
MEMORANDUM

DATE: February 26, 2025
TO: Benton County Board of Commissioners
FROM: Toby Lewis, Senior Planner – Benton County Community Development
SUBJECT: **Planning File LU-24-006 | Benton County Zoning Map Amendment.**
Property location: 5840 NW Highway 99W, Corvallis.
(Tax Lot 1200 on Benton County Assessor’s Map 11-5-12BD)

This memorandum summarizes the applicant’s request, provides updated public notice information relating to this file, and informs the Board of Commissioners of the outcome of the joint Planning Commission hearing.

Summary of Request

The applicant owns a 2.87-acre property north of Corvallis and northwest of the intersection of US Highway 99W, Lewisburg Road, and Granger Road.

The applicant wishes to:

- Change the Comprehensive Plan designation from *Residential – Low Density* to *Mixed Use Commercial*, and
- Change the land use zone designation from *Urban Residential* to *Urban Commercial*.

Because the property is located within the urban growth boundary of Corvallis:

- The city has jurisdictional authority over amendments to the Comprehensive Plan Map, with comment and concurrence from Benton County, and
- The county has jurisdictional authority over amendments to the Zoning Map.

Findings evaluating the requested zoning map amendment for compliance with applicable Benton County Code criteria are included in the attached staff report.

Planning Commission Recommendations

The Benton County and Corvallis Planning Commissions held a joint public hearing on this matter on December 3, 2024.

The Planning Commission voted 8 to 0 to:

- Recommend that the Corvallis City Council approve the request for Comprehensive Plan Map amendment (City File #CPA-2023-02).

- Recommend that the Benton County Board of Commissioners approve the request for Zoning Map amendment (County File #LU-24-006).

The staff report presented to the Benton County Planning Commission and minutes of the hearing are attached.

The following exhibits were submitted at the public hearing and are also attached:

- Written statement provided by the applicant
- Presentation slides provided by City of Corvallis staff

The applicant and their representative were the only members of the public that testified at the joint Planning Commission hearing.

No other comments or information have been received.

Corvallis Urban Fringe Management Agreement

Pursuant to the Corvallis Urban Fringe Management Agreement¹:

- The requests for a zoning map amendment (submitted to the county) and a comprehensive plan map amendment (submitted to the city) were reviewed concurrently at a joint public hearing before the Benton County and City of Corvallis Planning Commissions.
- The map amendment requests, and the recommendations of the Planning Commissions, will be reviewed during a joint public hearing on March 12, 2025, before the Corvallis City Council and the Benton County Board of Commissioners.
- Either at the joint public hearing of the Corvallis City Council and the Benton County Board of Commissioners or “[w]ithin 30 days following the close of the public hearing each governing body shall reach a preliminary decision.”
- “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 jurisdictions differ, then either jurisdiction may accept the decision of the other or an additional joint meeting must be held within 30 days of the last preliminary decision to resolve the differences.

Notifications

On February 19, 2025, the City of Corvallis provided a combined notice of the public hearing to be held jointly by the Corvallis City Council and the Benton County Board of Commissioners on March 12, 2025. The notice provided complies with Benton County Code (BCC) Sections 51.605 through 51.625 and 53.515.

¹ Corvallis Urban Fringe Management Agreement, Item #3.

On February 27, 2025, the Benton County Community Development Department published a legal ad for the public hearing in the Corvallis Gazette-Times.

Details of previous notifications are included in the attached staff report.

Motions

I move to:

- A. Direct staff to prepare an ordinance **approving** the request in File No. LU-24-006 and adopting the requested Benton County Zoning Map Amendment.

The first reading of the ordinance will be conducted on April 15, 2025, at the Benton County Kalapuya Building main meeting room located at 4500 SW Research Way in Corvallis, Oregon.

or

- B. Direct staff to prepare an order **denying** the requested Benton County Zoning Map Amendment.

The order will be presented for adoption on April 15, 2025, at the Benton County Kalapuya Building main meeting room located at 4500 SW Research Way in Corvallis, Oregon.

or

- C. **Continue** to the public hearing to 11:00a.m., or as soon thereafter as practical, on April 1, 2025, at the Benton County Kalapuya Building main meeting room located at 4500 SW Research Way in Corvallis, Oregon.

Minutes
approved by Benton County Planning Commission for:

Joint Planning Commission Hearing
December 3, 2024

MINUTES
Joint Planning Commission
Benton County and City of Corvallis
December 3, 2024

I. CALL TO ORDER | ROLL CALL

Benton County Planning Commission Chair Fowler called the meeting to order at 6:05 P.M. The meeting was open to the public virtually via a published Zoom link. Chair Fowler confirmed a full quorum of both Commissions.

Benton County Planning Commissioners

Nick Fowler, Chair
Greg Hamann, Vice Chair (virtual)
Catherine Biscoe
Sara Cash
Ed Fulford
Evelyn Lee
Andrew Struthers
John Wilson

Benton County Staff

Petra Schuetz, Interim Director and Planning Official
Shannon Bush, Program Coordinator
Amanda Makepeace, Recorder

City of Corvallis Planning Commissioners

Tanya Laird, Chair
Carolyn Mayers, Vice Chair
Jared Clark
Robertta Smith
Tony Cadena

City of Corvallis Staff

Rian Amiton, Senior Planner
Sarah Johnson, Senior Planner

II. BENTON COUNTY MINUTES

Chair Fowler moved the approval of the Minutes from November 19, 2024, to the end of the meeting. (@02:13:08) Wilson moved to approve the Minutes as amended; Fulford seconded. The **motion passed, 8-0.**

**III. *PUBLIC HEARING | ZONE CHANGE AND COMPREHENSIVE PLAN MAP AMENDMENT
5840 NW HIGHWAY 99W, CORVALLIS | LOW DENSITY RESIDENTIAL TO MIXED
USE COMMERCIAL IN URBAN GROWTH BOUNDARY (@00:05:12)**

Amiton gave a presentation and Lewis provided additional information. David Dodson of Willamette Valley Planning represented applicants Vernon & Priscilla Esplin. There was no public testimony in favor of or opposed to the zone change, and no testimony from a representative of any other governmental body.

Clark moved that the **City of Corvallis** Planning Commission forward a recommendation to Corvallis City Council to approve the requested Comprehensive Plan Amendment (CPA-2023-02). This request is described and discussed in Attachment PC-A of the staff report to both Planning Commissions. The motion is based upon the staff recommendations to the Planning Commissions, and reasons articulated by the City of Corvallis Planning Commission in its deliberations; Mayers seconded. The **motion passed, 5-0.** (@1:11:30)

Struthers moved that the **Benton County** Planning Commission forward a recommendation to Corvallis City Council to approve the requested Comprehensive Plan Amendment (CPA-2023-02). This request is described and discussed in Attachment PC-A of the staff report to both Planning Commissions. The motion is based upon the staff recommendations to the Planning Commissions, and reasons articulated by the Benton County Planning Commission in its deliberations; Hamann and Fulford seconded. The **motion passed, 8-0.** (@01:12:57)

Wilson moved to recommend approval of the zoning map amendment requested in Benton County Planning File LU-24-006 based on the findings and conclusions contained in the staff report; Biscoe seconded. The **motion passed, 8-0.** (@01:14:14) The recommendation will be forwarded to the Benton County Board of Commissioners.

*Exhibit 1: Applicant Statement - Vernon & Priscilla Esplin - LU-24-006

*Exhibit 2: PC Staff Presentation – Amiton, Corvallis

IV. *SOUTH CORVALLIS AREA PLAN PROJECT (@01:15:30)

No public comment was taken at this time. Johnson provided an overview of the plan developed from the 2016 Imagine Corvallis 2040 vision aligned with the city’s comprehensive plan, an inventory of buildable lands, the 2019 Strategic Operational Plan, and previous community input. House Bill 1537 allows for development of affordable housing on any type of zoned land and the elimination of minimum parking requirements. Corvallis is working to refresh zoning to more accurately reflect the current community. In early 2025, the Planning Advisory Work Group and Technical Advisory Committee (TAC) will engage with community members, interested parties, and partner organizations to consider transportation, utilities, and stormwater data to make further refinements. Webster Slater of Benton County will liaise with the TAC. The public adoption process will include city councilors, county commissioners, land use cases, and master plan amendments. Johnson explained the resources and questionnaire available on the city’s website.

*Exhibit 3: Joint PC Project Update – Johnson, Corvallis

V. BENTON COUNTY COMPREHENSIVE PLAN | DEVELOPMENT CODE UPDATE (@01:55:43)

Bush spoke about the plan structure, tasks, and engagement with the community. Benton County’s internal Health in All Actions Committee advised on high-priority populations. A Comprehensive Plan Advisory Group will be formed and begin meeting in spring 2025. Code-level policy changes cannot be implemented until the comprehensive plan is complete. An audit, code review, and update will be completed then move to refinements, review, and adoption for completion by June 2025. Two subcommittees have been formed; Fulford will lead regional housing and Hamann and Struthers will lead matters of code.

VI. ADJOURN

Chair Fowler adjourned the meeting at 8:30 P.M.

**Staff Report
prepared for:**

Joint Planning Commission Hearing
December 3, 2024



File No. LU-24-006

Staff Report to the Planning Commission

Proposed Action: **Zoning Map Change.** The application request considered by the Benton County Planning Commission is to change the zone designation for the property from *Urban Residential* to *Urban Commercial*.

***Note:** The Corvallis Planning Commission will concurrently consider a request to change the Comprehensive Plan Map designation from Residential – Low Density to Mixed Use Commercial.*

Applicable Criteria: Benton County Code Sections 53.505 through 53.525

Property Location: 5840 NW Highway 99W, Corvallis. The property is located north of the City of Corvallis, north of Lewisburg Road, on the west side of Highway 99W.
(Tax Lot 1200 on Benton County Assessor’s Map 11-5-12BD)

Applicant: **David Dodson, Willamette Valley Planning LLC**

Property Owner: **VP Real Estate Investment Services LLC**

Zone Designation: Urban Residential, 5- & 10-acre density (UR-5 & UR-10)

Comprehensive Plan Designation: Residential – Low Density

Citizen Advisory Committee Planning Area: North Benton (not active)

Staff Contact: Toby Lewis, Senior Planner

I. Staff Conclusion & Recommendation

Based on review of the criteria and evidence submitted, staff concludes that the requested zone change is consistent with the applicable provisions of the Benton County Code and recommends approval of this application.

II. Attachments

Attachment A – Link to application materials submitted by applicant

Attachment B – Agenda and draft notes from February 16, 2024 pre-application meeting

Attachment C – City of Corvallis memorandum, dated November 21, 2024

III. Background

Pre-Application Conference

On December 18, 2023, Willamette Valley Planning LLC (applicant) submitted a request for a pre-application conference.¹ The Benton County Community Development Department (department) deemed the application complete on January 17, 2024.

On February 16, 2024, the department facilitated a pre-application meeting between the applicant, property owner, and partner agencies to discuss the proposed zone change.

The department emailed the applicant a link to the meeting recording on February 26, 2024.

Application Submittal

On March 11, 2024, the applicant submitted an application requesting a zone change to the department. On April 10, 2024, the department deemed the application incomplete and sent notice to the applicant.

On May 16, 2024, the applicant submitted additional application materials to address the missing information from the original application submittal, and on June 13, 2024, the department deemed the application complete.

The applicant is also requesting a change of the property's Comprehensive Plan Map designation. Because the property is located within the Corvallis urban fringe area, application for the Comprehensive Plan Map change was submitted to the City of Corvallis for review and issuance of a decision.²

Notifications

On October 29, 2024, the department provided notice of the application to the Oregon Department of Land Conservation and Development.

On November 13, 2024, and pursuant to Benton County Code (BCC) Sections 51.605 through 51.625 and 53.515, the department provided a combined notice of the public hearing to be held jointly by the City of Corvallis and Benton County on December 3, 2024, and notice of potential impact to permissible property uses.

On November 30, 2024, the department published a legal ad for the public hearing in the Corvallis Gazette-Times.

¹ Planning File LU-23-053

² City of Corvallis Case No. CPA-2023-02

Joint Hearings

Pursuant to the Corvallis Urban Fringe Management Agreement, the zone change request submitted to the county and the comprehensive plan map change request submitted to the city will be reviewed concurrently at a joint public hearing before the Corvallis and Benton County Planning Commissions.³

Upon recommendation of each planning commission, the applications will be forwarded to the Corvallis City Council and Benton County Board of Commissioners for a joint public hearing and issuance of final decisions.

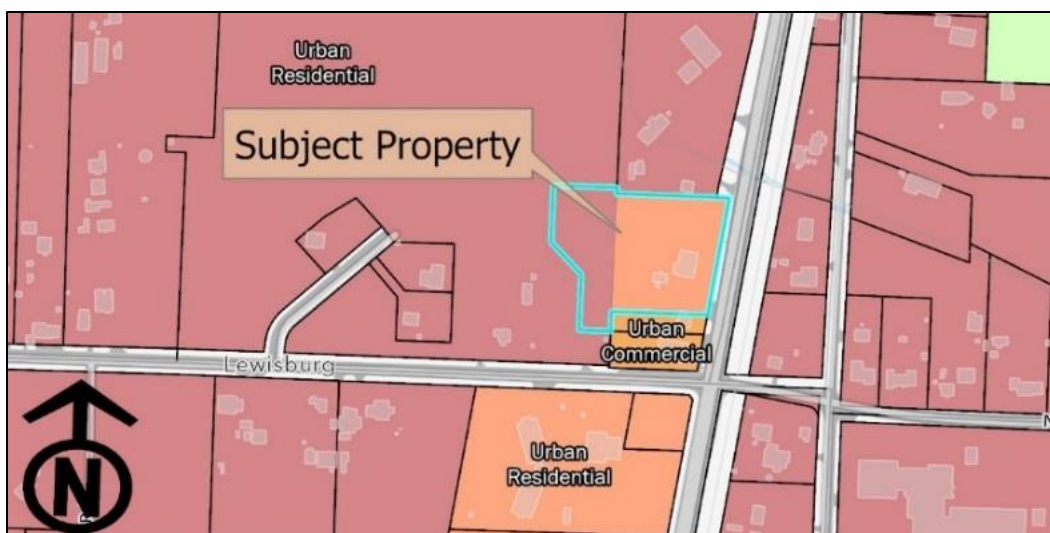
IV. Comments

November 21, 2024 – Rian Amiton, Senior Planner at the City of Corvallis submitted a memorandum in support of the requested zone change.

As of 5:00pm on November 22, 2024, Benton County has received no other comments regarding the zone change request.

V. General Findings

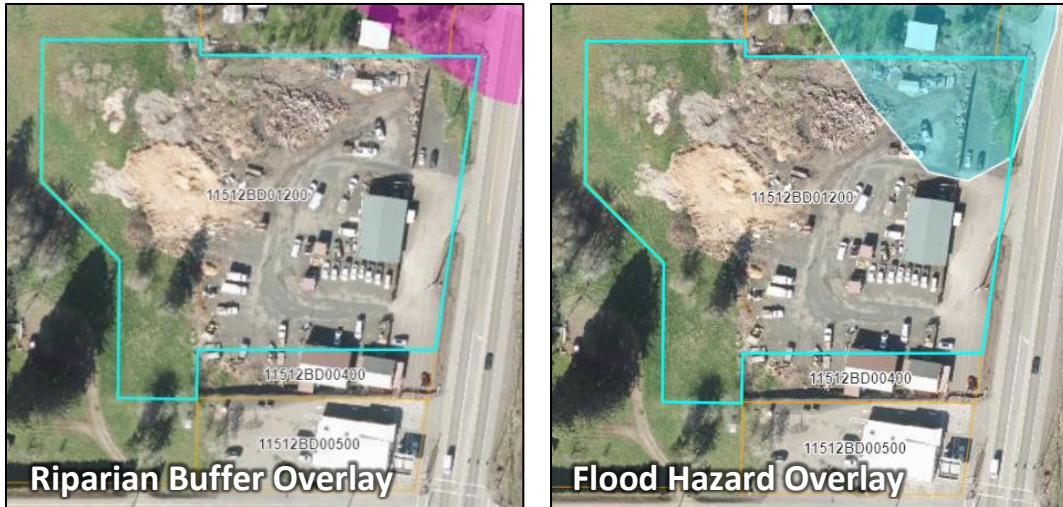
1. The subject property is 2.87 acres in size. The current property configuration was lawfully established through property line adjustment approval finalized in 2022.⁴
2. The property is north of the City Limits County Store (located on the northwest corner of the intersection of Lewisburg Road, Granger Road, and Highway 99W) and south of Mountain View Creek.
3. The property is currently zoned Urban Residential. The west approximately 1 acre of the property has a 5-acre density designation and the east approximately 1.8 acre has a 10-acre density designation.



³ Corvallis Urban Fringe Management Agreement, dated December 20, 1990

⁴ Benton County Planning File No. LU-20-069; Parcel 1, Partition Plat 2022-006

4. Land to the south of the subject property is zone Urban Commercial. All other surrounding properties are zoned Urban Residential.
5. The property is also located partially within two zoning overlays:
 - The northeast corner (0.02ac) of the property is located within a Natural Features Riparian Buffer overlay zone.⁵
 - The northwest 0.4 acre of the property is identified on the Benton County Flood Insurance Rate Maps as a Special Flood Hazard Area.⁶



VI. Findings Applying Development Code Criteria

BCC 53.505 – Zone Change Criteria

The Official Zoning Map may be amended if:

- (1) *The proposed zoning for the property is more appropriate than the current zoning, when considering existing uses, changes in circumstances since the current zoning was applied, or information that indicates that the current zoning was not properly applied;*
- (2) *The impact on adjacent properties will be minimal;*
- (3) *Any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area; and*
- (4) *The proposed zone change is consistent with the policies of the Comprehensive Plan.*

Findings:

Appropriateness of proposed zoning

Zoning: The first zone designation applied to the subject property was Urban Residential and was established by the 1968 Benton County Zoning Map. The 1974 Benton County Zoning

⁵ 100-foot Riparian Buffer, Benton County Natural Features Overlay Map

⁶ Flood Zone A, Benton County Flood Insurance Rate Map, Panel 41003C 0100F, effective June 2, 2011

Map identified the zoning for the property as Community Commercial District (C-2). In 1979, a new Benton County Zoning Map was adopted and the zone designation for the property was changed back to Urban Residential. Although revised versions of the Benton County Zoning Map were adopted in 1982 and 2004, the zone designation for the subject property has remained Urban Residential.

Use: Although the property is zoned for residential use, it does not contain a dwelling. Benton County land use communications have documented a long history of commercial use of the property. Originally the commercial use of the property was deemed a non-conforming use, but the non-conforming status was lost several years ago.

Uses are deemed “non-conforming” when they begin before the establishment of a zone designation on a property. A non-conforming use is allowed to continue and can be granted authorization for alteration and/or expansion. However, if the use stops for more than one year, the non-conforming status is lost.⁷

The Lewisburg Auction was the last recognized non-conforming use to exist on the subject property. After the auction yard closed (circa 2001), there was a lapse of more than one year before a new commercial use was established on the property.



The next long-term business to occupy the property was Buena Vista Arbor Care (circa 2016), followed by the current occupant Bartlett Tree Experts. The current occupant is a tree service company and uses the property for associated storage of vehicles, wood, and wood chips.



Interpretation: A Planning Official interpretation of the Benton County Code issued in 2020 found that Buena Vista’s arbor care and landscaping business uses occurring on the subject property were inconsistent with the current Urban Residential zoning of the property but would be consist with uses allowed in the Urban Commercial zone.⁸

⁷ BCC 53.305 – BCC 53.335

⁸ Benton County Planning File LU-20-021

Request: The applicant's request is to bring the zone designation of the property into alignment with historic and existing use of the property by changing the zone to Urban Commercial. If approved, the current use of the property would be consistent with the permitted uses listed in the Urban Commercial zone.⁹

Impact on adjacent properties

Use of the subject property: Storage associated with the auction yard caused the property to be declared a junkyard. The quantity and types of items stored on the property when it was operated as an auction yard exceeded the limits of a junkyard. Fire and health hazard declarations were issued, and the property owner was required to clean up the site.



Upon purchasing the property in 2015, the current property owners finished the site cleanup and rehabilitated the property for use as an arbor care business. Although operation of an arbor care business is not consistent with the uses allowed in the Urban Residential zone, Benton County staff have not found any record of complaints associated with use of the property for this business.



Surrounding uses: There are two properties that occupy the land between the subject property and Lewisburg Road. Both properties are zoned Urban Commercial and each is used for commercial purposes. Additional commercial uses are located south of Lewisburg Road along the west side of Highway 99W.

⁹ BCC Chapter 68, and as established by Planning Official interpretation (Benton County Planning File LU-20-021)

Land to the north and west of the subject property is zoned Urban Residential and each property contains a house combined with agricultural use. Properties located east of the subject property (between Highway 99W and Elliott Circle) are also zoned Urban Residential and contain dwellings. Mountain View School is located farther southeast, at the southeast corner of the Granger Avenue and Elliott Circle intersection.



Impacts: Based on available data, commercial use of the subject property has existed for more than 30 years, and use of the property related to commercial tree care services has existed for approximately 10 years. Because the property is already used for commercial purposes that have been deemed consistent with the Urban Commercial zone and it is located at an intersection with a cluster of commercial uses, it is expected that any impacts to adjacent properties as a result of changing the zone designation from Urban Residential to Urban Commercial will be minimal.

Impact on public services

Public services: The subject property is bordered by Highway 99W which is maintained by the Oregon Department of Transportation (ODOT). City sewer and water services are not available to the property because it is located outside city limits. Emergency services are available from Benton County Sheriff's Office and Corvallis Fire Department.

Based on feedback received from ODOT during the pre-application meeting, the applicant provided a revised traffic impact analysis to evaluate all potential commercial uses allowed in the Urban Commercial zone. ODOT had no further comments regarding the applicant's zone change request.

Impacts: The current commercial use of the property was previously deemed consistent with the uses allowed in the Urban Commercial zone. This use of the property has not caused a significant impact on public services and is not expected to change as the result of the requested zone change.

Comprehensive Plan consistency

The subject property is located in the Corvallis urban fringe area. The Benton County Comprehensive Plan includes the following statement regarding land within this area:

Corvallis Urban Fringe Comprehensive Plan Policies

Additional policies apply to the land in the Corvallis Urban Fringe – the area outside the city limits and inside the urban growth boundary. These policies are contained in a separate volume located at the Benton County Community Development Department.

The Urban Fringe policies were derived from the Corvallis Comprehensive Plan and were adopted by the Benton County Board of Commissioners in 1999 as elements of the Comprehensive Plan. The policies cover the fifteen applicable statewide planning goals.

Subsequent to their adoption in 1999, the Corvallis Urban Fringe policies have been amended through adoption of the Corvallis Stormwater Master Plan and the Corvallis Natural Features Program.

The policies referenced above are now contained in a document titled *Benton County Comprehensive Plan for the Corvallis Urban Fringe*; this document was last amended in 2005 as part of the Corvallis Natural Features Program adoption process.¹⁰ This document states, in part:

Benton County hereby adopts by reference all findings contained in the Corvallis Comprehensive Plan as adopted by the City in December 1998. These findings are adopted as part of the Benton County Comprehensive Plan. They form the factual basis upon which the Comprehensive Plan policies were developed.

According to the 2005 Benton County Comprehensive Plan for the Corvallis Urban Fringe, the Corvallis Urban Fringe Management Agreement “identifies the joint management process for planning and land use application review in the urban fringe” and the “portions of the Comprehensive Plan that apply to areas outside the City Limits shall be amended in accordance with procedures set forth in the ‘Corvallis Urban Fringe Management Agreement.’ ”

¹⁰ Benton County Ordinance Nos. 2005-0209, 2005-0210, & 2005-0211

The Corvallis Urban Fringe Management Agreement (CUFMA) provides the following statements regarding jurisdictional review of Comprehensive Plan Map amendments within the Corvallis urban fringe area:

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 Statewide 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. ...¹¹

Section 6 of the CUFMA identifies types of development proposals, programs, and projects for which each jurisdiction has decision-making authority and recommendation opportunities. While this section identifies the county as the decision-maker for amendments to the zoning ordinance text and map (with recommendation from the city), it does not identify a decision-maker for amendments to the Comprehensive Plan text and map for land within the Corvallis urban fringe area.

Based on the statements in Sections 2 and 3 of the CUFMA, the Corvallis Urban Fringe Comprehensive Plan Policies section of the Benton County Comprehensive Plan, and the 2005 Benton County Comprehensive Plan for the Corvallis Urban Fringe document, both jurisdictions agree that the City of Corvallis is the appropriate jurisdiction for evaluation of consistency with the applicable Comprehensive Plan policies for land within the Corvallis urban fringe area.

The City of Corvallis is evaluating a concurrent Comprehensive Plan Map Amendment requesting to change the portion of the property designated as Residential – Low Density to Mixed Use Commercial. As stated in the memorandum submitted by the City of Corvallis, city staff supports approval of the proposed zone change (LU-24-006) and is recommending approval of the requested Comprehensive Plan Map change (CPA-2023-02).

The city's complete findings related to the policies of the Corvallis Comprehensive Plan will be addressed in that agency's staff report and presented to Corvallis Planning Commission during the joint public hearing on December 3, 2024.

Conclusion: The proposed Urban Commercial zoning for the subject property is consistent with the criteria identified in Benton County Code Section 53.505.

¹¹ The remainder of Section 3 (CUFMA) identifies requirements and format for joint hearings to review amendments to the Comprehensive Plan.

BCC 53.510 – Initiating a Zone Change

- (1) A landowner may initiate a zone change for land in his or her ownership by submitting an application for a zone change to the Planning Official. The application shall include maps, drawings, data and other relevant information supporting the zone change.*
- (2) The Board of Commissioners may initiate a zone change. The Board shall direct the Planning Official to prepare maps, drawings, data, and other information supporting the proposed zone change.*

Findings: The landowner initiated the zone change request by submitting an application to the Benton County Community Development Department. The department reviewed the application materials submitted by the applicant and, on April 10, 2024, deemed them compliant with the requirements of BCC 53.510(1).

Conclusion: The proposed zone change was properly initiated.

BCC 53.520 – Planning Commission Review

The Planning Commission shall conduct a public hearing to review a proposed zone change. Following the close of the public hearing, the Planning Commission shall make a recommendation to the Board of Commissioners to approve, deny or modify the proposed zone change. The Commission shall include findings in support of its recommendation.

Findings: The Benton County Planning Commission will conduct a hearing on December 3, 2024, and will forward a recommendation to the Board of Commissioners. Findings in support of the Planning Commission’s decision will be included in the recommendation to the Board of Commissioners.

Per the Corvallis Urban Fringe Management Agreement, this hearing will be held jointly with the City of Corvallis Planning Commission.

Conclusion: The scheduled hearing will comply with the procedure requirements of BCC 53.520.

BCC 53.525 – Board of Commissioners Review

The Board of Commissioners shall conduct a public hearing to review a proposed zone change. The Board may approve, modify, or deny the proposed zone change. The Board shall include findings in support of its decision. If the Board approves the zone change, the Board shall amend the Official Zoning Map by ordinance pursuant to the provisions of the Benton County Charter.

Findings: Upon issuance of the Planning Commission’s recommendation regarding the proposed zone change, a hearing will be scheduled for the Board of Commissioners to consider the zone change request and Planning Commission recommendation. Findings supporting the Board’s decision will be included in the Ordinance.

Per the Corvallis Urban Fringe Management Agreement, this hearing will be held jointly with the Corvallis City Council.

Conclusion: The scheduled hearing will comply with the procedure requirements of BCC 53.525.

VII. Conclusion and Recommendation

Staff finds that the requested zone designation is more appropriate than the current zone designation, the impact on adjacent properties as a result of the requested zone change will be minimal, and there will be no significant impact to public services.

Consistency with the applicable Comprehensive Plan policies is addressed by the City of Corvallis through concurrent review and evaluation of Corvallis case no. CPA-2023-02.

The requested zone change from Urban Residential to Urban Commercial for the subject property is consistent with the applicable provisions of the Benton County Code.

Staff recommends that the Planning Commission vote to: *Recommend that the Board of Commissioners approve the proposed zone change and amend the Benton County Zoning Map.*

VIII. Motions

I move to:

A. Recommend **approval** of the zoning map amendment requested in Benton County Planning File LU-24-006 based on the findings and conclusions contained in the staff report [or as modified at the public hearing].

or,

B. Recommend **denial** of the zoning map amendment requested in Benton County Planning File LU-24-006 based on the findings in opposition and conclusions developed at the hearing.



**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Community Development Department

Office: (541) 766-6819
4500 SW Research Way
Corvallis, OR 97333

<https://cd.bentoncountyor.gov>

Attachment A

Staff Report to the Planning Commission

The application materials submitted by the applicant for Planning File Number LU-24-006 are available online at: <https://cd.bentoncountyor.gov/land-use-applications-in-review/>

- Initial Application Packet: 89 pages
- Revised Application Packet: 161 pages



**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Community Development Department

Office: (541) 766-6819
4500 SW Research Way
Corvallis, OR 97333

<https://cd.bentoncountyor.gov>

Attachment B

Staff Report to the Planning Commission

Pre-application meeting agenda and draft notes

Pre-Application Conference | February 16, 2024 | Planning File LU-23-053

Agenda

Meeting Description:

Pre-application conference to discuss Zone Change requested by VP Investment Services

- *Property Location:* 5840 NW Highway 99W, Corvallis (11512BD01200)
- *Current Zone Designation:* Urban Residential (UR-10 & UR-5)
- *Desired Zone Designation:* Urban Commercial (UC)

Purpose:

- Discuss and identify considerations, issues of concern, and opportunities related to the desired zone change.
- Consider the feasibility of the request and identify any additional items to address if an application is submitted. (*Toby Lewis*)

Introductions:

Please provide your name, title, and the department or agency you work for. (*All*)

Description of Request:

Overview of the desired zone change and reasons for the request. (*Applicant*)

Zone Change Overview:

Land use review processes (*Toby Lewis*)

- Application – zone change & comprehensive plan change
- Review – Joint city/county process

Comment & Feedback on Request:

Roundtable identification of expected requirements / conditions / concerns / opportunities
(*County, City, State, and Agency staff*)

- **Benton County Community Development Department**
 - Zoning overlays
 - Floodplain
 - Land use considerations
- **City of Corvallis**
 - Comprehensive plan considerations
 - Sewer and water future connection considerations
 - Current/upcoming considerations to be aware of
- **Department of Land Conservation & Development**
 - Applicable statewide planning goals
 - Current/upcoming considerations to be aware of

- **Oregon Department of Transportation**
 - Road approach, road improvements, traffic impact analysis
 - Current/upcoming considerations to be aware of
- **Benton County Public Works Department**
 - Stormwater management
 - Erosion and sediment control
 - Water quality
- **Benton County Environmental Health Division**
 - Septic history/considerations
- **Corvallis Fire Department**
 - Current/upcoming considerations to be aware of
- **Benton County Emergency Services Division**
 - Current/upcoming considerations to be aware of
- **Corvallis School District**
 - Current/upcoming considerations to be aware of
- **Utility Services**
 - Current/upcoming considerations to be aware of

Additional Coordination & Considerations *(All - Roundtable)*

- Opportunities for partnership?
- What else should we be thinking about?
- What have we missed?

Wrap-up

- What else do you want to make sure is on the table before we leave today? *(County, City, and Agency staff)*
- What else should we be asking? *(County, City, and Agency staff)*
- Final questions *(Applicant, then County, City, and Agency staff)*

VP Real Estate, Zone Change

Vernon & Priscilla Esplin, VP Real Estate Investments LLC – Owners

Dave Dodson, Willamette Valley Planning LLC – Applicant

Attendees:

Property Owners

Vernon Esplin

Priscilla Esplin

Applicant

Dave Dodson, Willamette Valley Planning

Oregon Department of Land Conservation & Development

Patrick Wingard

Kevin Young

Oregon Department of Transportation

Duane Liner

Arielle Childress

James Feldman

Benton County

Petra Schuetz, Community Development

Toby Lewis, Community Development

Webster Slater, Community Development

Gordon Kurtz, Public Works Department

Lars Gjovic, Environmental Health Division

City of Corvallis

Matt Grassel, Public Works

Jason Yaich, Community Development

Rian Amiton, Community Development

Corvallis Fire Department

Jonathan Jones

Meeting Notes:

Agenda and Process: Toby Lewis

Applicant's Request: Dave Dodson

Property acquired through foreclosure. Previous owners operated a business there. Lien on property reduced in exchange for arbor care services provided to county by current owner. Conversations with Greg Verret beginning around 2019 on potential reclassification of property to conform with ongoing use. Eventual septic evaluation and property line adjustment resulted.

Request is to reconcile current use on this property with County zoning. Upon approval of requested zone change, the owner's next request will be a property line adjustment to resolve a building encroachment for the property to the south.

Roundtable Discussion: All

Toby Lewis clarified: There was an interruption to the existing, non-conforming use, and this remains an issue as a commercial use is not an outright allowed in the Urban Residential zone. Additionally, a request for a zone change needs to evaluate *all* potential allowed uses in the requested zone (in this case, Urban Commercial), not only the current use on the property.

Rian Amiton: Submission for a Comprehensive Plan Update to the City of Corvallis will be considered incomplete until the corresponding request for a zone change has been submitted to Benton County.

The analysis from the city's Buildable Lands Inventory demonstrating a deficit of land zoned for mixed-use commercial and a surplus of land zoned for low-density residential is accurate, albeit any change request should be viewed with some site-specific considerations to determine appropriateness of commercial activity. Particularly, what the city zoning designations will be once annexed: General Commercial, Commercial Mixed-Use 1, 2.

Area is a Neighborhood Center and commercial activity is consistent with planned uses; this request is not "Spot Zoning."

The traffic impact study needs to incorporate city rather than county zoning designations.

Patrick Wingard: Biggest concerns appear to be implications for transportation infrastructure.

Nearby high school is served by utilities but current property may not connect to these services according to Corvallis.

Kevin Young: A change from residential to commercial land designation needs to make findings that the city's housing needs will still be met (Goal 10 criteria).

James Feldman: Recommends applicants determine whether any degradation of service on Highway 99 would occur and, if so, include proposed mitigation measures in this request – even if impact and mitigation would need to happen at a much later date/concurrent with future (re)development.

Arielle Childress: Traffic Impact Study needs to re-evaluate "reasonable worst-case" development impacts should project ~10-15 years in the future to determine possible impacts.

James Feldman reiterated his previous point.

Duane Liner: There could be potential issues in the future with the current approach and left-turn movements onto the property might not be an option.

Additionally, driveway spacing standards can remain non-compliant but changes would be triggered once "change of use criteria" are met. The scope could include "channelization" for left turns given a large-enough increase in intensity of use. Traffic Impact Study does not include any anticipated steps to remedy this potential.

Gordon Kurtz: Property is naturally “scrub vegetated,” with the existing commercial activities expanding over ~10 years. There’s a high chance a 1200-Z permit from Department of Environmental Quality is needed.

While Erosion & Sediment Control threshold don’t apply retroactively, applicants should expect to cross it if development continues at its historic pace.

Public Works would like a Condition of Approval to include site modifications to enhance/protect the water quality of Mountain View Creek.

Lars Gjovik: A Septic Evaluation was applied for in 2016 but there’s no record of an approval. The application noted potential fill. Septic Authorization is the main factor in the possibility of any future expansion of uses on the property (note: size limits on holding tanks). In addition to the number of employees using the site, flow data can also be used to determine adequate sizing.

Vernon Esplin clarified: The test holes for the septic approval area were primarily in the southwestern “stem” of the *Urban Residential: 5-Acre* portion of the property and remains demarcated and access restricted.

Jason Yaich: The Comprehensive Plan update for the property will not change the designation of the southwestern “stem” of the *Urban Residential: 5-Acre* portion of the property.

Toby Lewis clarified: Septic systems on land zoned for residential use may not serve a non-residential use in another zone or on another property.

Matt Grassel, Gordon Kurtz: On the potential for the County to apply a deed restriction in order to limit the number of trips: the closest Public Works has to this type of restriction is a “Right-In, Right-Out” agreement but is fairly limited in where it’s applied.



**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Community Development Department

Office: (541) 766-6819
4500 SW Research Way
Corvallis, OR 97333

<https://cd.bentoncountyor.gov>

Attachment C
Staff Report to the Planning Commission

City of Corvallis memorandum, dated November 21, 2024



Office: 541.766.6908
planning@corvallisoregon.gov
permits.corvallisoregon.gov
corvallisoregon.gov/planning

Community Development Department
Planning Division
PO Box 1083
Corvallis OR 97339

11/21/2024

VIA EMAIL

TO: Toby Lewis, Senior Planner
Benton County
Toby.Lewis@bentoncountyor.gov

FROM: Rian Amiton, Senior Planner
City of Corvallis – Planning Division
Rian.Amiton@corvallisoregon.gov

Subject: LU-24-006 (Zoning Map Change – 5840 NW Highway 99W)

Following the procedures outlined in the Corvallis Urban Fringe Management Agreement (CUFMA), Corvallis Planning staff has reviewed Benton County case LU-24-006, a request to change the County zone on a property inside the Corvallis Urban Fringe from Urban Residential (5- and 10-acre density) to Urban Commercial.

In conversations with Benton County Planning staff, Corvallis understands that the requested Urban Commercial Zone most closely resembles the Corvallis zoning designations that implement the Mixed Use Commercial (MUC) designation on the Corvallis Comprehensive Plan Map. Corvallis Planning staff therefore supports approval of LU-24-006, contingent on approval of the concurrent Corvallis Comprehensive Plan Amendment (CPA) request to change the designation on the Corvallis Comprehensive Plan Map from Residential – Low Density (LDR) to MUC (Corvallis case CPA-2023-02).

Corvallis Planning staff's full findings and recommendations on the CPA request will be presented at the scheduled December 3 joint meeting of the Benton County and City of Corvallis Planning Commissions, at which LU-24-006 will also be considered. In short, staff recommends approval of CPA-2023-02. Staff finds that the CPA request is consistent with statewide planning goal and the policies of the Corvallis Comprehensive Plan; there is a demonstrated need for the change; the advantages to the community resulting from the change outweigh the disadvantages; and the proposed change is a desirable means of meeting the public need.

If CPA-2023-02 is approved, as recommended by Corvallis Planning staff, approval of LU-24-006 will maintain alignment between the County's Zoning Map and the Corvallis Comprehensive Plan Map. For the same reason, should CPA-2023-02 be denied, Corvallis Planning staff would also recommend denial of LU-24-006.

Please contact me with any questions at Rian.Amiton@corvallisoregon.gov or (541) 766-6573.

**Exhibits
submitted at:**

Joint Planning Commission Hearing
December 3, 2024

1. Written statement provided by property owner
2. Presentation slides provided by City of Corvallis

VP CPA & ZC Request

City & County Planning Commission Presentation Outline

December 3, 2024, at 6:00 PM

4500 SW Research Way – 1st Floor Meeting Room

Introductions

David Dodson – Planning Consultant with WVP
Vernon & Priscilla Esplin – Property Owners

Applicant's Request

Vernon and Priscilla Esplin, prior owners of Buena Vista Arbor Care, own the former Lewisburg Auction and General Store property at 5820 and 5840 NW Highway 99. Although the larger 2.87-acre property to the north has a long history of being used for commercial activities, the majority of the site is designated Residential – Low Density on the City's Comprehensive Plan Map. The Esplin's are interested in amending the City's Comprehensive Plan Map, so their entire property is designated Mixed Use Commercial. For consistency with the County's land use designations, we are requesting a zone change from Residential (UR-10) to Urban Commercial.

The existing tree-care company that resides on the property intends to continue their current operations, so no changes to what exists on the site are anticipated.

Applicable Criteria

Based on the 2016 Buildable Lands Inventory, there is an abundance of Residential – Low Density land and a shortage of Mixed Use Commercial land within the Corvallis UGB.

Not only will the proposed amendment address a need for additional Mixed Use Commercial lands, but it also addresses an existing non-conforming use, since the property is zoned residential but has been used for commercial purposes for nearly 40 years.

The requested zone designation is more appropriate than the current zoning designation. The impact on adjacent properties as a result of the requested zone change will be minimal, and there will be no significant impact to public services.

Conclusion

In conclusion, we concur with the recommendations in both the City and County staff reports, that support approval of the requests before you tonight.

The Esplin's and I are available to answer any questions at this time.

<p>LU-24-006 <i>Joint Planning Commission Hearing</i> <i>Dec. 3, 2024</i> Exhibit 1</p>
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VP Comprehensive Plan Amendment (CPA-2023-02)

City of Corvallis Planning Commission / Benton County Planning Commission Joint Public Hearing
December 3, 2024

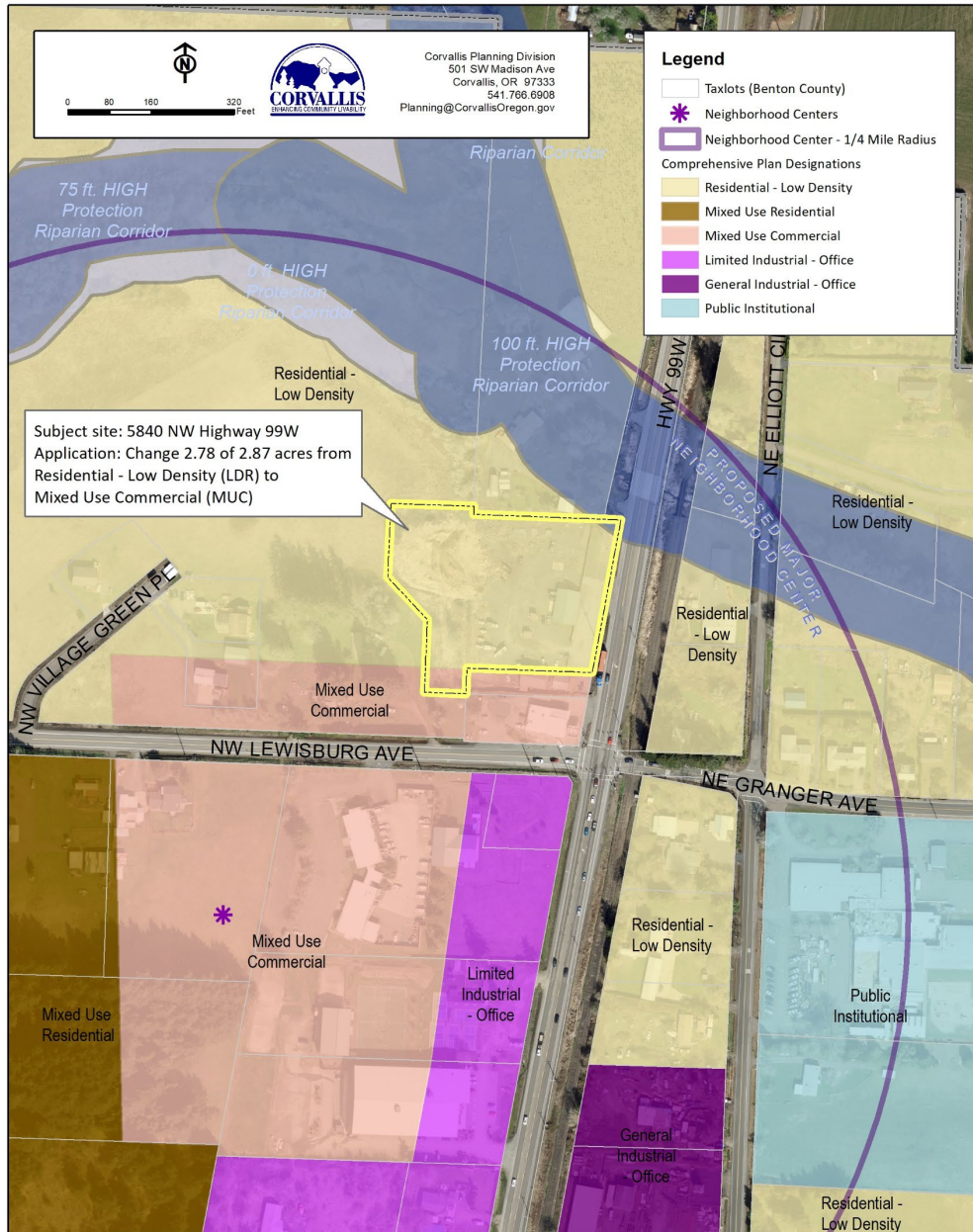
LU-24-006
Joint Planning Commission Hearing
Dec. 3, 2024 **Exhibit 2**



Agenda

- Application and site overview
- Review process and criteria
- Staff evaluation and recommendation

VP Comprehensive Plan Map Amendment
CPA-2023-02



CPA Overview

Location: 5840 NW Highway 99W

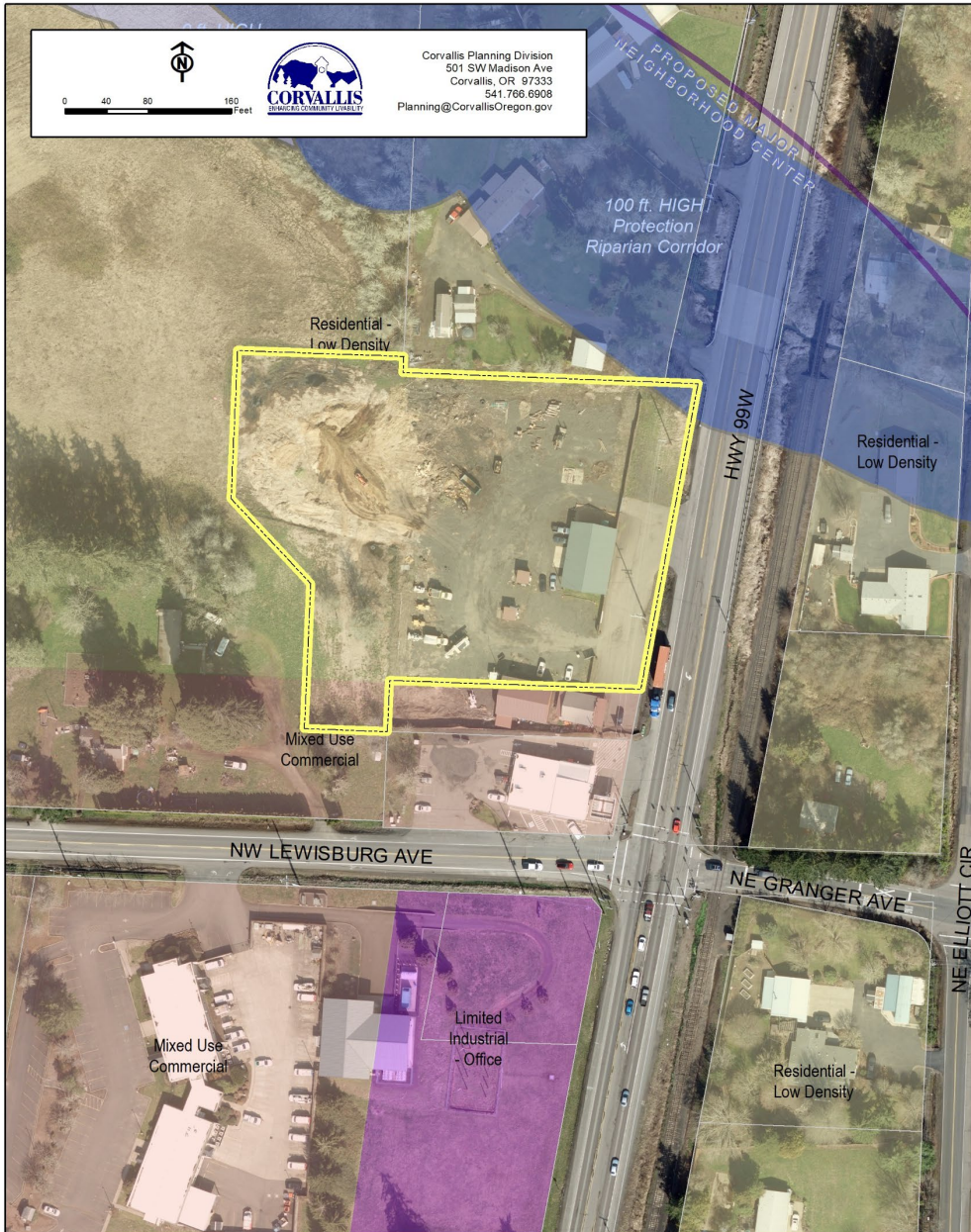
- In the Urban Fringe (approx. 1.7 miles from City Limits)
- Also in a Major Neighborhood Center (1/4 mile radius)

Request: Change the Comprehensive Plan Map designation from Low Density Residential to Mixed Use Commercial

Affects 2.78 of the property's 2.87 acres

Concurrent Benton Co. Zone Change request – Urban Residential to Urban Commercial

No testimony to date



Site Overview

Subject site contains an existing storage building, 2 well houses, vehicle storage, wood storage, and piles of wood chips, all used by a tree service company

Commercial development to the south

- Narrow strip of land is also owned by the applicant

Low density residential development to the west and north

CORVALLIS URBAN FRINGE MANAGEMENT AGREEMENT

1. The City of Corvallis, Oregon and Benton County, Oregon hereby establish a joint management procedure pursuant to ORS 197.150 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 Statewide 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

1

ATTACHMENT PC-B
Page 1 of 4

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,

Corvallis Urban Fringe Management Agreement (CUFMA) – Attachment PC-B

- The 1990 CUFMA establishes the **process** and **criteria** for CPA applications in the Urban Fringe
- Process for quasi-judicial CPA applications:
 - Joint public hearing with the Corvallis and Benton County Planning Commissions
 - PCs can deliberate together or separately, and then make recommendations to their respective governing bodies
 - Final decision made after a joint public hearing with the Corvallis City Council and Benton County Board of Commissioners



Corvallis Urban Fringe Management Agreement (CUFMA)

- Review Criteria for CPA applications:
 - “...utilize the provisions of [the CUFMA], the Corvallis Comprehensive Plan, as amended, and the Benton County Comprehensive Plan, as amended...”
 - **CUFMA:** No specific review criteria included
 - **Corvallis Land Development Code:**
 - Section 2.1.30.06 – Review Criteria for the Majority of Comprehensive Plan Amendments
 - Incorporates Corvallis Comprehensive Plan policies
 - **Benton County Comprehensive Plan**
 - References the “Benton County Comprehensive Plan for the Urban Fringe,” which effectively incorporates applicable Corvallis Comprehensive Plan policies (no need for separate review)



LDC Review Criteria – Section 2.1.30.06

- Statewide Planning Goals
- Comprehensive Plan Policies
- Demonstrated need for the change
- Advantages outweigh the disadvantages
- Change is a desirable means for meeting the public need
- Compatibility criteria
- OAR 660-012-0060 (Transportation Planning Rule)



Statewide Planning Goals

Goal 1 – Citizen Involvement

- DLCDC Notice of Proposed Amendment
- Pre-Notification
- Public Hearing Notice

Goal 2 – Land Use Planning

- Established process for reviewing CPA requests (LDC and CUFMA)

Goal 9 – Economic Development

- Per the 2016 Buildable Lands Inventory (BLI), there is a deficit of MUC land in the UGB

Goal 10 – Housing

- Per the BLI, there is a surplus of LDR land in the UGB



Comprehensive Plan Policies

CPP 3.2.7 – Evaluate the compatibility of land uses

- Compatibility factors are incorporated into review criteria

CPP 8.2.1 and CPP 8.2.3 – Support a range of employment uses

- Change sanctions an existing use, and provides opportunities for additional commercial uses

CPP 8.10.1 – Evaluate the need for commercial activities

- Incorporated into the review criteria addressing the public need for the change, advantages/disadvantages, and the change as a desirable means

CPP 8.10.2 – Preserve existing commercial activities

- Change will help prevent the decline of an existing commercial use

CPP 9.2.5 – Neighborhood characteristics

- Future development will comply with development standards that implement this policy



Demonstrated Need for the Change

2016 Buildable Lands Inventory (BLI) evaluated the need for various land use types

Over the 20-year planning period (to 2036), the BLI found:

- A deficit of 54 acres of Mixed Use Commercial (MUC) land
 - This deficit has not been addressed
- A surplus of 2,976 units worth of Low Density Residential (LDR) land
 - With this change, added to previous conversions of LDR, there will still be a surplus of over 2,900 units worth of LDR land

In summary, there is an abundant supply of LDR and a deficit of MUC

Advantages Outweigh the Disadvantages; Change is a Desirable Means of Meeting the Public Need

The request addresses a deficit of MUC without threatening to cause a deficit of other land use categories

The subject site:

- Has a long history of being used for commercial activities
- Has frontage only on Hwy 99W, an arterial highway
- Abuts existing MUC land to the south, extending to a major signalized intersection
- Is entirely within a Major Neighborhood Center circle on the Comprehensive Plan Map
 - Major Neighborhood Center: “A mixed use commercial center design with a pedestrian orientation which serves the general community and/or surrounding neighborhood. Typically located along major arterial roadways.”



Compatibility Criteria

Proposed amendments to the Comprehensive Plan Map shall demonstrate compatibility in the following areas, as applicable:

1. Basic site design (e.g., the organization of Uses on a site and the Uses' relationships to neighboring properties);
2. Visual elements (scale, structural design and form, materials, etc.);
3. Noise attenuation;
4. Odors and emissions;
5. Lighting;
6. Signage;
7. Landscaping for buffering and screening;
8. Transportation facilities;
9. Traffic and off-site parking impacts;
10. Utility infrastructure;
11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;
13. Preservation and/or protection of significant natural features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

OAR 660-012-0060 (Transportation Planning Rule)

Per the Traffic Impact Study, the increase in trips falls below the threshold for requiring a TPR analysis. This will be reevaluated if/when the property is subject to an annexation application.





Overall Staff Conclusions on the CPA Request

- The request complies with applicable Statewide Planning Goals, Corvallis Comprehensive Plan Policies, and Benton County Comprehensive Plan provisions
- There is an abundance of LDR land and shortage of MUC land
- The subject site provides a suitable location for development consistent with MUC
- All approval criteria are satisfied
- Benton County staff also supports the request (Attachment PC-C)
- **Staff recommends the Commissions forward recommendations to approve the request**