

The Meadows at Rivergreen

33 ACRE (High Density RS-20) RESIDENTIAL DEVELOPMENT SITE



SOUTH CORVALLIS RESIDENTIAL DEVELOPMENT SITE

3200 SE 3rd Street, Corvallis, Oregon 97333

Description: Located within a newly established Urban Renewal District, this rare 33 acre residential development site is zoned High Density RS-20 Residential. This property is relatively flat and located approximately one mile from the downtown Corvallis core and Oregon State University. The extreme shortage of housing in Corvallis makes this property an excellent opportunity to develop in a community with high demand.

Price: \$10,000,000

Dale Kern, Broker

Commercial Associates

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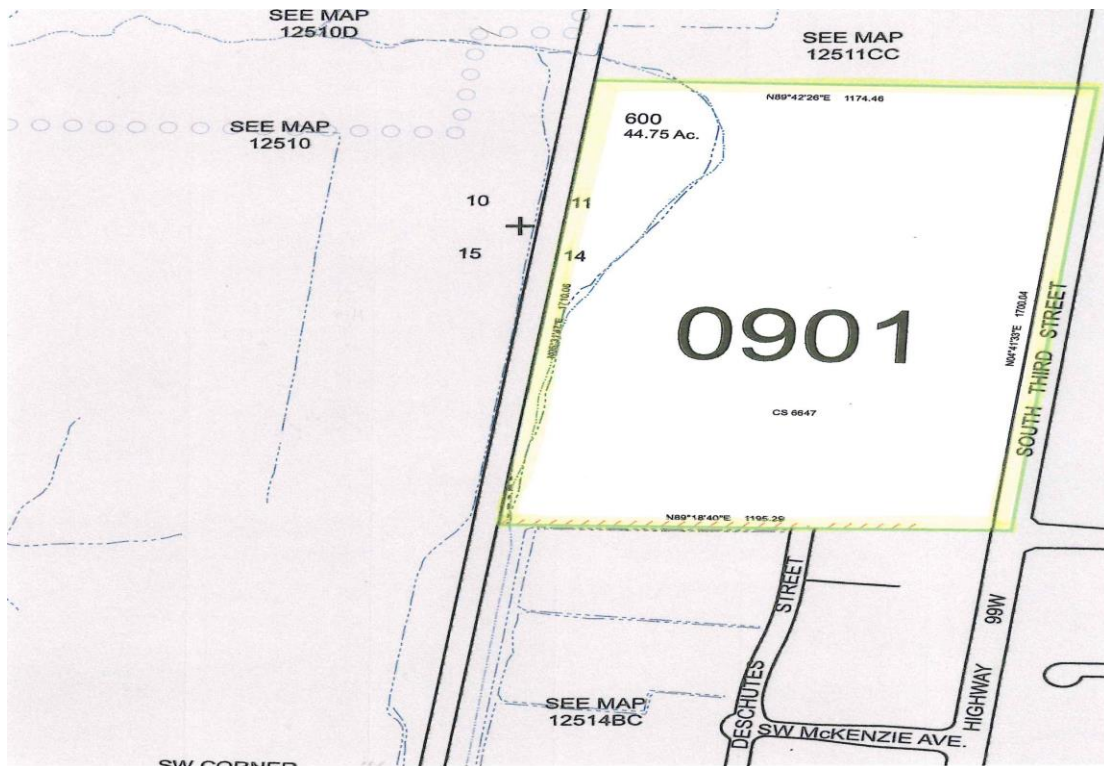
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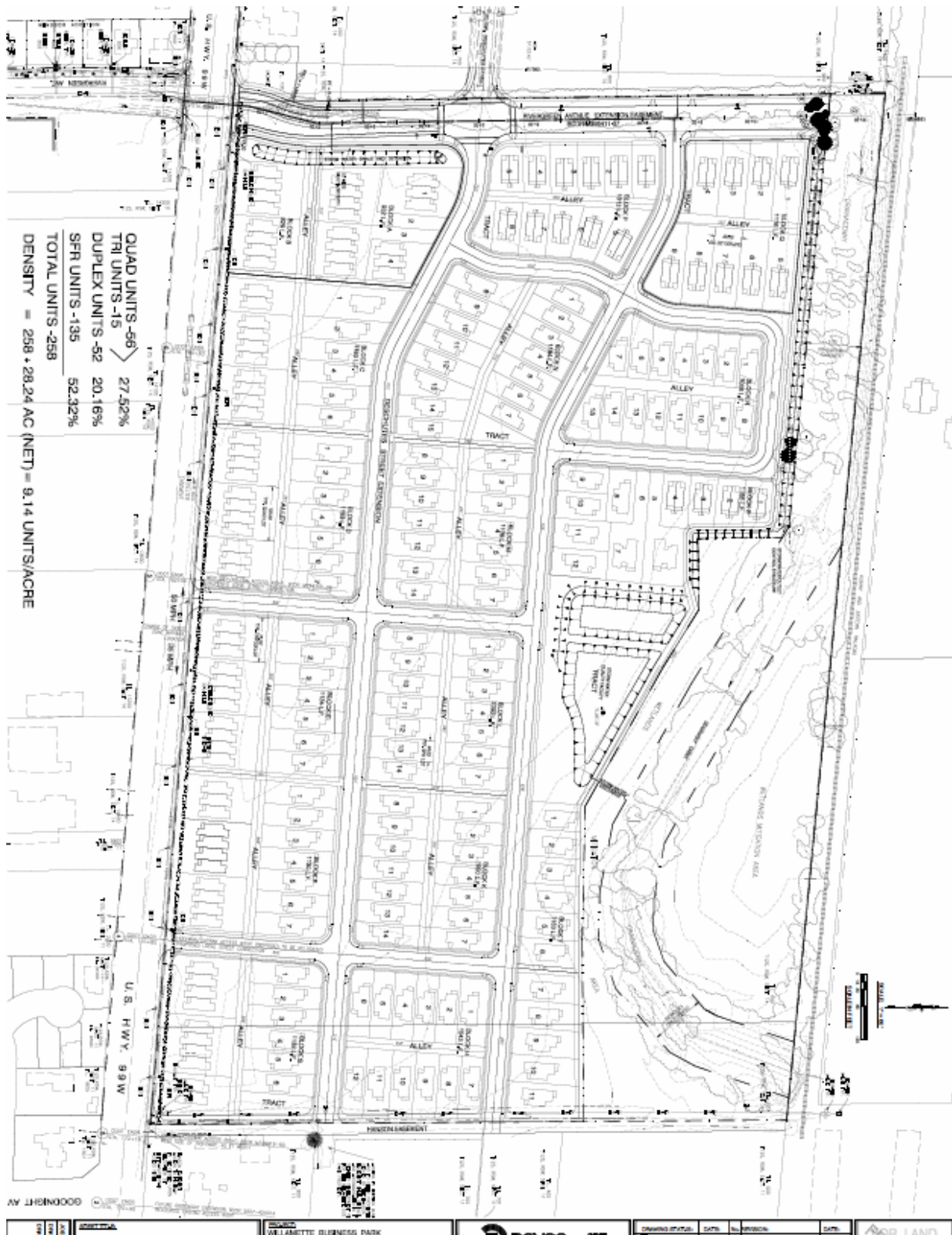
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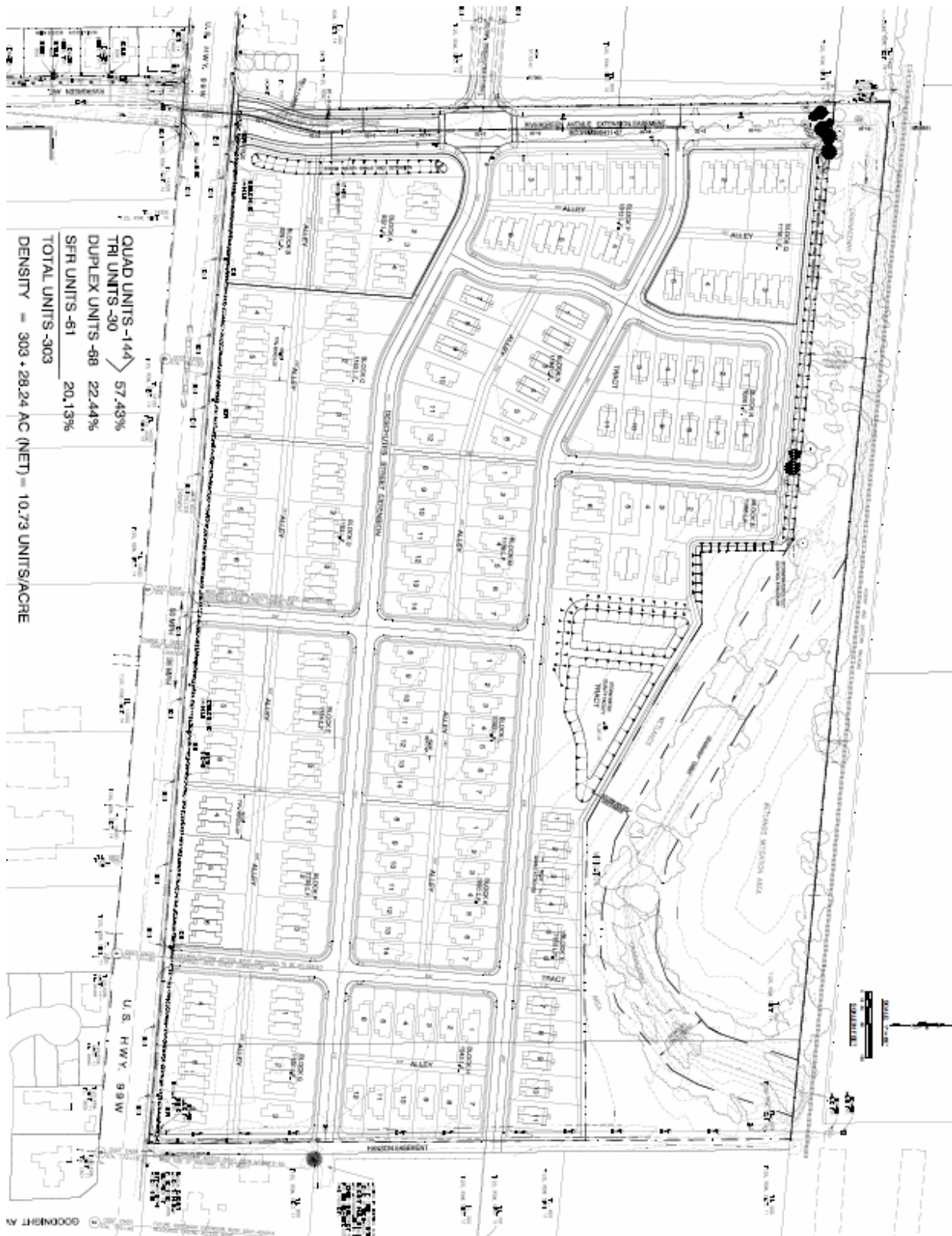


CONCEPT PLAN – 258 UNITS



Concept Plan Only: Buyer should not rely on this concept plan, but should rely on the results of Buyer's own research and design review process.

CONCEPT PLAN – 303 UNITS



Concept Plan Only: Buyer should not rely on this concept plan, but should rely on the results of Buyer's own research and design review process.

CONCEPT PLAN – 272 UNITS



Concept Plan Only: Buyer should not rely on this concept plan, but should rely on the results of Buyer's own research and design review process.

CORVALLIS LDC ZONING PROVISIONS

Corvallis Land Development Code (as amended)

CHAPTER 3.8 HIGH DENSITY (RS-20) ZONE

Section 3.8.10 - PURPOSE

This is the primary zone that implements the High Density Residential Comprehensive Plan designation, which allows 20 or more dwelling units per acre. It is intended to provide areas for high density group residential dwelling units and other closely related and/or supportive uses in various areas within the City.

Section 3.8.20 - PERMITTED USES

3.8.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types -
 - a) Family
 - b) Group Residential
 - c) Group Residential/Group Care
 - d) Residential Care Facilities
 - e) Fraternities and Sororities
2. Residential Building Types -
 - a) Single Detached
 - b) Single Detached - Zero Lot Line
 - c) Single Attached - Zero Lot Line, two units
 - d) Attached -Townhouse
 - e) Duplex
 - f) Multi-dwelling
3. Civic Use Types -
 - a) Community Recreation

- b) Lodges, Fraternal and Civic Assembly
- c) Postal Services - Customer
- d) Public Safety Services
- e) Religious Assembly
- f) Schools
- g) Social Service Facilities

4. Commercial Use Types -

- a) Professional and Administrative Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006. Expansions shall be subject to Conditional Development Review, as noted in Section 3.8.20.02 below
- b) Lodging Services - Bed and Breakfast only

5. Agricultural Use Types -

- a) Garden

b. Accessory Uses Permitted Outright

- 1. Colocated/attached Wireless Telecommunication Facilities on multi-family residential structures, three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- 2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- 3. Essential Services
- 4. Day Care, Family, as defined in Chapter 1.6 - Definitions
- 5. Home Business, as defined in Chapter 1.6 - Definitions
- 6. Horticulture - personal use
- 7. Model dwelling units

8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use
11. Tree, Row, and Field Crops - personal use
12. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions
13. Garden
14. Market Garden - only as an accessory use to Residential Use Types and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions.
15. Community Garden – only as an accessory use to Civic Use Types, and subject to the provisions in Section 4.9.90 of Chapter 4.9 – Additional Provisions

3.8.20.02 - Special Development

Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- b. Colocated/attached facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- c. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- d. Expansion of Offices, as defined in Chapter 1.6 - Definitions, existing prior to December 31, 2006
- e. Conversion of structures, or portions of structures, to Professional and Administrative Services Use Type in accordance with Section 3.8.60

- f. Cultural Exhibits and Library Services
- g. Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions
- h. Funeral and Interment Services - Interring and Cemeteries
- i. Major Services and Utilities
- j. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
- k. Parking Services
- l. Participant Sports and Recreation - Indoor and Outdoor

3.8.20.03 - General Development

Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 75 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.8.20 amended by Ordinances 2012-16 and 2012-19, effective December 3, 2012]

Section 3.8.30 - RS-20 DEVELOPMENT STANDARDS

3.8.30.01

Table 3.8-1

	Standard
a. Minimum Density	20 units per acre. Applies to the creation of Land Divisions.
b. Maximum Density	No Maximum
c. Minimum Lot Area	None
d. Minimum Lot Width	25 ft.

	Standard
<p>e. Setbacks</p> <p>1. Front, Side Yard, and Rear Yard</p> <p>Unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.</p> <p>Interior attached townhouses exempt from interior side yard setbacks.</p> <p>2. Maximum Front Yard Setback</p> <p>3. Side and Rear Yard Setback Adjacent to Low Density Residential zones</p> <p>4. Exterior Side Yard and Rear Yard abutting a Street</p> <p>See also "k," and "l," below.</p>	<p>10 ft. minimum, except that portions may be reduced to 5 ft. provided that:</p> <p>1. The 5 ft. setback is applied to 50 percent or less of the building face related to a yard space;</p> <p>2. An average 10 ft. setback shall be provided along the building face; and</p> <p>3. Where buildings exceed a length of 60 ft or exceed 3 stories, the above yard requirements shall be increased at a rate of 1 ft. for each 15 ft. of building length over 60 ft. and 2 ft. for each story over 3 stories.</p> <p>25 ft.; interior buildings within a development are exempt from this requirement.</p> <p>Equal to most restrictive setback in the Low Density Residential zone.</p> <p>10 ft. minimum and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</p>
<p>f. Minimum Garage/Carport Setbacks</p> <p>1. Detached and attached units</p> <p>a) Garage/carport entrance facing/parallel to the street</p> <p>b) Garage/carport entrance sideways/perpendicular to street</p> <p>2. Multi-dwelling units</p> <p>See also "k," and "l," below.</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p> <p>Off-street parking and garages/carports shall be located interior to the site in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

		Standard
g.	Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land See also "k," and "l," below.	When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer. The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement. Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.
h.	1. Maximum Structure Height 2. Maximum Structure Height adjacent to RS-3.5, RS-5, RS-6, and RS-9 Zones	65 ft. above grade or 5 stories, whichever is less. See Section 3.8.30.02 below.
i.	Maximum Lot Coverage	75 percent of the lot area maximum; interior attached townhouses exempt from this provision. Green Area is calculated per lot.
j.	Off-street Parking	See Chapter 4.1 - Parking, Loading, and Access Requirements.
k.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures	Shall not be placed within required front yard setback area. When located within 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment. When located greater than 10 ft. from a property line, such equipment requires no screening.
l.	Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures	Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
m.	Minimum Assured Development Area (MADA)	See Chapter 4.11 - Minimum Assured Development Area (MADA).
n.	Special Flood Hazard Areas	See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

	Standard
o. Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
p. Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
q. Landscaping	See Section 3.8.50, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r. Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.8.50, below.
s. Landslide Hazards and Hillslides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

3.8.30.02 - Structure Height and Building Mass

- a.** Primary structures in the RS-20 Zone shall not exceed a height of 65 ft. or five stories, whichever is less.
- b.** Where a property in the RS-20 Zone abuts a property in the RS-9 Zone, the height of structures in the RS-20 Zone is limited to a maximum of 35 ft. within a distance of 20 ft. from the Medium Density Residential property. Where a street separates the land zoned RS-20 from the land zoned RS-9, this height restriction shall be in accordance with "d", below. See Figure 3.8-1 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-9.

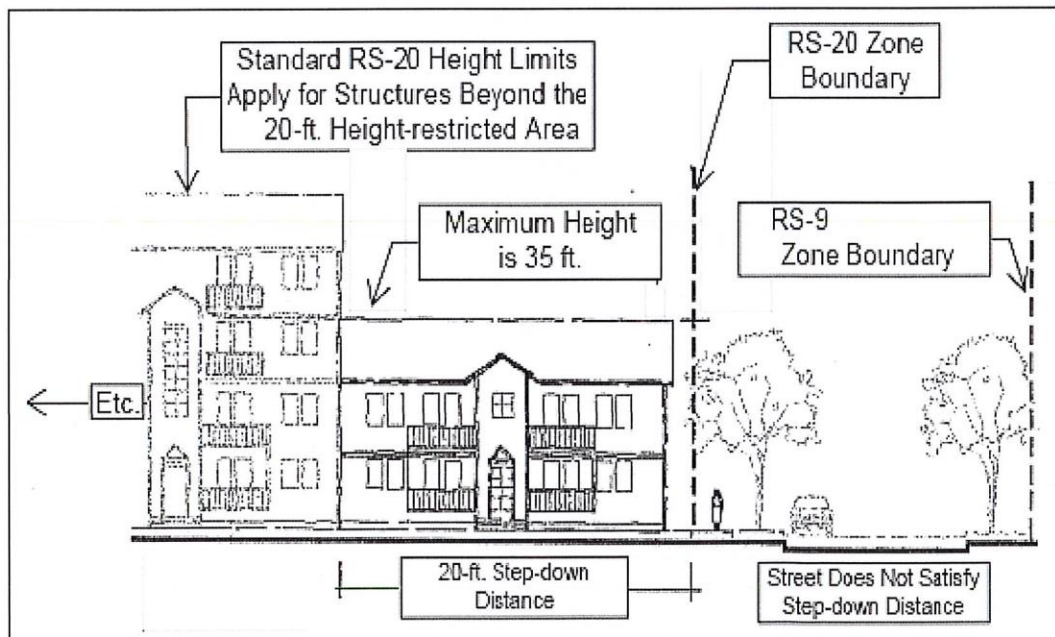


Figure 3.8-1 – Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-9

- c. Where a property in the RS-20 Zone abuts a property within the RS-3.5, RS-5, or RS-6 Zone, the height of structures in the RS-20 Zone is limited to a maximum of 35 ft. and two stories in height within the first 50 ft.; and a maximum of 45 ft. in height within a distance of 50 - 100 ft. from the Low Density Residential property. Where a street separates the land zoned RS-20 from the land zoned RS-3.5, RS-5, or RS-6, this height restriction shall be in accordance with "d," below. See Figure 3.8-2 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

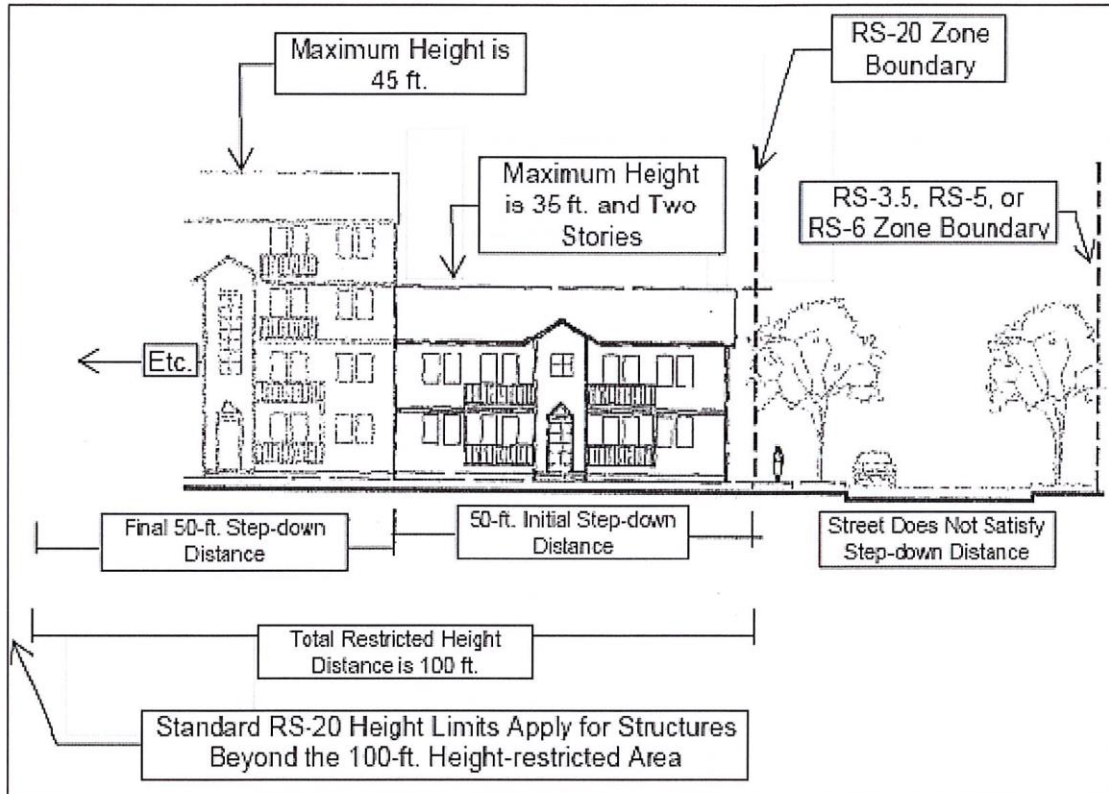


Figure 3.8-2 – Required Height Transition Area When Development is Zoned RS-20 and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

- d. Where the RS-20 Zone is separated from the Low or Medium Density Residential zone by an existing or planned street, the measurements outlined in "b," and "c," above, shall be taken from the RS-20 side of the street, and the street shall not be counted to satisfy the distance needed for the step-down in height. In cases where the RS-20 zoning boundary immediately abuts the Low or Medium Density Residential zoning boundary, and an existing or planned street is located within the RS-20 Zone and also abutting the Low or Medium Density Residential zoning boundary, the street shall not be counted to satisfy the distance needed for the step-down in height. See Figure 3.8-1 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-9 and Figure 3.8-2 - Required Height Transition Area When a Development is Zoned RS-20 and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

- e. Where a property in the RS-20 Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, buildings on the perimeter of the RS-20 site and closest to the Low Density Residential Zone shall be limited to 150 ft. in length.

[Section 3.8.30 amended by Ordinance 2012-18, effective December 13, 2012; Section 3.8.30 amended by Ordinances 2014-18 and 2014-19, effective December 11, 2014]

Section 3.8.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-20 Zone:

- a. Buildings with opposing windowed walls shall be separated by 20 ft.
- b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b" above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.
- f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.
- g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of ground level.
 - 1. Driveways and parking lots shall be separated from windowed walls by at least eight ft.; sidewalks and multi-use paths shall be separated by at least five ft.

2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least seven ft.
3. Driveways and uncovered parking spaces shall be separated from doorways by at least five ft.

Section 3.8.50 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.8.50.01 - Green Area

- a. A minimum of 25 percent of the gross lot area and a minimum of 15 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 75 percent maximum lot/site coverage standard of Section 3.8.30 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c. The required Green Area shall be designed and arranged to offer the maximum benefits to the occupants of the development and to provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.8.50.02 - Private Outdoor Space Per Dwelling Unit

- a. Private Outdoor Space shall be required at a ratio of 48 sq. ft. per dwelling unit. This Private Outdoor Space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining Private Outdoor Space and Common Outdoor Space as allowed by Section 3.8.50.04.
- b. Private Outdoor Space, such as a patio or balcony, shall have minimum dimensions of six-by-eight ft.

- c. Private Outdoor Space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.
- d. Private Outdoor Space shall be screened or designed to provide privacy for the users of the space.
- e. Private Outdoor Space may be considered as part of the 25 percent Green Area required under Section 3.8.50.01 if it is located on the ground. Upper-story balconies cannot be counted.

3.8.50.03 - Common Outdoor Space Per Dwelling Unit

- a. In addition to the Private Outdoor Space requirements of Section 3.8.50.02, Common Outdoor Space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:
 - 1. Studio, one- and two-bedroom units: 200 sq. ft. per unit
 - 2. Three or more bedroom units: 300 sq. ft. per unit
- b. The minimum size of any Common Outdoor Space shall be 400 sq. ft., with minimum dimensions of 20-by-20 ft.
- c. A Common Outdoor Space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.
- d. The Common Outdoor Space may be considered as part of the 25 percent Green Area required under Section 3.8.50.01. The Common Outdoor Space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot or community garden shall be provided for each 20 units. The minimum dimensions for any tot lot or community garden shall be 20-by-20 ft., with a minimum size of 400 sq. ft. Any required tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5 to 3 ft.-high wall, fence, or planter; or benches or seats. Any required community garden shall include irrigation and prepared planting beds.

- f. Where more than one tot lot or community garden is required, the developer may provide individual tot lots and / or community gardens, or combine them into larger playground or gardening areas.
- g. Housing complexes that include 20 or more dwelling units reserved for older persons (as defined in ORS 659A) do not require tot lots. However, Common Outdoor Space shall be provided as specified in "a," through "d" above.

3.8.50.04 - Option to Combine Private and Common Outdoor Space

- a. The Private and Common Outdoor Space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger Common Outdoor Spaces are proposed to satisfy Private Outdoor Space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.
- b. The combined outdoor space may be covered, but it shall not be fully enclosed.

3.8.50.05 - Outdoor Space Credits

When an RS-20 development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an Outdoor Space Credit, not to exceed 25 percent of the total outdoor space requirement, including Private and Common Outdoor Space. Additionally, for sites located within the Downtown Residential Neighborhood as defined in Chapter 1.6 - Definitions, a developer may request an Outdoor Space Credit that reduces or eliminates the Common Outdoor Space requirements and/or reduces required Private Outdoor Space by a maximum of 25 percent.

3.8.50.06 - Location of Green Area

In determining where Green Areas should be placed on a development site, consideration shall be given to the following:

- a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;
- b. Protecting lands where development more intensive than a Green Area use may have a downstream impact on the ecosystem of the vicinity. The

ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;

- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

[Section 3.8.50 amended by Ordinance 2012-19, effective December 13, 2012]

Section 3.8.60 - CONVERSION OF A UNIT TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES

The predominant purpose of the RS-20 Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, or age, should not be restricted to residential use only. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

3.8.60.01 - Size Limitation

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006.
- OR
- b. Structures must meet all the locational criteria associated with a Major or Minor Neighborhood Center zone outlined in Section 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).

3.8.60.02 - Burden of Proof

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in Section 3.8.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
 - 1. Providing factual data and information on the potential costs of using the structure for Residential Use compared to estimated potential rent or purchase prices for tenants or owners. Factual data and information on the potential costs of using the structure for Residential Use shall pertain to items such as heating and cooling

bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and

2. Demonstrating that an earnest effort has been made to retain the structure for Residential Use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

OR

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting either of the following:

1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and demonstrating that substantial alterations would be necessary to retain the structure for Residential Use and that alterations would result in the loss or reduction of Historical Significance or architectural significance.

OR

2. Showing that the structures, or portions of structures, proposed to be converted meet the locational criteria from 3.4.50.01.b; and demonstrating that the proposed conversion is consistent with the Zone Change Review Criteria in LDC Section 2.2.40.05. If all applicable criteria are met, a proposed conversion would be considered to be consistent with Comprehensive Plan Policies 8.10.5 and 8.12.4; however, proposed conversions in the North 9th Street area will not be allowed, consistent with the direction of Comprehensive Plan Policy 8.12.1.

3.8.60.03 - Development Site Design

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling pertaining to major structural changes;
- c. Landscaping;
- d. Proposed signage;

- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

3.8.60.04 - Required Off-street Parking

The City recognizes that Section 3.8.60 sometimes applies to structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

[Section 3.8.60 amended by Ordinance 2012-16, effective December 13, 2012]

Section 3.8.70 - REDEVELOPMENT OF EXISTING OFFICES

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements, even if these requirements interfere with the redevelopment.

Section 3.8.80 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the RS-20 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.8.90 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-20 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and
- c. Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development

Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

Section 3.8.100 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.8.30 "m" through "q," and "s," variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.



202 NW 6th Street
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Initial Agency Disclosure Pamphlet (OAR 863-015-215(4))

This pamphlet describes agency relationships and the duties and responsibilities of real estate licensees in Oregon. This pamphlet is informational only and neither the pamphlet nor its delivery to you may be construed to be evidence of intent to create an agency relationship.

Real Estate Agency Relationships

An "agency" relationship is a voluntary legal relationship in which a real estate licensee (the "agent") agrees to act on behalf of a buyer or a seller (the "client") in a real estate transaction. Oregon law provides for three types of agency relationships between real estate agents and their clients:

Seller's Agent –Represents the seller only;

Buyer's Agent – Represents the buyer only;

Disclosed Limited Agent – Represents both the buyer and seller, or multiple buyers who want to purchase the same property. This can be done only with the written permission of both clients.

The actual agency relationships between the seller, buyer and their agents in a real estate transaction must be acknowledged at the time an offer to purchase is made. Please read this pamphlet carefully before entering into an agency relationship with a real estate agent.

Duties and Responsibilities of an Agent Who Represents Only the Seller or Only the Buyer

Under a written listing agreement to sell property, an agent represents only the seller unless the seller agrees in writing to allow the agent to also represent the buyer. An agent who agrees to represent a buyer acts only as the buyer's agent unless the buyer agrees in writing to allow the agent to also represent the seller. An agent who represents only the seller or only the buyer owes the following affirmative duties to their client, other parties and their agents involved in a real estate transaction:

- 1.To exercise reasonable care and diligence;
- 2.To deal honestly and in good faith;
- 3.To present all written offers, notices and other communications in a timely manner whether or not the seller's property is subject to a contract for sale or the buyer is already a party to a contract to purchase;
- 4.To disclose material facts known by the agent and not apparent or readily ascertainable to a party;
- 5.To account in a timely manner for money and property received from or on behalf of the client;
- 6.To be loyal to their client by not taking action that is adverse or detrimental to the client's interest in a transaction;
- 7.To disclose in a timely manner to the client any conflict of interest, existing or contemplated;
- 8.To advise the client to seek expert advice on matters related to the transactions that are beyond the agent's expertise;
- 9.To maintain confidential information from or about the client except under subpoena or court order, even after termination of the agency relationship; and
10. When representing a seller, to make a continuous, good faith effort to find a buyer for the property, except that a seller's agent is not required to seek additional offers to purchase the property while the property is subject to a contract for sale. When representing a buyer, to make a continuous, good faith effort to find property for the buyer, except that a buyer's agent is not required to seek additional properties for the buyer while the buyer is subject to a contract for purchase or to show properties for which there is no written agreement to pay compensation to the buyer's agent.

None of these affirmative duties of an agent may be waived, except #10, which can only be waived by written agreement between client and agent.

Under Oregon law, a seller's agent may show properties owned by another seller to a prospective buyer and may list competing properties for sale without breaching any affirmative duty to the seller. Similarly, a buyer's agent may show properties in which the buyer is interested to other prospective buyers without breaching any affirmative duty to the buyer.

Unless agreed to in writing, an agent has no duty to investigate matters that are outside the scope of the agent's expertise.

Duties and Responsibilities of an Agent Who Represents More than One Client in a Transaction

One agent may represent both the seller and the buyer in the same transaction, or multiple buyers who want to purchase the same property only under a written "Disclosed Limited Agency" agreement, signed by the seller, buyer(s) and their agent.

When different agents associated with the same real estate firm establish agency relationships with different parties to the same transaction, only the principal broker (the broker who supervises the other agents) will act as a Disclosed Limited Agent for both the buyer and seller. The other agents continue to represent only the party with whom the agent already has an established agency relationship unless all parties agree otherwise in writing. The supervising principal broker and the agents representing either the seller or the buyer have the following duties to their clients:

- 1.To disclose a conflict of interest in writing to all parties;
- 2.To take no action that is adverse or detrimental to either party's interest in the transaction; and...
- 3.To obey the lawful instruction of both parties.

An agent acting under a Disclosed Limited Agency agreement has the same duties to the client as when representing only a seller or only a buyer, except that the agent may not, without written permission, disclose any of the following:

1. That the seller will accept a lower price or less favorable terms than the listing price or terms;
2. That the buyer will pay a greater price or more favorable terms than the offering price or terms; or
3. In transactions involving one-to-four residential units only, information regarding the real property transaction including, but not limited to, price, terms, financial qualifications or motivation to buy or sell.

No matter whom they represent, an agent must disclose information the agent knows or should know that failure to disclose would constitute fraudulent misrepresentation. Unless agreed to in writing, an agent acting under a Disclosed Limited Agency agreement has no duty to investigate matters that are outside the scope of the agent's expertise.

You are encouraged to discuss the above information with the agent delivering this pamphlet to you. If you intend for that agent, or any other Oregon real estate agent, to represent you as a Seller's Agent, Buyer's Agent, or Disclosed Limited Agent, you should have a specific discussion with him/her about the nature and scope of the agency relationship. Whether you are a buyer or seller, you cannot make a licensee your agent without their knowledge and consent, and an agent cannot make you their client without your knowledge and consent.

The information in this package was gathered from sources deemed reliable, however Commercial Associates makes no representation or warranty of the accuracy of the information. Any seller, buyer, or tenant considering a sale, purchase, or lease of this property should confirm any and all information relied upon in making the decision to sell, purchase, or lease prior to finalizing the transaction and bears the risk of all inaccuracies.