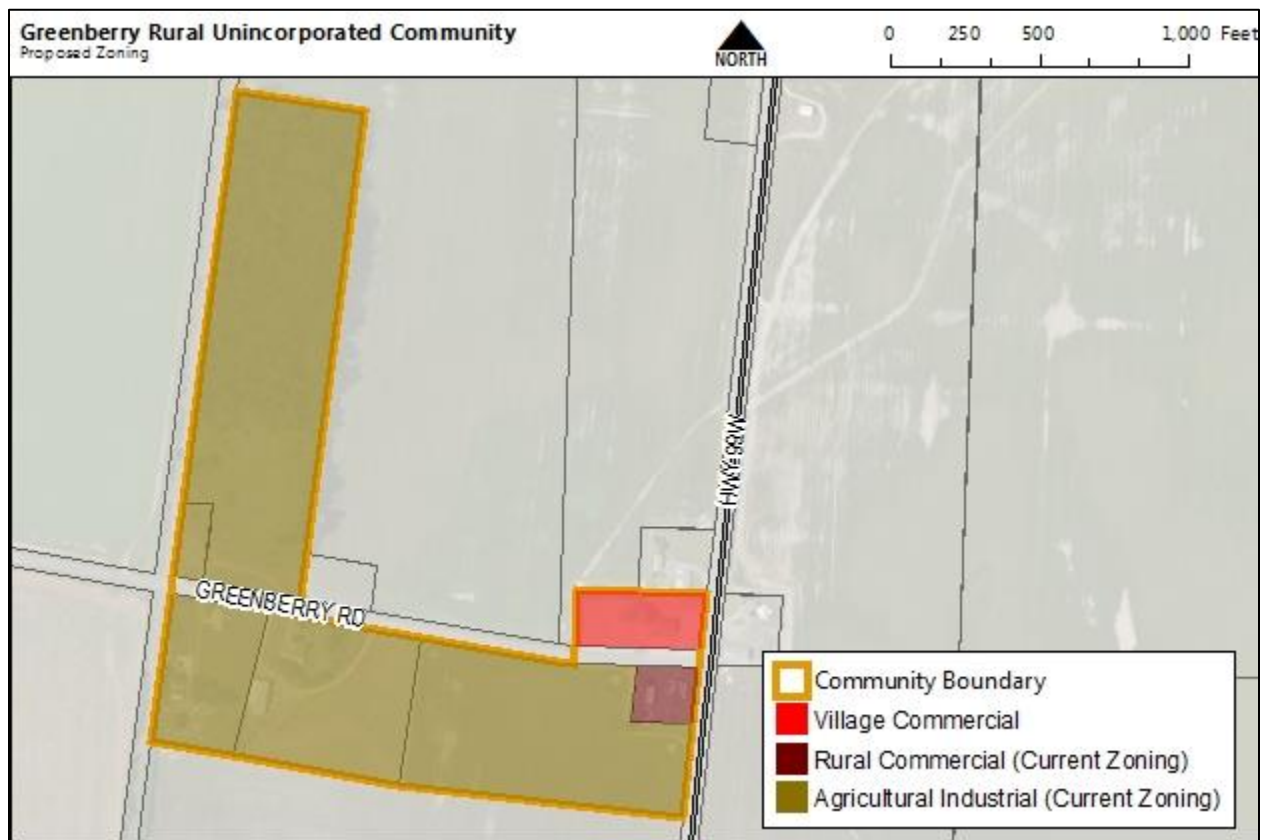
b. Changes to Zoning and Development Requirements

Meetings with the owner/operators of the Greenberry Store and Tavern have indicated that their future plans can be easily accommodated by the current RC zoning designation on their property. Two of the three dwelling rights are grandfathered uses in addition to one residence allowed in the RC zone for “management or safeguarding of the commercial use”. The 3500 commercial square footage of the tavern and store is below the 4000 square footage limitation of Rural Commercial uses within a Rural Community Boundary. No changes in zoning are desired or anticipated.

Staff attended an official meeting of the Willamette Grange #52, in response to a longstanding interest by some Grange members to examine the potential of using this

structure for uses other than Grange activities. Under the current EFU zoning, the Grange is a nonconforming use, and any commercial or community uses are limited to those allowed in the EFU zone. After much discussion, Grange members voted to allow the re-zoning of this property to Village Commercial (VC), a zone that allows a “Church, grange hall, community hall, nonprofit meeting hall, or other similar non-profit community facility.” In the event that the Grange changes ownership, various retail uses, eating and drinking establishments, galleries, and theaters are among the uses that would be allowed under the VC zone. See Attachment B for Development Code text of Village Commercial.

Re-zoning the Grange property will require a Goal Exception, and because the 1.96 acre parcel has been completely occupied by the structure, parking lot, well, and on-site septic system since 1923, a developed and committed exception will be pursued as part of the adoption of Greenberry’s Rural Community Plan.



In addition to the Grange property zone change, a change from Rural Commercial to Agricultural Industrial has been made for the 9.85 acre portion of undeveloped agricultural land owned by Venell Farms, a large local agricultural corporation. The

owners requested this zone change as more appropriate for their projected uses of this property, which include the possibility of rail shipping of agricultural products.

Community Goals

As a result of conversations with residents and meetings held in Greenberry, and based upon knowledge of the processes affecting the region, staff has identified 2 broad community goals for Greenberry. Each of these goals is supported through specific policies that, through the adoption of this Community Plan, are adopted into the Benton County Comprehensive Plan.

Goal 1: Greenberry will be a small rural community, rich in history, in which residents know each other and work together.

Policy 1.a: Benton County recognizes the importance of the history of the community and will work with* individuals, organizations, and property owners who wish to maintain the community's character.

**Note: "work with", as used within these goals, includes recognition of community vision, administrative assistance, participation in inter-agency partnerships, and facilitation of community efforts to achieve stated goals.*

Goal 2: Greenberry will provide opportunities for future small-scale business appropriate for its rural character and highway access, providing limited goods and services to locals and tourists.

Policy 2.a: Benton County shall work with* local business owners and community organizations to create a supportive atmosphere for existing and potential businesses in Greenberry.

Policy 2.b: Benton County shall refine and/or change the existing zoning designations for Greenberry to enhance opportunities for existing businesses to thrive there, and for appropriate businesses to locate there.

III. Public Facilities

The Unincorporated Communities Rule requires that counties shall adopt public facility plans for unincorporated communities over 2,500 in population, or for communities with growth projected to outstrip the capabilities of the current systems to provide services. Each of the four (4) occupied parcels in the community of Greenberry is served by an individual private well and on-site septic system. No changes to this scenario are anticipated.

In the event that additional industrial, commercial, or residential development is proposed for the three vacant parcels in Greenberry, on-site wells and septic systems would be required. It is not expected that provision of water and septic disposal would be problematic for these properties, in light of the adequate wells and functioning septic systems currently in place within the community boundary.

IV. Appendices

A – Community Meeting Minutes

B – Benton County Comprehensive Plan Policies

C – Village Commercial Zone

Appendix A

Community Meeting Minutes

Summary of Meetings – Greenberry Rural Community Plan

Meeting 1: May 14, 2013, Willamette Grange

Attending members of the public: Jim Gray, Larry Winiarski Sr., Larry Winiarski Jr., Clede Jones, Anita Grunder, John Dilles, Peggy Giles, Leo Dilles, Mike Schrock, Laurie Schrock. Staff Chris Bentley

1. Convene Meeting – This was a regular meeting of the Willamette Grange # 52 for the purpose of considering a change in the property's zoning as part of the Rural Community Plan process. The meeting was convened by the Grange President and minutes from a previous meeting were approved.

3. Background and Purpose – Staff presented an overview and the impetus of the planning project. In Oregon, all counties are required by the state to plan for rural unincorporated communities, recognizing that these rural communities are unlike the cities and are not just dispersed rural residences. These communities have unique characteristics and unique needs. Staff discussed the Greenberry Plan in conjunction with those completed in Alsea and Wren, and those to be completed in Alpine and Bellfountain. A handout explaining the process was distributed.

4. Discussion – History of the use of the Grange was discussed, especially the decline in membership of late and the ideas that various members have had to either lease space to a commercial entity or sell the property to someone who wishes to conduct a commercial use. The fact that EFU zoning would hinder the use of the property was a topic of comment, and led to consideration of other zones that would provide more flexibility in prospective land uses. Although Grange members are undecided as to whether the association will ever be revitalized, most attendees agreed that the best chance of saving the historic building would be found in broadening the allowed uses. All present agreed that the cost to the Grange of applying for a zone change would be prohibitive, in light of the very low income of the organization, which is at this time barely enough to cover expenses. Neighbors were in attendance to offer their support of the rezoning.

It was moved by Grunder, seconded by Giles, to approve changing the Grange property's zoning from EFU to Village Commercial. The motion passed 4 to 2.

5. Questions and Conclusion - Staff explained the next steps in the process, and answered additional questions.

The meeting was adjourned at 8:15 pm.

Meeting 2: Greenberry Tavern

Attending members of the public: Vivian and Kate Ayres (owners of the Tavern property), Russ Patterson, area resident. Staff Chris Bentley

1. Convene Meeting, Background and Purpose – Staff presented an overview and the impetus of the planning project. In Oregon, all counties are required by the state to plan for rural unincorporated communities, recognizing that these rural communities are unlike the cities and are not just dispersed rural residences. These communities have unique characteristics and unique needs. Staff discussed the Greenberry Plan in conjunction with those completed in Alsea and Wren, and those to be completed in Alpine and Bellfountain. A handout explaining the process was distributed.

2. Discussion – The owners of the Tavern property operate the only active commercial use in Greenberry, a thriving tavern/restaurant and an antique shop. Staff has conducted discussions with them during the past several months, in preparation for the rural community planning effort. During this meeting the options for commercial zoning were discussed in detail, and the owners decided that the current zoning of Rural Commercial is a good fit for their current and projected use of this property. They also noted that the Grange property across the street needs a use and some energetic members, and indicated their willingness to assist in any way that they can, including fund-raising.

3. Questions and Conclusion - Staff explained the next steps in the process, and answered additional questions.

Appendix B
Benton County Comprehensive Plan Policies
On Rural Communities

From Chapter 14, Urbanization:

Overview: State land use guidelines also establish planning and zoning requirements for unincorporated communities outside established urban growth boundaries. Benton County is responsible for developing plans for the communities of Alpine, Alesa, Bellfountain, Greenberry, and Wren. As plans for these rural unincorporated communities are developed, they will be incorporated into the Comprehensive Plan by reference in accordance with Oregon Administrative Rules (OAR 660-22-000).

14.1.9 Benton County shall designate unincorporated communities outside urban growth boundaries and shall develop and maintain up to date plans for the housing, facilities, and economic viability of these areas in order to preserve and enhance their rural “small town” character.

14.1.10 The policies of unincorporated community plans, adopted or modified by the Benton County Board of Commissioners pursuant to OAR 660 Division 22, shall be considered analogous to Comprehensive Plan policies for the particular community, and shall guide drafting of Development Code provisions specific to that community.

BENTON COUNTY COMPREHENSIVE PLAN



Adopted by
Ordinance
No. 2007-0217

First Reading:
February 6, 2007

Second Reading:
February 20, 2006

Effective Date:
March 22, 2007

Appendix C

Village Commercial Zone

Chapter 75

Village Commercial (VC)

75.005 Purpose. The Village Residential Zone shall provide areas within Benton County where commercial activities that support the local and traveling public can occur within recognized and planned Rural Unincorporated Communities (RUC). This zone shall recognize the rural village character of RUCs, the existing patterns of development, and the need for greater flexibility to allow these communities to maintain their viability. [Ord 2008-0226]

75.010 Application. The Village Commercial Zone shall apply to areas designated Commercial on the adopted Comprehensive Plan Map where they occur within the official boundaries of planned Rural Unincorporated Communities

75.020 Notification of Fire District. In consideration of the small lot size, proximity of forested area, and density of structures in the Village Commercial Zone, the Community Development Department shall notify the applicable fire district at the time of application for a building permit, establishment of a permitted use, or application for a conditional use permit.

75.105 Permitted Uses. The following uses are allowed in the Village Commercial Zone:

- (1) Vehicle parking lot to support permitted use.
- (2) One dwelling per parcel. A dwelling will be allowed for the employer or employee of a commercial use, either as a separate structure or occupying a portion of a commercial structure.
- (3) Residential home (care facility).
- (4) Hotels, motels, bed and breakfasts, inns, and cabin camps, limited to 35 rooms or less.
- (5) Farm use or forest use.
- (6) Accessory use or structure.
- (7) Dwelling units located above the first story of an active commercial use.
- (8) Church, grange hall, community hall, nonprofit meeting hall, or other similar non-profit community facility.

75.110 Permitted Uses – Limited Scale.

(1) The following uses are allowed in the Village Commercial Zone, provided the use does not exceed 4,000 square feet of floor space within one or more buildings:

- (a) Personal, medical, and business services such as beauticians, clinics, cleaners, accountants, and printers.
- (b) Eating and drinking establishments.
- (c) Sales and service establishments for vehicles, including autos, boats, and farm machinery.
- (d) General and specialty retail trade establishments.
- (e) Day care for fewer than thirteen children.
- (f) Art and craft galleries and studios.
- (g) Establishment for performance of film, theatrical, music or dance productions, limited to 300 seats.

75.120 Existing Uses.

(1) A lawfully established commercial use existing as of July 10, 2008 in the VC zone shall be considered an outright permitted use and shall not be classified as a nonconforming use. The total square footage, in one or more buildings, devoted to such an existing lawfully established commercial use may be expanded to a maximum of 4,000 square feet or an additional 25% of the floor area occupied on July 10, 2008, whichever is greater. The nonconforming use provisions of BCC 53.305 through 53.335 shall not apply.

(2) A lawfully established dwelling may be replaced, remodeled or expanded without review under BCC 53.305 through 53.335. Replacement shall be allowed if it occurs within one year of the destruction or abandonment of the dwelling.

(3) All other lawfully established uses existing as of July 24, 2008 0, 2008 in the VC zone shall be considered nonconforming uses subject to the provisions of BCC 53.305 through 53.335.

75.205 Conditional Uses. The following uses may be allowed in the Commercial Zone by conditional use permit approved by the Planning Official:

- (1) Public or private school.
- (2) Hospital, sanitarium, rest home, and nursing home.
- (3) Light industry.

Definition: LIGHT INDUSTRY: A business having noise, dust, odor, light, traffic, and hazard impacts that are similar to those experienced in general business areas. Outdoor storage is screened with sight-obscuring fences.

- (4) Multi-Family Dwelling.
- (5) Tower for utility, communications, wind energy, or structures having similar impacts.

- (6) Recreational facility such as campground, stable, or skating rink.
- (7) Mixed-use development providing a combination of residential and commercial uses, in which each commercial use meets the size limitations of BCC 75.110.
- (8) Any use listed in section 66.105, Village Residential permitted uses.

75.305 Minimum Parcel or Lot Size. The minimum parcel or lot size in the Village Commercial Zone shall be determined by the type of facilities available. The minimum parcel or lot size shall be 5000 square feet if water and sewer services will be provided by the local service district.

75.405 Site Development Plan. When a building addition, new construction, or placement of a structure is proposed in the Village Commercial Zone, the applicant shall submit a site development plan prior to the issuance of building permits. A site development plan shall contain an appropriate level of detail showing existing and proposed locations of buildings, vehicular and pedestrian access, parking, loading, landscaping, drainage, water supply, sewage disposal, public utilities, signage, building façade, and exterior lighting.

75.410 Siting Standards. All structures allowed in the Village Commercial Zone shall be sited in compliance with the following standards:

- (1) Every site shall be adequately served by water, sewage disposal, and improved roads, or final approval of the site development plan shall be contingent on assurances for the provision of the necessary facilities.
- (2) Setbacks to roads and/or property lines, when they exist, shall be utilized for landscaping and/or pedestrian improvements, subject to Planning Official approval.
- (3) Zero lot line development is allowed subject to Planning Official approval, and must conform to Fire Code in effect at the time of development.
- (4) A vision clearance area shall be maintained at the intersection of two rights-of-way, or a right-of-way and a driveway. The vision clearance area shall extend thirty (30) feet from the intersection of the right-of-way lines or a right-of-way line and a driveway. No structure, vegetation or embankment shall be permitted in a vision clearance area in excess of two (2) feet in height above the center of the road or driveway, subject to staff approval.
- (5) On-street parking and off-street parking for each commercial use shall be adequate to serve the permitted use, and may be located on adjacent parcels.
- (6) Off-street parking areas and setbacks adjacent to residential zoned areas shall be adequately landscaped and screened to create a visual buffer.
- (7) Auto access shall be designed to cause minimum interference with traffic movements on abutting streets. Where necessary, additional rights-of-way shall be dedicated to maintain

adequate traffic circulation. Setbacks shall be reviewed when requiring a dedication of additional right-of-way.

(8) The arrangement of buildings, lighting, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare effects on adjacent residential properties.

(9) Pedestrian access shall be considered in the design of site features to provide a clear, unobstructed path in which pedestrians are not required to share their space with autos.

(10) A structure shall not exceed forty (40) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.

(11) On any parcel adjacent to a resource zone, any use or structure not directly related to resource use shall be located as far from the resource zone as practicable considering other required setbacks, topography, drainage, resource-zone setbacks on neighboring properties, and other factors, as determined by the Planning Official. Prior to approval of such use or structure, the owner shall sign a declaratory statement to be recorded in the County Deed Records recognizing resource use of adjacent lands.