

## Chapter 64

### Urban Residential (UR)

**64.005 Purpose.** The Urban Residential Zone shall provide for the establishment of areas suitable for future urban density residential development. [Ord 26, Ord 90-0069]

**64.010 Application.** The Urban Residential Zone shall be applied in unincorporated areas inside an urban growth boundary according to the Comprehensive Plan. [Ord 26, Ord 90-0069]

**64.105 Permitted Uses.** The following uses are allowed in the Urban Residential Zone:

- (1) One dwelling per parcel. For the purposes of this section, “dwelling” includes a manufactured dwelling that complies with the manufactured dwelling placement in BCC 91.505 and 91.510, as well as all other applicable requirements of BCC Chapter 91.
- (2) One manufactured dwelling per space in a mobile home or manufactured dwelling park. The manufactured dwelling shall comply with the minimum placement standards for a Manufactured Dwelling in 91.515. The manufactured dwelling in an approved park shall comply with the applicable manufactured dwelling standards in Chapter 91, except that additional placement standards of BCC 91.510 shall not apply, and BCC 91.515 shall be applicable.
- (3) Home occupation.
- (4) Day care for fewer than thirteen children.
- (5) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, subject to the terms and conditions set forth in 91.502, 91.505, BCC 91.545 and 91.550. The hardship manufactured dwelling shall comply with all other applicable requirements standards of Chapter 91, except the additional placement standards of BCC 91.510 shall not apply.
- (6) Residential home.
- (7) Church, grange hall, community hall, or other similar non-profit community facility.
- (8) Farm or forest use except for feed lots, except as prohibited or limited by the provisions of Chapters 83 and 88.
- (9) Accessory use or structure.
- (10) Fire stations or other public facilities rendering a public service to the community when located on an arterial or collector road as designated in the County’s Comprehensive Plan.
- (11) Natural area, open space, or acquisition of greenway corridor.

[Ord 26, Ord 90-0069, Ord 94-0104, Ord 97-0131, Ord 98-0136, Ord 2005-0209, Ord 2005-0210]

**64.205 Conditional Uses.** The following uses may be allowed in the Urban Residential Zone by conditional use permit approved by the Planning Official:

- (1) Developed park or recreational facility
- (2) Television or radio station, cable television facility, transmitter or tower.

- (3) Dam, power plant, transmission line and transmission stations, together with associated structures.
- (4) Water supply, water treatment facility, wastewater treatment facility, or water or wastewater transmission facilities.
- (5) Operation conducted for the exploration, mining and processing of geothermal resources, aggregate, and other mineral resources, or other subsurface resources.
- (6) Solid waste pickup and transfer centers licensed pursuant to BCC Chapter 23.
- (7) Mobile home or manufactured dwelling park, recreational vehicle park.
- (8) Residential facility.
- (9) Day care center.
- (10) One duplex as the only permanent dwelling on a parcel or lot.
- (11) A public or private school.
- (12) Fire stations or other public facilities rendering a public service to the community that are not located on an arterial or collector road as designated in the County's Comprehensive Plan.

[Ord 26, Ord 90-0069, Ord 94-0104, Ord 96-0118, Ord 98-0134, Ord 99-0146, Ord 2005-0209, Ord 2005-0210]

**64.210 Conditional Uses Approved by the Planning Commission.** A cemetery may be allowed in the Urban Residential Zone by conditional use permit approved by the Planning Commission. [Ord 26, Ord 90-0069]

**64.305 Minimum Parcel or Lot Size; and Density.**

- (1) The minimum parcel or lot size, or density, shall be specified by the suffix number following the "UR" designation on the Official Zoning Map:
  - (a) "UR-1" means one (1) acre minimum parcel or lot size.
  - (b) "UR-5" means five (5) acre minimum parcel or lot size, except in the Corvallis Urban Growth Boundary it shall mean one parcel or lot may be created per five (5) acres of gross area, subject to the Planned Unit Development standards in Chapter 100 [Ord 98-0141].
  - (c) "UR-10" means ten (10) acre minimum parcel or lot size, except in the Corvallis Urban Growth Boundary it shall mean one parcel or lot may be created per ten (10) acres of gross area, subject to the Planned Unit Development standards in Chapter 100 [Ord 98-0141].
  - (d) "UR-50" means fifty (50) acre minimum parcel or lot size, except in the Corvallis Urban Growth Boundary it shall mean one parcel or lot may be created per fifty (50) acres of gross area, subject to the Planned Unit Development standards in Chapter 100 [Ord 98-0141].
- (2) **Non-Standard Parcel or Lot Size for Facilities Rendering a Public Service.**
  - (a) A parcel or lot may vary from the standard size requirements of the zone if:
    - (A) The use of the parcel or lot will be:
      - (i) As allowed pursuant to BCC 64.105(10) or (11) or BCC 64.205(1) or (12), and that is publicly owned and renders a public service to the community; or
      - (ii) As allowed pursuant to BCC 64.205(3), (4), or (6), and that renders an important utility service to the general community, not only the immediately surrounding neighborhood;

- (B) The proposed size and location of the parcel or lot will not have significant adverse impact on public health or safety, the uses on adjacent property, the character of the area, with the purpose of the zone, nor the efficient provision of infrastructure and conversion to urban densities.
  - (C) The parcel or lot approved pursuant to this section shall include the least amount of land necessary to accommodate the approved intended use.
- (b) The applicant shall submit site development plans and narrative substantiating the size requirement of the particular use and the necessary location of the parcel or lot, as well as an urban conversion plan as described in BCC 64.310 or 64.320 for the parent parcel. The County shall obtain input from the City regarding the urban conversion plan, the proposed location of the non-standard parcel or lot size, and other City-related issues.
  - (c) Location of the parcel or lot.
    - (A) The parcel or lot shall be clustered to the extent practicable. Nonclustering may be allowed to decrease negative impacts from adjacent property uses and to increase efficiencies in land use and future urban conversion.
    - (B) The location of the non-standard size parcel or lot and its property lines shall not significantly reduce ideal options for the future location of urban roads or services, or preclude basic development options on adjacent properties.
  - (d) The water and/or sewage disposal requirements may be waived for the proposed parcel or lot pursuant to BCC 99.835 and/or 99.735.
  - (e) To ensure government agency or public utility ownership of the non-standard size parcel or lot, the plat or survey shall not be signed by the Planning Official until the appropriate transfer documents are submitted by the applicant. Benton County shall record the transfer documents at the same time as the plat or survey.
  - (f) For a parcel or lot created pursuant to this section, the property owner shall sign a deed covenant to be recorded into the County Deed Records prior to creation of the parcel or lot prohibiting its use for residential development or any use other than allowed pursuant to this section, until the property is annexed to the city and the County, in consultation with the City, releases the covenant.
  - (g) For a use allowed pursuant to BCC 64.105(9) or (10) or BCC 64.205(1) or (12), that is publicly owned and renders a public service to the general community, not only the immediately surrounding community, the land area included in the non-standard size parcel or lot shall not be subtracted from the gross acreage of the subject property for purposes of calculating the number of allowable parcels or lots pursuant to BCC 100.205(7)(a).
  - (h) For a use allowed pursuant to BCC 64.205(3) or (4) the land area included in the non-standard size parcel or lot shall not be subtracted from the gross acreage of the subject property for purposes of calculating the number of allowable parcels or lots pursuant to BCC 100.205(7)(a) if the Planning Official determines that the utility service provides an essential service to the general community and that the proposed location is necessary to provide that service.
  - (i) Creation of a parcel under this section does not disqualify the parent parcel from the density bonus provision of BCC 100.205(7)(b); however, land area that, pursuant to subsection (2)(g) or (h) of this section, is not subtracted from the gross acreage shall not be used as the basis for a density bonus.
  - (j) Creation of a parcel under this Section does not disqualify the parent parcel from the one-time exemption to the maximum parcel size under BCC 100.205(6)(a)(A).
- (3) All land divisions in the Corvallis Urban Fringe Area, including partitions, subdivisions, and planned unit developments shall comply with the standards contained in BCC Chapters 83, 88, and 100.

- (4) **Bonus Parcel.** The opportunity for a bonus parcel is offered by Benton County as an incentive to encourage voluntary preservation of natural resources. A bonus parcel is not a matter of right.
- (a) Within the UR-5, UR-10 and UR-50 zones of the Corvallis Urban Growth Boundary, a parcel existing as of December 31, 2004, that is larger than the minimum parcel size of subsection (1) of this section but contains less than two times that minimum parcel or lot size may be divided once to create an additional parcel of 20,000 square feet or less if the criteria in subsection (A) through (C) are met.
- (A) To qualify the property for creation of this parcel, the property owner shall establish permanent protection for the portion of the subject lot or parcel that has been designated as Highly Protected Natural Resource on the Corvallis Urban Fringe Riparian Corridors and Wetlands Map or Significant Vegetation Map, and the Highly Protected area equals or exceeds the larger of the following: two acres, or 30% of the total acreage of the subject property. Permanent protection shall be by one of the following means:
- (i) A conservation easement benefiting, or a gift to, a governmental land management agency or nonprofit corporation organized for the purpose of land or environmental conservation. The applicant shall provide a letter from the benefiting entity demonstrating intent to accept the proposed easement or gift and to manage the land to preserve and/or enhance the natural feature functions identified on the Corvallis Riparian Corridors and Wetlands Map or Significant Vegetation Map, contingent on approval of the development proposal;
- (ii) Dedication to Benton County. The applicant shall provide a letter from the Board of Commissioners demonstrating intent to accept the proposed dedication, contingent on approval of the development proposal. Benton County will place priority on accepting lands consistent with the mission of the Benton County Parks System Comprehensive Plan or other adopted plans; or
- (iii) Dedication, or reservation for dedication, to the City of Corvallis. The applicant shall provide a letter from the City of Corvallis stating intent to accept the proposed reservation, contingent on approval of the development proposal. A reservation for dedication shall include use restrictions to ensure the natural features are preserved prior to dedication;
- (B) The proposed bonus parcel is approved through the criteria and procedures for a conditional use permit (BCC 53.205 through 53.235). The specific location and dimensions of the proposed parcel shall be presented by the applicant.
- (C) The new parcel shall share access with the existing parcel if doing so would reduce impact to mapped natural features shown on the Corvallis Urban Fringe Natural Hazards Map and/or Riparian Corridors and Wetlands Map.
- (b) The right to create this additional lot or parcel may be transferred to any UR-zoned property within the Corvallis Urban Fringe, provided the receiving location is approved pursuant to subsection (3)(a)(B) of this section and provided the additional parcel will not impact natural features shown on the Corvallis Urban Fringe Natural Hazards Map, Riparian Corridors and Wetlands Map, and Significant Vegetation Map. Transferred rights will be established through the notice of conditional use approval referencing both the receiving and sending parent parcels.

- (c) The provisions allowing a bonus parcel shall not be available to a property which has been granted compensation or waiver of land use regulation pursuant to Ballot Measure 37.
- (d) For any property obtaining a bonus parcel pursuant to this section, the property owner shall sign a covenant waiving all right to claims for compensation or waiver of land use regulation pursuant to Ballot Measure 37.

[Ord 26, Ord 90-0069, Ord 96-0118, Ord 98-0141, Ord 2005-0209, Ord 2005-0210, Ord 2012-0244]

#### **64.310 Conditions to Land Divisions in the Corvallis Urban Fringe.**

(1) All land divisions in the Corvallis Urban fringe shall be conditioned upon the property owner recording a covenant consenting to annex when the property becomes contiguous to the City.

(2) An applicant for a land division in the Urban Residential Zone within the Corvallis Urban Fringe shall submit an urban conversion plan showing possible future urban development. The urban conversion plan shall show arterial and perimeter streets, road rights-of-way, drainageways, utility easements, future property divisions at urban densities, and Natural Resources and Natural Hazards protected by Corvallis Comprehensive Plan Natural Resource and Natural Hazard Overlays. Additionally, if upon annexation the site will be subject to the City of Corvallis Minimum Assured Development area (MADA) provisions outlined in the Corvallis Land Development Code Chapter 4.11, the urban conversion plan shall show the protected and developable areas consistent with those MADA provisions. All dwellings and all structures requiring building permits shall be placed within boundaries of the future parcels or lots shown on the urban conversion plan and shall meet urban setbacks of the City of Corvallis Land Development Code. The urban conversion plan shall be referred to the City of Corvallis for review and recommendation. The urban conversion plan shall be binding on future property owners, until such time as an alternative urban conversion plan is submitted by the property owner and approved by the County in consultation with the City, or the property is annexed to the City. In unusual circumstances, the urban conversion plan requirements may be modified by the Planning Official in consultation with City of Corvallis Public Works and Planning. [Ord 26, Ord 90-0069, Ord 96-0118, Ord 2012-0244]

**64.315** Deleted [Ord 26, Ord 90-0069, Ord 96-0118, Ord 98-0141]

**64.320 Land Divisions in the Philomath Urban Fringe.** An applicant for a land division in the Urban Residential Zone in the Philomath Urban Fringe shall submit an urban conversion plan showing possible future urban development. The urban conversion plan shall show arterial and perimeter streets, road right-of-ways, drainageways, utility easements, and future property divisions at urban densities. All dwellings and all structures requiring building permits shall be placed within boundaries of future lots or parcels as shown on the urban conversion plan and shall meet urban setbacks of the City of Philomath Zoning Ordinance. The conversion plan shall be referred to the City of Philomath for review and recommendation. The urban conversion plan shall be binding on future property owners, until such time as an alternative urban conversion plan is submitted by the property owner and approved by the County in consultation with the City, or the property is annexed to the City. In unusual circumstances, the urban conversion plan requirements may be modified by the Planning Official in consultation with City of Philomath Public Works and Planning. [Ord 26, Ord 90-0069, Ord 96-0118, Ord 2012-0244]

### **SITING STANDARDS**

**64.350 Siting Standards.** All structures allowed in the Urban Residential Zone shall be sited in compliance with the applicable provisions of BCC Chapter 83 (Floodplain Management Overlay), BCC Chapter 88 (Natural Features Overlay in the Corvallis Urban Fringe), BCC Chapter 99 (General

Development Standards), and the following additional standards in instances when they are more restrictive than the provisions of BCC Chapters 83, 88, and 99, as applicable:

- (1) A setback to a road right-of-way shall be at least twenty-five (25) feet and at least forty (40) feet from the edge of an existing roadway.
- (2) A side setback shall be at least eight (8) feet.
- (3) A rear setback shall be at least twenty-five (25) feet.
- (4) Architectural features shall not project more than two (2) feet into a required setback.
- (5) A non-residential structure shall not be built within a setback abutting a road. No setback is required for structures of 120 square feet or less. A side or rear setback for a non-residential structure may be reduced to three (3) feet if that structure:
  - (a) Is detached from other buildings by five (5) feet or more;
  - (b) Does not exceed a height of twenty (20) feet; and
  - (c) Does not exceed an area of 500 square feet.
- (6) A structure which is not related to a water dependent use shall be placed at least fifty (50) feet from the ordinary high water line of any river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line.
- (7) 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.
- (8) A maximum of twenty-five percent (25%) of existing natural riparian vegetation within twenty-five (25) feet of the ordinary high water line of the Marys River outside of the Corvallis urban growth boundary, by area, may be removed for any reason within the riparian setback area. Additional land may be cleared of riparian vegetation in order to:
  - (a) Remove dead or diseased vegetation, or vegetation which constitutes a hazard to public safety or a threat to existing healthy indigenous vegetation;
  - (b) Construct pedestrian access (pathways) to the waterway;
  - (c) Install or maintain an artificial or structural shoreline stabilization, provided that natural erosion control measures or other non-structural solutions are not feasible and applicable state and federal standards are met; or
  - (d) Remove blackberry vines, Scotch Broom, or other noxious vegetation as defined by the Oregon Department of Agriculture, provided that such vegetation is replaced with other more suitable vegetation.
- (9) A dwelling located within 200 feet of a forested area shall be provided with a spark arrestor on each chimney and a fire-retardant roof.
- (10) A minimum thirty (30) foot fire break shall be maintained at all times around structures located on a parcel or lot contiguous to land in the Forest Conservation Zone. [Ord 26, Ord 90-0069, Ord 91-0082, Ord 92-0092, Ord 93-0097, Ord 96-0118, Ord 2005-0209, Ord 2005-0210]