CORVALLIS
CITY COUNCIL AGENDA

March 2, 2015
6:30 pm
[Executive Session at 5:30 pm]

GOOD SAMARITAN HOSPITAL
Executive Session: ***Board Room***
Regular Meeting: ***Conference Rooms A and B***
3600 NW Samaritan Drive

[Note: The order of business may be revised at the Mayor's discretion. Due to time constraints, items on the agenda not considered will be continued to the next regularly scheduled Council meeting.]

COUNCIL ACTION

5:30 pm – Executive Session under ORS 192.660(2)(h) (status of pending litigation or litigation likely to be filed)

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PROCLAMATION / PRESENTATION / RECOGNITION

V. VISITORS' PROPOSITIONS – This is an opportunity for visitors to address the City Council on subjects not related to a public hearing before the Council. Each speaker is limited to three minutes unless otherwise granted by the Mayor. Visitors' Propositions will continue following any scheduled public hearings, if necessary.

VI. CONSENT AGENDA – The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member (or a citizen through a Council member) so requests, in which case the item will be removed from the Consent Agenda and considered separately. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.

A. Reading of Minutes
1. City Council Meeting – February 17, 2015
2. City Council Executive Session – February 23, 2015
3. City Council Goal Setting – February 24, 2015
4. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
   a. Downtown Advisory Board – February 11, 2015

b. Land Development Hearings Board – February 4, 2015
c. Planning Commission – January 21 and February 4, 2015
d. Watershed Management Advisory Board – January 28, 2015

B. Appointments to the Community Relations Advisory Group (various)

C. Schedule an Executive Session at 5:30 pm on March 16, 2015 under ORS 192.660(2)(a) (employment of a public officer) – City Manager recruitment

D. Schedule a public hearing for March 16, 2015 to consider a Comprehensive Plan Amendment and Adoption of the 2013 Parks and Recreation Master Plan

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. UNFINISHED BUSINESS

A. Consideration of Findings of Fact and Order related to a Historic Resources Commission decision (HPP14-00019, Farra House – Window Replacements) [direction]

B. Consideration of Findings of Fact and Order related to a Historic Resources Commission decision (HPP14-00020, William Lane House – Window Replacements) [direction]

C. City Manager Recruitment process [direction]

D. Council Goals adoption [direction]

IX. STANDING COMMITTEE REPORTS, ORDINANCES, RESOLUTIONS, AND MOTIONS

A. Human Services Committee – None

B. Urban Services Committee – None

C. Administrative Services Committee – February 18, 2015
1. Open Carry of Loaded Firearms Policy and Resolution [direction]
2. Council Policy Review and Recommendation: 2.10, "Use of Electronic Mail by Mayor and City Council" [direction]
3. Livability Code/Neighborhood Outreach Department Advisory Committee Update [information]

D. Legislative Committee – February 19, 2015 [information]

E. Other Related Matters

1. A resolution relating to insurance coverage for City volunteers, **to be read by the City Attorney with a motion by Council** [direction]

2. A resolution relating to a Safe Route to Schools intergovernmental agreement with Corvallis School District 509J, **to be read by the City Attorney with a motion by Council** [direction]

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

B. Council Reports

C. Staff Reports

1. Council Request Follow-up Report [information]
2. Planning Work Program Priorities [information]
3. Public Works Solar Photovoltaic Array [information]

XI. NEW BUSINESS

XII. PUBLIC HEARINGS – 7:30 pm

LINK TO DOCUMENTS

A. A public hearing to consider an appeal related to a Planning Commission decision (Coronado Tract B – PLD 14-00005) [direction]

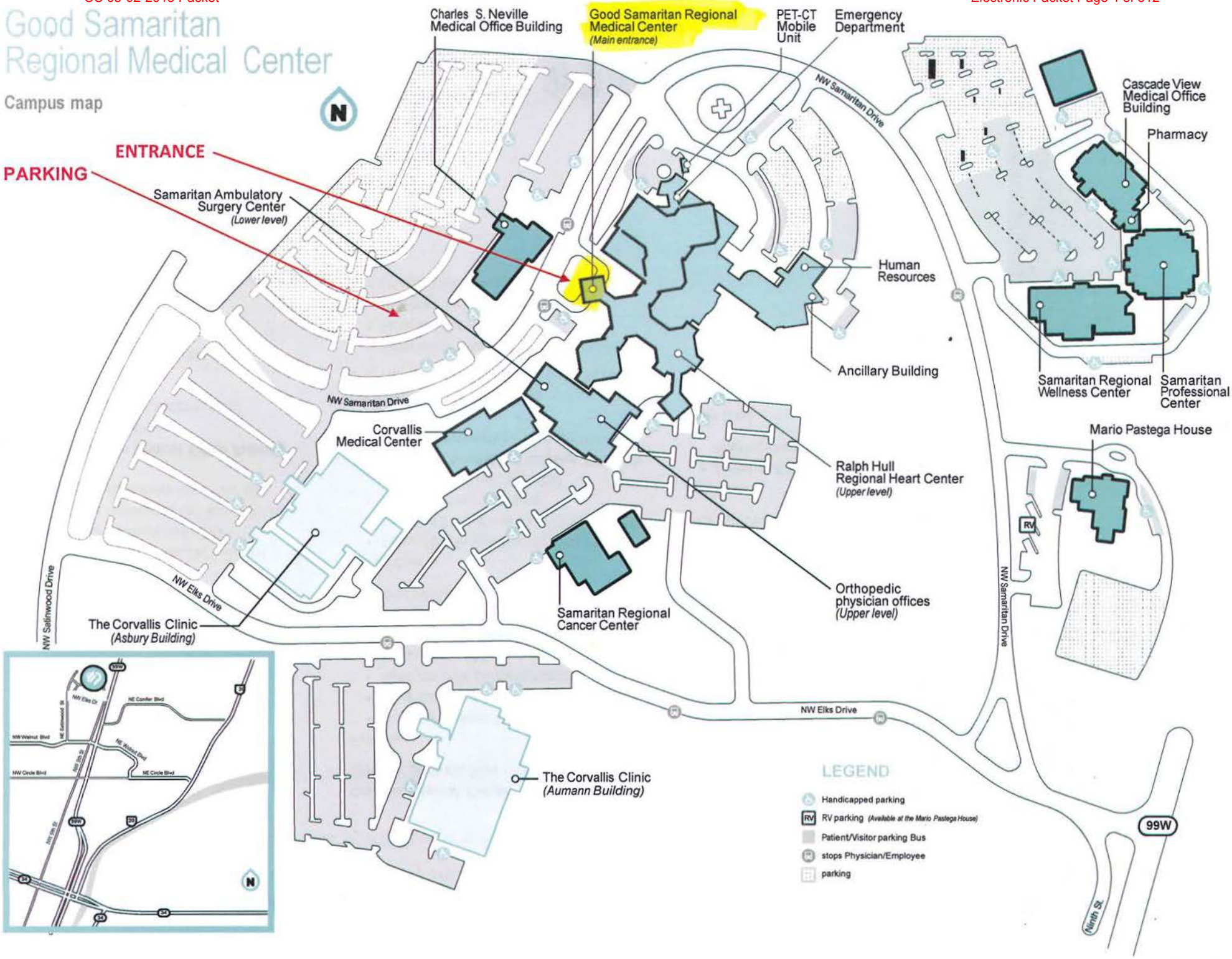
XIII. ADJOURNMENT

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 541-766-6901 or the Oregon Communications Relay Service at 7-1-1 to arrange for TTY services. A large print agenda can be available by calling 541-766-6901.

A Community That Honors Diversity

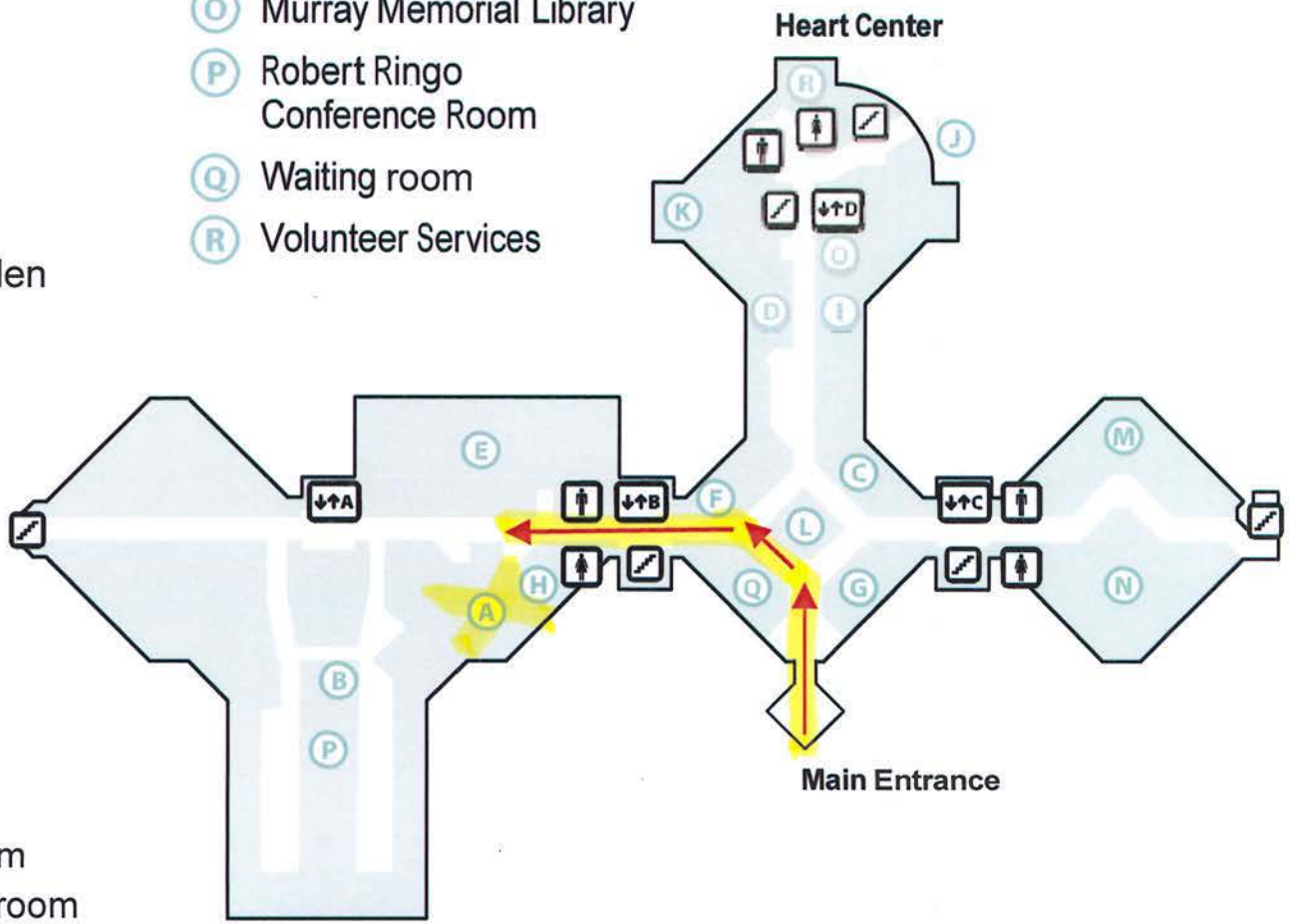
Good Samaritan Regional Medical Center

Campus map



First floor 1

- A A/B conference rooms
- B Administration
- C Admitting
- D Café
- E Cafeteria
- F Cashier
- G Chapel
- H Foundation
- I Gift shop
- J Healing garden
- K Hewlett-Packard and Starker Conference Rooms
- L Information/Family assistance desk
- M Medical Education
- N Medical Records
- O Murray Memorial Library
- P Robert Ringo Conference Room
- Q Waiting room
- R Volunteer Services



LEGEND

- Elevator
- Stairs
- Restrooms
- Men's restroom
- Women's restroom

*** * * M E M O R A N D U M * * ***

FEBRUARY 26, 2015

TO: **MAYOR AND CITY COUNCIL**

FROM: **NANCY BREWER, CITY MANAGER** NB

SUBJECT: **EXECUTIVE SESSION – MARCH 2, 2015, 5:30 PM**

Mayor, City Council, and designated staff will meet in executive session March 2, 2015, at 5:30 pm, under ORS 192.660(2)((h) (status of pending litigation or litigation likely to be filed) to discuss two issues.

Please note that the executive session will be held in the Good Samaritan Regional Medical Center Board Room, 3600 NW Samaritan Drive, Corvallis, Oregon.

Mullens, Carrie

From: Brewer, Nancy
Sent: Wednesday, February 25, 2015 11:03 AM
To: Mullens, Carrie; Holzworth, Carla
Subject: FW: submission to City of Corvallis packet
Attachments: divestCorvallis.pdf

Please add this to the packet under visitors props.

-----Original Message-----
From: Glencora Borradaile [mailto:cora@
Sent: Wednesday, February 25, 2015 10:51 AM
To: Brewer, Nancy
Subject: submission to City of Corvallis packet

Dear Nancy Brewer,

Please find attached a document for inclusion in the packet for the City Council meeting on Monday March 2. A group of us will be coming to the council meeting for comments during visitor's propositions in regards to the attached proposal. Several councilors know that we will doing so.
I was told that you are the person to send these documents to, but please let me know if I am incorrect.

I would very much appreciate confirmation that the document will be included in the packet.

Many thanks,
Glencora Borradaile

Divest from fossil fuels:
a resolution supporting the climate movement

Brought to you by the Divest Working Group of 350 Corvallis. Included in this packet are:

1. A proposed resolution for divestment for fossil fuels
2. The Case for Fossil Fuel Divestment, an article by Bevis Longstreth, former SEC Commissioner in the Huffington Post
3. Testimony by Bob Ozretich
4. Details of Corvallis' Direct and Indirect Investments:
    - approved list of corporations for direct investment by the city (including Exxon, Chevron and Shell)
    - fossil fuel holdings in the Local Government Investment Pool (in which $48 million of Corvallis' investment portfolio is held)
    - fossil fuel holdings in PERS (which manages all City of Corvallis employee retirement plans)
5. List of top 100 coal and top 100 gas and oil companies by reserves
6. A list of US cities that have committed to divestment, including two Oregon cities

Fossil Fuel Divestment Resolution: City of Corvallis

WHEREAS, in 2014, the Intergovernmental Panel on Climate Change's Fifth Assessment Report found that human actions play a major role in warming of the atmosphere and oceans, in changes in the global water cycle, in reductions in snow and ice, in global sea level rise, and in changes in some climate extremes[i].

WHEREAS, in 2009, through the Copenhagen Accord, world governments agreed that any warming above a 3.6°F rise would result in catastrophic environmental impacts, and climate science has determined that humans can only pour about 600 gigatons more of carbon dioxide into the atmosphere to maintain this limit[ii].

WHEREAS, in 2011, the "Unburnable Carbon" report by the Carbon Tracker Initiative reported that fossil fuel companies possess known fossil fuel reserves that would release approximately 2,800 gigatons of CO2 if they are burned, which is five times the amount that can be released without exceeding the 3.6°F limit of warming identified at Copenhagen[iii].

WHEREAS, the risks involved in investments in fossil fuel companies are increasing as the dangers of climate change become better known[iv].

WHEREAS, most of the city's investments reside in the Local Government Investment Pool (LPIG) and all of the retirement funds of its employees reside in PERS, which both have substantial holdings in fossil fuel companies[v].

WHEREAS, the City of Corvallis has a moral duty to protect the lives and livelihoods of its inhabitants from the threats of climate change and ensure that its investments are supportive of a future in which citizens can live healthy lives without the catastrophic impacts of a warming planet.

WHEREAS, there is an international divestment movement[vi] that promotes divestment as a moral statement that it is wrong to profit from the destruction of the planet, and as an action of solidarity with other groups around the world seeking to delegitimize the fossil fuel industry which has spent hundreds of millions of dollars to obstruct legislative and market-based initiatives to reduce society's reliance on fossil fuels.

WHEREAS, in the spirit of multiple public statements since 2000 by the City of Corvallis regarding its commitment to climate change action, divestment from fossil fuel companies would align with the goals and values of the city[vii].

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Corvallis declare that it is the policy of the City of Corvallis not to invest in fossil fuel companies

BE IT FURTHER RESOLVED, that the City Council of the City of Corvallis will urge the State Treasurer, who is responsible for PERS and LGIP, to:

1. Cease immediately any new investments in fossil fuel companies or in commingled assets that include holdings in fossil fuel companies.
2. Identify any investments in commingled funds that include fossil fuel companies and contact the fund managers to request that the fossil fuel companies be removed from the funds.
3. Ensure that within five years none of state's directly held or commingled assets include stocks or bonds of corporations listed in the 200 companies with the largest fossil fuel reserves[viii].

4. Prepare a report and options for investing the fund in a way that further maximizes the positive impact of the fund by seeking investment opportunities to prepare for the consequences of burning fossil fuels or help mitigate its effects including, but not limited to, clean technology and renewable energy, sustainable companies or projects, and sustainable communities.
5. Release public quarterly updates detailing progress made towards full divestment from fossil fuels.

BE IT FURTHER RESOLVED that if LGIP does not act to divest from fossil fuel companies within two years the City of Corvallis will move city funds out of the Local Government Investment Pool and into a combination of other allowed allocation categories such as US treasury notes, government agency securities and municipal bonds to obtain a return and liquidity that is similar to the LGIP.

AND, FINALLY, BE IT RESOLVED that the City of Corvallis will urge other public entities to engage in the fossil fuel divestment process, including Benton County, Oregon State University Foundation, and municipalities throughout the state of Oregon.

References for Fossil Fuel Divestment Resolution: City of Corvallis

i Intergovernmental Panel on Climate Change. *Climate Change 2014 Impacts, Adaptation and Vulnerability: Summary for Policy Makers.* https://ipcc-wg2.gov/AR5/images/uploads/WG2AR5_SPM_FINAL.pdf

Carrington, Damian. *IPCC: rapid carbon emission cuts vital to stop severe impact of climate change.* The Guardian, November 2, 2014. http://www.theguardian.com/environment/2014/nov/02/rapid-carbon-emission-cuts-severe-impact-climate-change-ipcc-report

ii McKibben, Bill. *Glocal Warming's Terrifying New Math.* Rolling Stone, July 19, 2012. http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719

iii Carbon Tracker Initiative. *Unburnable Carbon – Are the world's financial markets carrying a carbon bubble?* March 2012. http://www.carbontracker.org/wp-content/uploads/2014/09/Unburnable-Carbon-Full-rev2-1.pdf

iv Stenek, Vladimir. *Carbon Bubbles & Stranded Assets.* The World Bank. June 3, 2013. http://blogs.worldbank.org/climatechange/carbon-bubbles-stranded-assets

v Approximately 70% of the current market value of the City's investments reside in the Local Government Investment Pool (LGIP) and 100% of the retirement funds of its employees reside in the Public Employees Retirement System (PERS) for which "The primary objectives of investment activities, in priority order, shall be preservation of principal, liquidity, and yield." The investment policy of the LGIP has resulted in 2014 holdings of approximately $400 million of fossil fuel related stocks, and the first and eighth largest 2014 stock investments of PERS were fossil fuel related. Refer to documents included in the packet.

vi Go Fossil Free. *Divestment Commitments.* http://gofossilfree.org/commitments/

vii From the Corvallis Climate Action Plan: "Nearly 15 years ago, Corvallis agreed to work collaboratively with other cities and agencies to address climate change by signing on to the Cities for Climate Protection campaign (2000). The City pledged to take a leadership role in increasing energy efficiency and reducing greenhouse gas emissions from municipal operations and to develop and implement a local climate action plan outlining steps for the community to reduce greenhouse gas (GHG) emissions. Corvallis made similar commitments when it subsequently signed the U.S. Mayors Climate Protection Agreement (2005) and became a member of ICLEI—Local Governments for Sustainability (2008). The City has taken many actions to increase energy efficiency and completed municipal and community greenhouse gas inventories, but it has yet to develop a climate action plan."
Furthermore, the City of Corvallis' Community Sustainability Policy that was adopted on April 19, 2010 and last revised on April 21, 2014 explicitly states "Act locally to reduce adverse global impacts of rapid population growth and consumption, such as ozone depletion and climate change." Finally, divesting from fossil fuels would align with the Climate Action goal listed under the Draft City Council Goals for 2015-2016.

viii The Carbon Underground 2015. *Fossil Free Indexes.* http://fossilfreeindexes.com/research/the-carbon-underground/

The Case for Fossil Fuel Divestment

Bevis Longstreth, Former SEC Commissioner
Huffington Post
July 11, 2014

This post is adapted from my talk to SF Pension Trustees

In 2010, at Cancun, the world's nations set 3.5 degrees F as the permissible increase in global temperature to 2050. Beyond that was catastrophe. Since Cancun, the dangers of climate change have grown and become palpable in myriad ways with which you are all familiar. And, yet, nations have made little progress. In fact, having put the car in reverse, they are accelerating in the wrong direction. Thus, the IEA reports our current trend-line will take the planet by 2050 to 7 degrees F, twice the level set in Cancun. Carbon emissions increased by 1.5 percent per year from 1980 to 2000. But, then, that rate doubled to 3 percent per year through 2012. The IEA just reported that the cost to de-carbonize by 2050 was $44 trillion, up from $36 trillion just two years ago, and climbing. The cause is an increase in coal usage that exceeds the increase in renewables.

So, the planet has a big problem. I'm here to suggest divestment from fossil fuel companies as an important strategy for the Trustees of the SF public pension plan to pursue. Here's why.

Purpose of Divestment
Financial Reasons -- Risk reduction. Risk from Stranded assets ("unburnable carbon"). Let me explain. To hold to the 3.5 degree goal, there is a limit on how much carbon can be emitted to 2050. It's called the Carbon Budget and its reckoned through science.

The level is 886 Gigatons of CO_2 from 2000-2050. Subtracting what's been emitted to date since 2000 (121 Gt) leaves 565 Gt left to emit. But just reserves proven on the books of public and private companies equal 2795 Gt of potential emissions, meaning that proven reserves are about five times what nations can allow to be emitted to 2050, if we are to avoid planetary catastrophe. So the rest is at risk of being stranded -- unburnable -- if nations, as they must, have a Darwinian moment and act. If this happens, of course, it means current market prices for fossil fuel companies are hugely overvalued.

And consider the risk to the $21 trillion of CAPEX by Big Oil that is planned for expenditure in the near term to develop unconventional oil projects. And, the risks from rising prices (need $95/bbl or more to break even) for oil and limits on consumer price tolerance.

And, overall, the risks from multiple problems facing the fossil fuels complex, including faltering productivity, falling profits, poor economics, environmental disasters and increasing competition from power plants and automobiles running on free fuel.

There are growing risks of stranding in the grid power sector. Barclays recently down-graded high-grade corp. bonds across the entire US utility sector, citing the energy threat of solar power and storage. Base load power sources like coal and nuclear are being replaced by renewables, and in time the grid will become obsolete. In Europe, growth in renewables was the primary reason the top 20 utilities lost $600 billion in market value over the past five years.

And I'm sure you know the losses in market value experienced by the coal industry over the past three years, down 61 percent against the S&P 500, up 47 percent. By the way, coal is the canary in the oil well, to coin a phrase.

Conventional oil peaked in 2005. Oil and gas production by Chevron, Exxon-Mobil and Shell declined

over the past 5 years, even as they spent $500 billion in CAPEX on new projects.
Despite the recent surging flows of tight oil and shale gas in the US, the country is waking up to the fact of the huge decline rates of the sources for these products.

Renewable energy supplies 23 percent of global electricity generation today. Its capacity doubled from 2000-2012. Solar is now growing at a 30 percent rate/year. And is rapidly becoming cost competitive with fossil fuels.

There's an old saw: How did you go bankrupt? "Two ways: slowly at first; then all at once." In financial markets today, too few consider climate change an investment risk at all. Too many of those who do imagine it to be merely a remote tail risk, barely worth noting. But change in energy is coming at a gallop. It's happened before. Consider, not long ago, when we used whales for light; horses for power; coal for steam for locomotion; now coal again for electricity. We need to disenthrall ourselves from old business models. And listen to the wise and well-informed. Like Sheikh Yamani, Saudi Arabia's powerful Minister of Oil from 1962 to 1986. He famously said: "The Stone Age didn't end because we ran out of stones, and the age of oil won't end because we run out of oil."

Moral Imperative -- particularly pertinent for a pension fund like yours, so importantly affected with the public interest.

This pension fund can't avoid having a large leadership role, and not just for the city and state, but for the country and, indeed, for the world. Given the Gargantuan existential risk of climate change to the planet, those in positions of leadership who fail to take reasonable steps to stop carbon emissions from rising become the moral equivalent of those seeking to deny the science and brush away the problem. As Galileo did by recanting to save his life. Divestment is a reasonable step for pension trustees to take.

What does divestment accomplish? It avoids the ugly picture of trustees seeking to profit from emissions of carbon through the sale and burning of fossil fuel reserves and from the massive use of shareholder funds to search for more fossil fuels to sell and burn. Such behavior violates the most basic norms of a civilized society.

Divestment by any group, but particularly by thought leaders such as those responsible for this pension fund, helps to stigmatize the oil, gas and coal giants as repugnant social pariahs and rogue political forces bent on profit at whatever cost to the planet and its people. Don't underestimate the power of being able to create pariahs. These companies fear stigmatization. It hurts in hiring, employee morale and motivation, shareholder satisfaction and equity valuations. And it hurts when leaders of these companies go home to face their children and grandchildren.

Do these companies deserve stigmatization? Consider, e.g., Exxon-Mobil and Shell reports to shareholders on stranding. Despite each company's acceptance of the science, they smack their gauntlets across the collective face of humanity by asserting that no government restrictions will restrain them. Here, e.g., is E-M's statement:

> "We are confident that none of our hydrocarbon reserves are now or will become stranded. ... Further, the company does not believe current investments in new reserves [which it intends to discover and develop in quantities at least equal to current proven reserves] are exposed to the risk of stranded assets, given the rising global need for energy..."

Divestment by leaders like you will help awaken us to the peril of inaction. Collectively, we are like the frog resting comfortably in a pot of cold water being heated to boiling.The SF Pension Trustees can be among the first in the nation to shake this frog from the deadly comfort zone in which it rests.

Your Fiduciary Duty

As Trustees, you are fiduciaries charged with the duty of care. Here's how the American Law Institute's Restatement of Trusts describes that duty (in section 227):

> "This standard requires the exercise of reasonable care, skill and caution, and is applied to investments not in isolation but in the context of the ... portfolio and as a part of an overall investment strategy, which should incorporate risk and return objectives reasonably suitable to the [purposes of the pension]."

Based on an informed view of all climate change factors, including those I've just outlined, it is easy to conclude divestment on the basis of financial considerations alone is a permissible option. And the moral dimension makes this conclusion even more powerful.

Whether divestment is compelled by the duty of care is, at this time, a more difficult question to answer. Anticipatory divestment in recognition that at some unknown and unknowable point down the road, markets will suddenly adjust equity prices downward to reflect swiftly changing prospects for fossil fuel companies, however wise today, is probably not yet compelled in the exercise of due care.

Whether your portfolio will under or outperform after divestment is unknowable. Looking back in time, results vary depending on the measuring period and assumptions about how proceeds are reinvested. But past is not prologue here. And, in any case, fiduciaries need not worry about short-term results. Anticipatory investment should be viewed as having unknown short-term consequences. In the long run, those results are unimportant. A decision to divest rests on the claim that fossil fuel companies will prove to be bad investments over the long-term and, therefore, with foresight that anticipates this result, should be removed from the pension fund before the strengthening and foreseeable likelihood of this result becomes commonplace in the market. I hope that, very soon, you will make that decision.

Extended Public Testimony
Council Meeting 2 March 2015
by
Bob Ozretich

For decades the tobacco industry funded studies that concluded that smoking was harmless and successfully lobbied against constraints on its advertizing. For decades the fossil fuel industry has funded studies that concluded the earth wasn't heating up and, even if it was, it was due to natural processes. They have for years successfully lobbied against funding for developing alternative energy sources.

Currently, the state of Oregon Public Health Division spends $7.5 million per year on a Tobacco Prevention and Education Program and it is estimated that tobacco-related diseases kill 7,000 Oregonians a year and cost its citizens $2.5 B in medical costs and lost wages. Despite this Oregon's various investment pools hold millions of dollars of tobacco industry bonds that help them to further promote their products here and abroad.

If the fossil fuel industry successfully raises enough capital by selling bonds to exploit its reserves
we would ultimately exceed by 5-fold the carbon dioxide emissions associated with a tolerable temperature increase. Despite this, ending of life as we know it, Oregon's various investment pools hold hundreds of millions of dollars in fossil fuel company bonds because "preservation of equity, liquidity and yield" are the only investment considerations.

Holdings in some funds are listed in categories such as "Tobacco", "Oil Companies Exploration and Production", and "Oil Companies Integrated". Curiously, there is no category for say, solar voltaic systems, or alternative fuel technologies, development of both are necessary to meet the state's 25% Renewable Portfolio Standard by 2025 and its Clean Fuels Program. If these programs are to reflect Oregon citizens' values, why aren't these sectors being invested in by the State and why are those detrimental to them being included for investment?

The City of Corvallis can do better in having its investments reflect the values of its citizens who certainly don't want to support corporate activities that are not in their short or long term interests.

[the following is related to the Policy Compliance Report]

At last reporting the maximum allowed, ~$48 million or 70% of Corvallis' investment portfolio was in the Local Government Investment Pool that is part of the State-managed Short Term Fund, and all of the pension contributions of its employees are in the Public Employees Retirement System and Individual Account Program invested by the Oregon Investment Council.

As of November 30, 2014, the Local Government Investment Pool held a $20 million bond of Phillip Morris International and, in aggregate, approximately $370 million in fossil fuel company bonds. Exxon Mobil and Chevron were the 1st and 8th largest stock holdings in PERS at the end of June, last year. Shell, Exxon and Chevron are on the City's approved corporation for investment list.

Given the Climate Crisis we are in, and that it will affect all humankind, I believe that an investment policy that excludes stocks or bonds of the companies holding the 100 largest reserves of coal and oil and gas should be implemented as soon as possible. It should not be put off to be included in the development of a difficult, drawn-out and divisive social investment criteria. While the exclusion of other sector's companies may address other societal issues, like the promotion of tobacco use, these issues pale in comparison to the consequences of the Climate Crisis.

Some will say, wait a minute, doesn't fossil fuel company XY invest in alternative energy development? That may be the case, but its primary business is production of a carbon dioxide generating fuel. This side business venture some would call "Green Washing".

The City needs this policy to exclude fossil fuel companies and, to the extent possible, minimize use of the Local Government Investment Pool until its investment policy in this sector mirrors that of Corvallis.

From the Administrative Services Committee notes of the October 8, 2014 meeting, the representative of the City's financial advisor, Government Portfolio Advisors said "deleting oil companies from the list of approved corporations would not likely affect the City's potential investment earnings as there were other companies that could provide similar investment opportunities". Given that only ~3% of the LGIP is in fossil fuel bonds, this makes sense.....there are many, many other sectors to invest in!

The City's investment strategy follows state statute that proscribes safe allocations for investments. With this new policy in place, the City should maximize investment in higher yielding corporate and municipal bonds. Currently these allocation categories are only 1% and 0.75%, respectively of what is safely allowed by statute. The "core investment" category that includes these types and others is underutilized by 47% while the "Liquid Component", the Local Government Investment Pool is oversubscribe by 21%! Is it necessary to hold an 8 month reserve in this pool to meet our monthly $5-$7 million obligations?

As past councilor Hervey has said "the city endorses companies by having them on the investment list". Let the council establish an investment policy and practices that broadly endorses the path away from the Climate Crisis.

City Approved Corporations for Investment

General Electric	Apple	Johnson and Johnson	Microsoft	Proctor and Gamble
Toyota	Golgate	3M	IBM	Bershire Hathaway
Exxon	Wal-Mart	**Chevron**	**Shell**	Coca Cola

OREGON SHORT-TERM FUND aka, Local Government Investment Pool

2014 Annual Report

http://www.oregon.gov/treasury/Divisions/Investment/Audio/OSTF%20Annual%20Financial%20Statement%20%28GASB31%29%20-%20June%2030%2c%202014.pdf

total invested and cash equivalents as of 30 June 2014: $13B

Oregon Short-Term Fund Detailed Holdings: 30 November 2014

http://www.oregon.gov/treasury/Divisions/Investment/Audio/OSTF%20Detailed%20Holdings%20November%2030%202014.pdf

		maturity date	interest rate	current value
Tobacco				
	PHILIP MORRIS INTL INC	11/9/2017	1.25%	$20M
Oil Companies - Exploration and Production				
	CNOOC FINANCE 2013 LTD	5/9/2016	1.13%	$21M
	CNOOC FINANCE ULC	4/30/2017	1.63%	$27M
Oil Companies - Integrated				
	BP CAPITAL MARKETS PLC	12/5/2014	1.70%	$15M
	BP CAPITAL MARKETS PLC	11/6/2015	0.70 %	$18M
	BP CAPITAL MARKETS PLC	3/11/2016	3.20 %	$22M
	BP CAPITAL MARKETS PLC	11/7/2016	0.65 %	$15M
	CHEVRON CORP	6/24/2016	0.89%	$10M
	CHEVRON CORP	11/15/2017	0.40%	$10M
	CHEVRON CORP	11/15/2017	1.35%	$10M
	EXXON MOBIL CORPORATION	3/15/2017	0.27%	$25M
	SHELL INTERNATIONAL FIN	12/4/2015	0.63%	$35M
	SHELL INTERNATIONAL FIN	11/15/2016	0.44%	$35M
	SHELL INTERNATIONAL FIN	11/15/2016	0.90%	$50M
	STATOIL ASA	11/9/2017	0.43%	$20M
	STATOIL ASA	11/9/2017	1.25%	$20M
	TOTAL CAPITAL CANADA LTD	1/15/2016	0.61%	$25M
Coal - Electric Power Production				
	DUKE ENERGY FLORIDA INC	11/15/2015	0.65%	$4M
	DUKE ENERGY INDIANA INC	7/11/2016	0.58%	$7M
	DUKE ENERGY PROGRESS INC	3/6/2017	0.43%	$7M
	DUKE ENERGY PROGRESS INC	11/20/2017	0.43%	$10M

2014 TOTAL FOSSIL FUES RELATED----------¬¬¬¬¬¬¬¬¬¬¬¬---->$366M

PERS

2014 Financial Report

http://www.oregon.gov/pers/docs/financial_reports/2014_cafr.pdf

total holdings as of 30 June 2014: $71B

PERS Largest Stock Holdings (by Fair Value)

June 30, 2014

	Description	
1.	**Exxon Mobil Corporation**	**$181M**
2.	Apple Inc.	$133M
3.	Roche Holding AG-Genusschen	$126M
4.	Johnson & Johnson	$107M
5.	Microsoft Corp.	$106M
6.	Wells Fargo & Co.	$106M
7.	Samsung Electronics Co. Ltd.	$99M
8.	**Chevron Corp.**	**$99M**
9.	Novartis International AG	$98M
10.	Twitter Inc.	$96M

The Carbon Underground 200 2015

Rank	Coal Companies	Coal Gt CO2	Rank	Oil and Gas Companies	Oil Gt CO2	Gas Gt CO2	Total O&G Gt CO2
1	Coal India	57.722	1	Gazprom	6.749	37.166	43.915
2	China Shenhua	36.807	2	Rosneft	10.666	2.558	13.224
3	Adani	25.383	3	PetroChina	4.790	3.801	8.591
4	Shanxi Coking	18.445	4	ExxonMobil	4.307	3.916	8.223
5	Anglo American	13.488	5	Lukoil	5.699	1.288	6.988
6	BHP Billiton	12.351	6	BP	4.214	2.506	6.719
7	Yitai Coal	12.223	7	Petrobras	4.707	0.724	5.432
8	Datang Intl	12.206	8	Royal Dutch Shell	2.229	2.315	4.544
9	China Coal	12.103	9	Chevron	2.485	1.588	4.073
10	Peabody Energy	11.484	10	Novatek	0.497	3.356	3.853
11	Glencore Xstrata	10.698	11	Total	2.002	1.800	3.802
12	Datong Coal	10.281	12	ConocoPhillips	1.687	1.111	2.798
13	Yanzhou Coal	9.788	13	Tatneft	2.556	0.064	2.620
14	DEH	9.339	14	ONGC	1.594	0.862	2.457
15	Exxaro	8.793	15	ENI	1.366	0.990	2.356
16	Yangquan Coal	7.298	16	Statoil	0.981	1.004	1.985
17	Mechel	6.739	17	Sinopec	1.340	0.381	1.722
18	Arch Coal	6.513	18	CNOOC	1.175	0.373	1.548
19	Alpha Natural Resources	5.458	19	Occidental	1.024	0.303	1.327
20	EVRAZ	4.855	20	BG Group	0.533	0.588	1.122
21	Mitsubishi	4.738	21	Canadian Natural Resources	0.788	0.208	0.995
22	Vale	4.401	22	Anadarko Petroleum	0.482	0.502	0.984
23	Raspadskaya	4.084	23	Apache	0.569	0.400	0.969
24	Rio Tinto	3.696	24	Chesapeake Energy	0.269	0.639	0.909
25	Asia Resource	3.181	25	Inpex	0.541	0.367	0.908
26	Rusal	3.081	26	Bashneft	0.892	0.000	0.892
27	Neyveli Lignite	3.035	27	Devon Energy	0.381	0.507	0.889
28	Pingdingshan	3.023	28	BHP Billiton	0.333	0.521	0.854
29	Cloud Peak	2.753	29	Repsol	0.271	0.551	0.823
30	Sasol	2.731	30	Ecopetrol	0.607	0.167	0.774
31	Tata Steel	2.709	31	EOG Resources	0.497	0.275	0.772
32	AGL	2.704	32	Suncor Energy	0.713	0.003	0.715
33	Teck	2.603	33	Marathon Oil	0.538	0.146	0.683
34	Severstal	2.577	34	Hess	0.457	0.108	0.565
35	Coalspur	2.545	35	Imperial Oil	0.527	0.025	0.552
36	Kuzbass Fuel	2.504	36	Encana	0.081	0.467	0.548
37	Polyus Gold	2.294	37	Noble Energy	0.173	0.318	0.490
38	Energy Ventures	2.184	38	BASF	0.134	0.348	0.483
39	Whitehaven Coal	2.055	39	EQT	0.037	0.412	0.449
40	Banpu	2.040	40	Range Resources	0.134	0.309	0.443
41	Bayan	1.957	41	Continental Resources	0.312	0.113	0.426
42	RWE	1.943	42	OMV	0.269	0.151	0.420
43	Consol Energy	1.887	43	Antero Resources	0.042	0.368	0.410
44	WHSP	1.851	44	KazMunaiGas EP	0.382	0.018	0.400
45	Westmoreland	1.835	45	YPF	0.250	0.139	0.389
46	Resource Generation	1.818	46	Southwestern Energy	0.000	0.380	0.380
47	Churchill Mining	1.745	47	Cenovus Energy	0.326	0.048	0.374
48	NTPC	1.740	48	Linn Energy	0.199	0.164	0.364
49	Adaro	1.607	49	Woodside Petroleum	0.049	0.311	0.360
50	Nacco	1.557	50	Husky Energy	0.215	0.128	0.343
51	Idemitsu Kosan	1.530	51	PTT	0.106	0.211	0.317
52	ARLP	1.468	52	Consol Energy	0.000	0.312	0.312
53	Huolinhe Opencut	1.387	53	Pioneer Natural Resources	0.198	0.104	0.302
54	Golden Energy	1.354	54	Cabot Oil & Gas	0.011	0.289	0.300
55	Mitsui & Co	1.344	55	WPX Energy	0.072	0.203	0.275
56	CoAL	1.339	56	SK Innovation	0.263	0.000	0.263
57	NLMK	1.288	57	Whiting Petroleum	0.219	0.025	0.244

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	58	Tata Power	1.062	58	Murphy Oil	0.179	0.063	0.242		
	59	MMK OJSC	1.046	59	QEP Resources	0.094	0.139	0.233		
	60	Wesfarmers	1.011	60	Newfield Exploration	0.134	0.090	0.223		
	61	Kazakhmys	0.998	61	Dragon Oil	0.159	0.043	0.202		
	62	New World Resources	0.972	62	Sasol	0.115	0.085	0.201		
	63	MMC	0.903	63	Ultra Petroleum	0.014	0.186	0.200		
	64	Itochu	0.878	64	Santos	0.027	0.167	0.195		
	65	Cockatoo	0.800	65	Concho Resources	0.130	0.064	0.194		
	66	Shanxi Meijin Energy	0.784	66	Denbury Resources	0.164	0.027	0.190		
	67	Jizhong Energy	0.742	67	Freeport-McMoRan	0.152	0.031	0.183		
	68	Bandanna	0.731	68	Maersk Group	0.174	0.000	0.174		
	69	Polo Resources	0.726	69	MEG Energy	0.173	0.000	0.173		
	70	Allete	0.723	70	SandRidge Energy	0.081	0.076	0.157		
	71	CLP Holdings	0.696	71	Crescent Point Energy	0.146	0.011	0.157		
	72	Aspire	0.670	72	GDF SUEZ	0.044	0.111	0.155		
	73	Marubeni	0.568	73	Pacific Rubiales Energy	0.124	0.030	0.154		
	74	China Resources	0.567	74	SM Energy	0.084	0.065	0.148		
	75	Walter Energy	0.556	75	JX Holdings	0.146	0.000	0.146		
	76	Coal Energy	0.503	76	Cimarex Energy	0.074	0.070	0.144		
	77	Indika	0.485	77	Mitsui & Co	0.048	0.095	0.142		
	78	Arcelor Mittal	0.464	78	Penn West Petroleum	0.100	0.036	0.137		
	79	FirstEnergy	0.458	79	Polish Oil & Gas	0.033	0.100	0.132		
	80	Black Hills	0.431	80	MOL	0.076	0.055	0.131		
	81	Wescoal	0.430	81	Energen	0.088	0.039	0.128		
	82	Grupo Mexico	0.420	82	TAQA	0.066	0.057	0.123		
	83	ARM	0.383	83	Oil Search	0.026	0.088	0.114		
	84	Shanxi Coal	0.376	84	Oil India	0.062	0.051	0.113		
	85	Capital Power	0.367	85	ARC Resources	0.046	0.066	0.112		
	86	PTT	0.359	86	Genel Energy	0.107	0.000	0.107		
	87	Shanxi Lanhua Sci-Tech	0.338	87	Canadian Oil Sands	0.102	0.000	0.102		
	88	Fortune	0.328	88	Energy XXI	0.076	0.020	0.096		
	89	Cardero	0.323	89	PDC Energy	0.055	0.040	0.095		
	90	Zhengzhou Coal	0.319	90	Oasis Petroleum	0.084	0.010	0.094		
	91	SAIL	0.307	91	Tourmaline Oil	0.014	0.079	0.093		
	92	JSPL	0.301	92	Rosetta Resources	0.056	0.037	0.093		
	93	Shougang Fushan	0.299	93	RWE	0.030	0.063	0.093		
	94	Jingyuan	0.297	94	National Fuel Gas	0.018	0.071	0.088		
	95	Stanmore	0.287	95	Peyto E&D	0.008	0.079	0.088		
	96	Prophecy Coal	0.272	96	Xcite Energy	0.086	0.001	0.088		
	97	Cliffs Natural Resources	0.247	97	Tullow Oil	0.077	0.010	0.087		
	98	James River	0.195	98	Energi Mega Persada	0.016	0.069	0.085		
	99	CESC	0.185	99	Breitburn Energy Partners	0.053	0.028	0.081		
	100	Alcoa	0.180	100	Enerplus	0.043	0.037	0.080		
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List of US Cities Committed to Fossil Fuel Divestment

Seattle, WA
San Fransisco, CA
Eugene, OR*
Berkeley, CA
Richmond, CA
Santa Monica, CA
Boulder, CO
Santa Fe, NM
Madison, WI
Bayfield, WI
State College, PA
Ithaca, NY
Truro, MA
Provincetown, RI
Cambridge, MA
Ann Arbor, MI
New London, CT
Amherst, MA
Sudbury, MA
Concord, MA
Framingham, MA
Oakland, California
City of Brisbane, CA
Ashland, OR*
Belfast, ME
Palo Alto, CA

With a growing number of cities in the US and across the world making the same commitment.

* Two Oregon cities have already resolved to divest from fossil fuels, showing that it is not only feasible, but in the interest of Oregon residents to do so. Adding Corvallis to the list would build on the momentum of city divestments and further encourage the state to divest.

CITY OF CORVALLIS
COUNCIL ACTION MINUTES
February 17, 2015

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Executive Session 1. Status of employment of a public official – City Manager recruitment 2 Interim City Manager Recruitment Pages 67, 78	Yes Yes		
Visitors Propositions 1. OSU/City Collaboration Project and LDC Chapter 3.26 (Brown) Pages 67-68	Yes		
Consent Agenda Page 68			• Adopted Consent Agenda passed U
Items Removed from Consent Agenda 1. Reading of Minutes – City Council Meeting – February 2, 2015 Page 68			• Approved Minutes passed U
Unfinished Business 1. Deliberations: Farra House 2. Deliberations: William Lane House 3. OSU Development Interim Measures 4. City Manager Interview Process 5. Interim City Manager Recruitment Pages 69-74, 79	Yes		• Denied appeal of HRC's decision passed 6 to 3 • Denied appeal of HRC's decision passed U • Scheduled Executive Session for 2/23/15 to further discuss applications passed U • Approved proposed process with addition of a second day and inclusion of a public presentation step for candidates passed U • Directed Mayor to sign contract with Nancy Brewer passed U
USC Meeting – 2/3/15 1. Parking 101 Page 75	Yes		
ASC Meeting – 2/4/15 1. Economic Development Strategy Update Pages 75-76			• Adopted EDSU passed 8 to 1
City Legislative Committee – 2/3/15 1. Inclusionary Zoning HB 2564 Page 76-77			• Supported HB 2564 passed U
Other Related Matters 1. Repeal Ordinances 2014-05 and 2014-09 related to RPDs expansion 2. Risk Management Fund contingencies Page 77			• ORDINANCE 2015-03 passed U • RESOLUTION 2015-06 passed U

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Mayor's Reports 1. Executive Session: litigation 2. State of the City Address Page 77	 Yes		• Scheduled Executive Session for 3/2/15 to discuss litigation passed U
Council Reports 1. Friends of the Library Book Sale (Beilstein) 2. Eco-film Festival, Global Divestment (Baker) 3. Recognition of Oregon's birthday, Johnson Hall project (Bull) 4. ABC House (York) 5. Dog waste at Bald Hill Natural Area, The Laramie Project (Glassmire) Pages 77-78	Yes Yes Yes Yes Yes		
Staff Reports 1. City Manager's Report 2. EDMBAR – January 2015 Page 78	Yes Yes		

Glossary of Terms

ASC	Administrative Services Committee
EDMBAR	Economic Development Monthly Business Activity Report
EDSU	Economic Development Strategy Update
HB	House Bill
HRC	Historic Resources Commission
LDC	Land Development Code
OSU	Oregon State University
RPDs	Residential Parking Districts
U	Unanimous
USC	Urban Services Committee

CITY OF CORVALLIS
COUNCIL ACTION MINUTES
February 17, 2015

Mayor Traber read a statement, based upon Oregon law regarding executive sessions. The statement indicated that only representatives of the news media, designated staff, and other Council-designated persons were allowed to attend the executive session. News media representatives were directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions would be made during the executive session. He reminded Council members and staff that the confidential executive session discussions belong to the Council as a body and should only be disclosed if the Council, as a body, approved disclosure. He suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

Council entered executive session at 4:30 pm.

PRESENT: Mayor Traber; Councilors Baker, Beilstein, Brauner, Bull, Glassmire, Hann, York, Hirsch (4:35 pm)

ABSENT: Councilor Hogg (excused)

Waldron Consultant Heather Gantz, the Mayor, and Councilors reviewed City Manager applications.

Mayor Traber adjourned the executive session at 6:28 pm.

I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon was called to order at 6:33 pm on February 17, 2015 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Traber presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Mayor Traber; Councilors Baker, Beilstein, Brauner, Bull, Glassmire, Hann, Hirsch, Hogg, York

Mayor Traber directed Councilors' attention to items at their places, including a memorandum regarding scheduling an executive session on March 2, 2015 (Attachment A), information about inclusionary zoning (Attachment B), responses from Deputy City Attorney Brewer to questions regarding appeals of Historic Resources Commission decisions (Attachment C), and possible motions concerning appeals of Historic Resources Commission decisions (Attachments D and E).

IV. PROCLAMATION/PRESENTATION/RECOGNITION – None

V. VISITORS' PROPOSITIONS

Dan Brown spoke about issues that were to be addressed through the Oregon State University (OSU)/City Collaboration Project. He referred to two documents he authored that were included in the Council meeting packet. He cited Comprehensive Plan (CP) Policies 11.4.3, "All traffic generators shall provide adequate parking" and 11.12.2, "The University shall develop and implement a transportation and parking plan that reduces the negative traffic and parking impacts on existing residential areas." He said those two Policies were the basis for the documents that he submitted and they provided an opportunity to quickly proceed regarding Land Development Code

(LDC) Chapter 3.36. The first document detailed 18 specific problems he saw with LDC Chapter 3.36. He noted the regular LDC was suspended in the OSU Zone and development was evaluated without considering the impact on surrounding residential areas. The second document was a rough draft of Chapter 3.36 amendments he believed would serve as a quick fix to the problems he cited in the first document.

In response to Councilor Bull's inquiry, Mr. Brown said the list of items in the Potential Interim Measures for OSU Development memorandum included in the Council meeting packet was comprehensive and he did not have any concerns with them.

VI. CONSENT AGENDA

Councilors Bull and Baker requested removal of the February 2, 2015 Council minutes from the Consent Agenda (Item A1).

Councilors Hirsch and York, respectively, moved and seconded to adopt the Consent Agenda as follows:

2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
   a. Arts and Culture Advisory Board – January 21, 2015
   b. Downtown Advisory Board – January 14, 2015
   c. Economic Development Advisory Board – January 12, 2015
   d. Housing and Community Development Advisory Board – January 21, 2015
   e. Library Advisory Board – January 14, 2015

B. Confirmation of Appointments to King Legacy Advisory Board (Edwards, Merrell, Moody)

C. Confirmation of an Executive Session at the end of the February 17, 2015 regular meeting under ORS 192.660(2)(a) (employment of a public official) – Interim City Manager recruitment

D. Schedule a public hearing for March 2, 2015 to consider an appeal related to a Planning Commission decision (Coronado Tract B – PLD 14-00005)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA

A. Reading of Minutes
   1. City Council Meeting – February 2, 2015

Councilor Baker said in the Transportation System Plan (TSP) presentation section, the suggestion to include the public health community and the Linn-Benton Health Equity Alliance as stakeholders should have been attributed to him, not Councilor Bull.

City Attorney Fewel noted a motion for the clarification was not necessary, as Councilor Baker's comments would be reflected in the February 17, 2015 meeting minutes.

Councilor Bull noted that the minutes did not include her requests to include an analysis of land use strategies in the TSP and to ensure adequate data was available for that analysis.

Councilors York and Hirsch, respectively moved and seconded to approve the February 2, 2015 Council meeting minutes. The motion passed unanimously.

VIII. UNFINISHED BUSINESS

A. Deliberations related to a Historic Resources Commission (HRC) decision (HPP14-00019, Farra House – Window Replacements)

Mayor Traber said the public hearing and written record of the application were closed, public testimony regarding the application would no longer be accepted, and he read the order of proceedings.

Declarations of Conflicts of Interest – None

Declarations of Ex Parte Contact – None

Declarations of Site Visits – Councilors Beilstein and Hirsch declared making site visits.

Rebuttal of Declarations – None

Community Development Director Gibb reviewed materials received since the public hearing was closed, as detailed in his February 11, 2015 memorandum in the Council meeting packet.

Associate Planner Metz reviewed questions received from Councilors after the Council meeting packet was distributed (Attachment F).

Mr. Fewel referenced Councilor Glassmire's email (Attachment C) and noted the record would reflect that any new information regarding the final written argument should not be included in the decision. If Council wished to consider the new information, the public would have the right to respond to it, and Council would have to allow such an opportunity.

Councilors Beilstein and Hirsch, respectively, moved and seconded to deny the proposed Historic Preservation permit application (HPP14-00019), thereby upholding the Historic Resources Commission's decision (Order #2014-066) and denying the appeal of the Historic Resources Commission's decision.

Councilor Beilstein said the appearance of the fiberglass-clad wood window would not be dramatically different, except the size of the glass would be slightly smaller. He said if he was serving on the HRC, he probably would have voted in favor of the fiberglass-clad wood window; however, he did not find a compelling reason to overturn an interpretation-based decision made by individuals who were appointed by the Council.

Councilor York said she reviewed the related HRC meeting minutes and the fact that there was a split vote was meaningful to her.

Councilor Brauner agreed with Councilor York's comments and observed there was inconsistency in the HRC's own deliberations concerning the Farra House and the William Lane House. He supported Option 3 in the staff report.

Councilor Baker did not support the motion, as he was also concerned about the inconsistency between the HRC's two decisions. He observed that the William Lane House was described as an "exceptional" historic resource and could even be considered rare; however, that level of historic significance was not attributed to the Farra House. As such, he saw a disconnect between the two cases. The HRC approved fiberglass-clad windows for the William Lane House, as opposed to what was approved for the Farra House.

Councilor Hann said he did not disagree with Councilors' thought processes; however, the Farra House case should stand alone and he did not believe Council could make a decision based on other cases. He noted previous testimony that the existing wood windows could be repaired. His concern was that the applicant wanted to go so far to save effort and time that they were willing to use an insert window that had a reduced glass surface of about two inches in both directions. He believed the insert would change the characteristics of the structure's façade; therefore, he did not support fiberglass-clad wood windows, especially on the home's north side. He appreciated the window manufacturer's efforts to produce an insert window that looked like the original window; however, it did not fully meet the regulations for the Historic District. He said the 2009 LDC amendment that permitted metal-clad wood windows was made at a time when other materials were not yet known. He believed the HRC's decision was appropriate based on the information presented to them.

Councilor Baker said there was a question in the record that was also raised in the appeal that somehow the Farra House case did not have all the information and there was some question about whether that influenced the William Lane House decision. He saw some procedural connection between the two cases.

Councilor Hogg agreed with Councilor Beilstein's point that HRC members were appointed to make informed decisions and there was no information that they misinterpreted the LDC. He said the Farra House was on the National Register of Historic Places and the windows in question faced the public right-of-way. He supported denial of the appeal, noting the HRC's decision was based on their interpretation of the existing LDC. He said the LDC could be updated for future projects and doing so would involve a public process.

In response to Councilor Bull's request, Mayor Traber repeated the motion before the Council.

The motion passed six to three on the following roll call vote:

Ayes: Hogg, Bull, Beilstein, Hirsch, Glassmire, Hann
Nays: Brauner, York, Baker

Mayor Traber directed staff to prepare formal findings and to place adoption of findings on the March 2, 2015 Council meeting agenda.

B. Deliberations related to a Historic Resources Commission decision (HPP14-00020, William Lane House – Window Replacements)

Declarations of Conflicts of Interest – None

Declarations of Ex Parte Contact – None

Declarations of Site Visits – Councilors Beilstein and Hirsch declared making site visits.

Rebuttal of Declarations – None

In response to Councilor Bull's inquiry about the historical significance of the William Lane House, Mr. Metz said it was only on the Local Historic Register and that it was his understanding that the level of review for establishing historic significance for resources listed on the Local Register may be different, and perhaps more easily established, than those listed on the National Register. He did not have the property file with him; however, he believed the house was significant from the perspective of having unique architecture.

Councilors Hann and Hirsch, respectively, moved and seconded to deny the proposed Historic Preservation Permit application (HPP14-00019), thereby upholding the Historic Resources Commission's decision (Order 2014-066), and denying the appeal of the Historic Resources Commission's decision.

Councilor Hann said he wanted to ensure the decision allowed the HRC's decision to permit replacement of the windows as specified. He was sympathetic to applicant's need to replace the windows and he might have voted differently if the proposed insert would have also replicated the glass area. Given that the house was small and the windows in question faced the street, he believed the proposed fiberglass-clad wood window would have changed the character of the property.

In response to Councilor York's inquiry, Councilor Hann confirmed the motion would allow replacement of windows that were not facing the street.

Councilor Beilstein said, similar to his reasoning in the Farra House appeal, he did not see an error made by the HRC that would justify overturning their decision. Councilor Hirsch agreed.

The motion passed unanimously.

[In preparing the minutes, staff notes that Councilor Hann's motion and Councilor Hirsch's second, reflected language in Option 1 of the Farra House staff report, not Option 1 of the William Lane House staff report. Subsequent Council discussions implied that the intention was to approve Option 1 for the William Lane House. This will be acknowledged in Findings prepared for Council's review.]

C. OSU Development Interim Measures

Mayor Traber said at the January 20, 2015 Council meeting, Council Leadership and City Manager *Pro Tem* Brewer were charged with discussing possible interim measures related to OSU development. He referred to the memorandum from Ms. Brewer in the Council meeting packet that included an attachment from OSU with items that could be included as part of voluntary interim measures. Mayor Traber opined that substantial progress was being made toward achieving workable voluntary interim measures. He said the information was being presented for Councilors' guidance about whether the direction being pursued was acceptable.

Councilor Beilstein said he was satisfied with the proposed interim measures. In response to his observation, Mayor Traber said the document from OSU was received at the last minute, so staff missed identifying it before the Council meeting packet was distributed.

Councilor Glassmire said neighborhood livability was a major issue for many of his constituents. If conditions were good, the interim measures list would be acceptable. Since conditions needed improvement, he requested some mitigation measures, such as adding an evaluation or monitoring clause to the parking check list and for OSU, in cooperation with the City, to reach out to constituents to ask what they believed should be done.

Councilor York said Ms. Brewer's memorandum accurately reflected what was discussed at the first Council Leadership meeting. The second Leadership meeting was not summarized because the group discussed voluntary measures in more detail. The document from OSU had not been reviewed by staff, Council Leadership, or the City Attorney's Office; and it did not entirely represent her memory of the discussion. Referring to the second paragraph of OSU's document, she did not recall conversations about when voluntary measures would

end; however, she believed they should remain in place until the legislative review process had concluded. She believed an indication the effort was on the right track was demonstrated by the statement in OSU's document that read, "In an attempt to bring certainty to the City, OSU, and stakeholders, the checklist reflects an attempt to incorporate relatively clear and objective parameters so that compliance with its terms is easily discernible by all interested parties. If adopted, this checklist could be memorialized in a contractual format to ensure City enforcement authority in the event of noncompliance." Her position in the interim measures meetings was that an agreement should provide the City with the authority to review, approve, deny, or condition applications. She personally was interested in interim measures that related to parking, as she did not want any new intrusions on neighborhoods surrounding the University. New buildings should not be built on parking lots without replacing parking and providing more parking for the additional capacity added by new buildings.

Councilor Brauner agreed with Councilor York's assessment. He said OSU representatives at the interim measures meeting were positive and came forward proactively to work with the City. He said the basis for a voluntary agreement existed and the agreement would likely concentrate on parking. He acknowledged there were other issues and not all of them would be solved through a Comprehensive Plan amendment; however, parking was an important issue that could be addressed in the interim. He did not wish to frustrate development; however, he wanted to ensure that parking was not further degraded. He noted that City decisions could always be appealed to the Land Use Board of Appeals.

In response to Councilor Glassmire's inquiry, Councilor York said issuance of permits was discussed as a concept; however, that was not clear in the document provided by OSU, so more detail on that element was needed.

Councilor Baker supported inclusion of parking; however, he would like the interim measures to address other issues impacting the community, such as student housing. He said interim measures could be needed for one year or longer, given that six months remained in the Comprehensive Plan and LDC review process, and the Campus Master Plan (CMP) expiration date had not yet been determined.

Councilor Bull said when she considered interim measures, she was looking for holes in the existing LDC and CMP. The documents provided by Mr. Brown thoroughly outlined many of those issues. She was most concerned with the amount of development, type of development, and parking impacts. She said the items listed in the interim measures documents appeared to assume the CMP had not expired and she asked for consideration of the related implications for interim measures if that was not the assumption. She inquired about the source of legal authority for parking requirements. She said many decisions were being made administratively and Council and Planning Commission were left out. She said large developments were permitted that did not include a public process, and she saw that as a critical gap. She would like to see those areas addressed as part of the interim measures. In response to Councilor Bull's comments, Mayor Traber said the idea of the interim agreement was that OSU would voluntarily cede authority to the City on developments. Councilor Bull said if the City had authority over OSU developments, she asked that it not be limited to parking and traffic impacts, and it include a public process. Mayor Traber encouraged Councilors to submit their specific ideas to him in writing.

Councilor Hogg said he considered which issue presented the greatest problem that the agreement was attempting to solve. He heard at tonight's meeting that parking was the most pressing problem and it was important to stop further intrusion in neighborhoods surrounding the University. He said parking was an issue in neighborhoods adjacent to OSU; however, it was not an issue on campus. He noted that OSU implemented

improvements to parking on campus as part of the OSU/City Collaboration Project and expansion of residential parking permit districts was defeated by voters in the November 2014 election. Those who parked on campus told him OSU's changes made a big difference and he said that OSU was not in control of how people parked in neighborhoods. He did not believe the proposed interim measures would improve neighborhood conditions because parking was still free in neighborhoods.

Councilor Brauner agreed with Councilor Hogg's observation that OSU did not control who parked in surrounding neighborhoods. He said the idea of the interim measures was to ensure parking spaces on campus were not lost while the City worked on the neighborhood parking issue.

Councilor York said the goal was to ensure capacity for parking on the OSU campus was not degraded, as a reduction in capacity, or maintaining capacity while expanding the square footage of buildings on campus, would prompt people to park in surrounding neighborhoods. She said the CMP and the provision in LDC Chapter 3.36 that incentivized OSU to keep their parking utilization below 90 percent was thought at the time to be a way to push OSU to add more parking. She said the CMP indicated that student enrollment would increase and parking would be added; however, the addition of parking had not happened.

Councilor Glassmire said he did not distrust the University; however, ideas to address parking existed before the Collaboration Project began and he opined that as OSU expanded, it had done a poor job of addressing parking and considering neighborhood livability impacts. He supported ensuring that parking capacity would not be lost.

Councilor Hogg said in all the work the City had completed regarding parking, he did not see people being forced out to neighborhoods for parking. Parking at OSU cost money and parking in neighborhoods was free. He said tiered parking had been successful in keeping space available on campus. Those who wanted to park on campus could purchase a permit. He did not believe OSU would ever provide free parking, yet parking was still free in neighborhoods. He noted that neighborhood parking was also convenient to class locations. He wanted to ensure that whatever was done would improve the quality of life for residents and address problems related to parking in neighborhoods.

Councilor Brauner acknowledged that interim measures would not solve neighborhood parking problems. He noted a previous proposal to make it more expensive to park in neighborhoods than it was to park on campus. The idea was to give residents free permits and to charge those who did not live in the area. The proposal did not move forward; however, he may bring it back for the Council's consideration. He reiterated the importance of ensuring parking capacity existed on campus so adequate space existed to absorb cars that moved out of neighborhoods.

Mayor Traber noted tonight's discussion was about interim measures with OSU around the CMP and how development could be handled in the interim. The broader subject of neighborhood impacts still existed and would need to be addressed by the Council in the future. He said Council Leadership would continue working on the matter and would return to the Council with progress updates.

Councilor Baker supported Mayor Traber's suggestion. He hoped the other issues raised during the discussion could be addressed soon and wrapped into negotiations with OSU. He said the reason the conversation was occurring now was because the City did not enforce many of the provisions that were in the CMP. He said it was important to recognize that and the Council had a role in trying to rectify the situation in the future.

D. City Manager interview process

Mayor Traber said the Council met in Executive Session before tonight's meeting to review City Manager applications. Additional time was needed to discuss the matter and therefore, scheduling of a follow-up Executive Session was proposed.

Councilors Hirsch and Hann, respectively, moved and seconded to authorize an Executive Session at 5:30 pm on February 23, 2015 in the Downtown Fire Station, 400 NW Harrison Boulevard, pursuant to ORS 192.660(2)(a)(employment of a public official) to further discuss City Manager applications.

The motion passed unanimously.

Councilor Bull requested that the candidates' meet-and-greet session include candidates speaking directly to the audience. Human Resources Director Altmann Hughes said such a component could be added, if that was the Council's desire.

In response to Councilor York's inquiry, Ms. Altmann Hughes said she and a representative from Waldron would meet with the Council to share feedback received from the stakeholder and department director interview groups.

In response to Councilor Hann's inquiry, Ms. Altmann Hughes said when candidates were selected to advance in the process, they could become aware of how many other applicants they were competing against.

Councilor Glassmire supported Councilor Bull's suggestion about having each candidate speak to the audience at the meet-and-greet.

Councilor Brauner observed that a final number of candidates had not been determined. The proposed process outlined in the packet included three panel interviews (Council, stakeholders, and department directors), a meet-and-greet, and a tour, all occurring in a single day. Adding the candidate speaking component supported by Councilors Bull and Glassmire would necessitate a two-day process. If the Council wished to do that, interviews could be scheduled on one day and the public process could be conducted on the other day.

Councilors Brauner and Hann, respectively, moved and seconded to approve the process proposed in the Council meeting packet with a modification to add a second day and include within that second day a public presentation step for the candidates.

In response to Councilor Bull's inquiry, Mayor Traber said he hoped to appoint 9 to 12 people to the stakeholder panel who reflected a broad representation of the community and he welcomed suggestions for appointees. Examples of representation included people from City boards and commissions, the business community, neighborhood associations, and non-profit organizations.

In response to Councilor York's inquiry, Ms. Altmann Hughes said if the tour and meet-and-greet were conducted on one day, and interviews were held on the other day, the Council could easily add another candidate to the process.

The motion passed unanimously.

IX. STANDING COMMITTEE REPORTS, ORDINANCES, RESOLUTIONS, AND MOTIONS

A. Human Services Committee – None

B. Urban Services Committee (USC) – February 3, 2015

1. Parking 101

Councilor Hogg said the Committee received background information on the City's parking program, including revenue sources. Upcoming parking issues included neighborhood requests to be added to residential parking permit districts, motorcycle parking downtown, discussions about a downtown parking structure, City-owned downtown parking lots, residential parking permit fees, updates to the 2001 Downtown Parking Plan, and concepts to address shortcomings from the expansion of residential parking permit districts that was defeated by voters in November 2014. Other USC business included information about the OSU parking utilization study, fees, and Total Maximum Daily Load. Councilor Hogg said Councilor York suggested lengthening the amount of time a Councilor served as a Standing Committee Chair. USC did not discuss the matter; rather, the idea was being presented to Council to consider as a work session topic. Councilors agreed it could be discussed at a March work session.

The item was for information only.

C. Administrative Services Committee – February 4, 2015

1. Economic Development Strategy Update (EDSU)

Councilor Hirsch said Economic Development Manager Nelson would take the Council's economic vitality goal suggestion to the Economic Development Advisory Board (EDAB) for consideration in relation to the EDSU. Some aspects of the goal could have already been incorporated into the strategy; however, from EDAB discussions, the EDSU could be slightly modified as it developed over time. Currently, the goal suggestion and the EDSU seemed to be well aligned.

Councilors Hirsch and Brauner, respectively, moved and seconded to adopt the Economic Development Strategy Update.

Councilor Beilstein read from a prepared statement concerning his opposition to the EDSU (Attachment G).

Councilor Baker supported adoption of the EDSU. However, he believed there was flexibility in the Strategy to address some of the issues raised by Councilor Beilstein and he hoped the Council could continue to have a conversation about those issues. He believed economic development needed to be consistent with community values and he thought those values would likely be discussed as part of the processes to update the 2020 Vision Statement and OSU District Plan. He emphasized the importance of metrics, observing the EDSU did not contain measurements beyond typical economic development indicators, such as a well-being index. He was not clear how the Economic Vitality Partnership (EVP) report interacted with the EDSU; however, he did observe some elements in the EVP report that integrated sustainability into economic development, and those pieces could help address some of the issues raised by Councilor Beilstein. He said if Council adopted a goal

regarding climate change, the topic of economic development and how it was serving the community could be included.

Councilor Glassmire agreed with Councilor Baker's comments.

Councilor Bull sympathized with concerns about resource extraction and the other issues that had been raised, and while she agreed the EDSU did not incorporate them, it also did not directly oppose them. She agreed with Councilor Baker's comments about working on the issues as part of long-range planning. Her sense of the EDSU was that it supported local businesses, including start-ups coming out of OSU. Her interest was in ensuring success by coordinating efforts and being strategic in the City's commitments to which industries and employment areas to support. She also hoped some of the issues would be addressed in the Transportation System Plan update and through a housing goal. She referred to the proposed Council goal regarding economic development, noting that ASC was clear the Council would expect a new look at economic development goals based on what the Council established as their goal. Mr. Nelson and EDAB representatives at the ASC meeting were receptive and did not see any conflict with that position.

The motion passed eight to one, with Councilor Beilstein opposing.

Councilor Bull said the ASC minutes indicated she was supportive of looking to the State to help with strategic efforts for the Corvallis Municipal Airport as a regional airport; however, she was speaking about the Eugene airport. She also said the minutes indicated she expressed a concern related to increasing the property tax base as the only economic development strategy that would resolve the City's financial situation. She said that was not so much her concern as representing property tax-based expansion as possibly being a complete solution to the City's revenue situation. She did not believe property taxes were adequate and while it would be helpful if the number of properties paying taxes increased, it still would not solve the City's revenue problems. She was not suggesting the City's EDAB was responsible for developing other revenue sources.

D. City Legislative Committee (CLC) – February 3, 2015

Mayor Traber said the CLC's goal was to schedule meetings every two weeks at 5:00 pm on Tuesdays when Urban Services Committee meetings were held. He said the Committee discussed House Bill (HB) 2564, which would revoke prior legislation prohibiting inclusionary zoning. He asked the Council if they wished to support it.

Councilors Baker and Hirsch, respectively, moved and seconded for the Council to take a position in support of HB 2564.

Councilor York supported inclusionary zoning and local control in the context of community conversations about whether it would be a good fit for Corvallis. She generally did not support motions for items that were not included on the Council meeting agenda for action; however, this circumstance was one of advocating for a position, rather than voting on a specific action for Corvallis, and she wanted to ensure that distinction was clear.

In response to Councilor Glassmire's inquiry, Ms. Brewer said past arguments against inclusionary zoning had come from homebuilders associations, as it could decrease builders' profits on projects. While past efforts to revoke inclusionary zoning had failed, the issue was receiving more support from communities and legislators during this legislative session.

The motion passed unanimously.

Ms. Brewer said Jim Moorefield of Willamette Neighborhood Housing Services planned to attend the February 23 hearing in Salem to testify in support of the Bill. Mayor Traber hoped to attend as well.

E. Other Related Matters

1. An ordinance repealing Ordinances 2014-05 and 2014-09 related to expansion of Residential Parking Permit Districts

Mr. Fewel read an ordinance repealing Ordinances 2014-05 and 2014-09 related to expansion of Residential Parking Permit Districts.

ORDINANCE 2015-03 passed unanimously.

2. A resolution requesting contingencies for the Risk Management Fund

Mr. Fewel read a resolution transferring $96,000 of Risk Management Fund contingencies to the Finance Department.

Councilors Hirsch and Brauner, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2015-06 passed unanimously.

XI. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

Mayor Traber noted the need to schedule an executive session to discuss potential litigation.

Councilors Brauner and Hirsch, respectively, moved and seconded to schedule an executive session for 5:30 pm on Monday, March 2, 2015 under ORS 192.660(2)(h)(litigation or litigation likely to be filed).

The motion passed unanimously.

Mayor Traber said he presented the State of the City Address to the Corvallis Chamber of Commerce, the Corvallis City Club, and Corvallis Rotary. The text of the Address would be posted on the City's website.

B. Council Reports

Councilor Beilstein said the Friends of the Library book sale would be held at the Benton County Fairgrounds February 20-22.

Councilor Baker noted two upcoming eco-films at the Odd Fellows Hall: On February 20, *Bringing it Home: Examining the Possibilities and Pitfalls of Industrial Hemp Production in America* and on February 27, the film *What Rivers Are Worth* by local film maker and Ward 3 resident Jeremy Monroe. He said February 13 was a day of global divestment; he and some of his constituents expressed support for pending ASC discussions about policies related to socially responsible investing.

Councilor Bull read some quotes from former Governor Tom McCall in recognition of Oregon's birthday. She noted her previous request for information about proportionality and asked for a summary on the Johnson Hall project on the OSU campus, including related parking and transportation impacts and requirements. She hoped the Johnson Hall project could be included as part of the OSU Development Interim Measures agreement.

Councilor York said one of Leadership Corvallis' service groups conducted a focus session to get information about public opinion and awareness of ABC House, a child abuse intervention center that served Linn and Benton Counties. She said it was a very important resource and she hoped awareness about the agency would continue.

Councilor Glassmire said one of his constituents raised concerns about dog waste at the Bald Hill Natural Area and he thanked Ms. Brewer for being helpful during related discussions. The Corvallis Folklore Society sponsored the annual Corvallis Contra Weekend February 13-15, which enjoyed an attendance of approximately 200 people. A production entitled *The Laramie Project* was scheduled at the Albany Civic Theatre on February 20-22 and February 26-28. The performance details the community response following the murder of Matthew Shepard, a 21-year-old University of Wyoming student who was kidnapped, beaten, tied to a fence, and left to die because he was gay.

C. Staff Reports

1. City Manager's Report

The item was for information only.

2. Economic Development Monthly Business Activity Report – January 2015

The item was for information only.

XI. NEW BUSINESS – None

XII. PUBLIC HEARINGS – None

Mayor Traber read a statement, based upon changes in Oregon laws regarding executive sessions. The statement indicated that only representatives of the news media, designated staff, and other Council-designated persons were allowed to attend the executive session. News media representatives were directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions would be made during the executive session. He reminded Council members and staff that the confidential executive session discussions belong to the Council as a body and should only be disclosed if the Council, as a body, approves disclosure. He suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

Mayor Traber recessed the regular meeting at 8:40 pm.

The Council entered executive session at 8:46 pm.

The City Council discussed the interim City Manager position.

The Council emerged from executive session at 9:05 pm.

VIII. UNFINISHED BUSINESS – Continued

A. Interim City Manager – continued

Mr. Fewel said the City Charter required the City Manager position to be filled within six months of the resolution announcing the position's vacancy. The City was not able to meet that deadline due to a desire to conduct a thorough recruitment process that included public involvement. The City Charter further required that a City Manager *Pro Tem* may not serve for more than six months from the date s/he was appointed. To resolve the issue in a manner that was legal and consistent with the City Charter, it was Mr. Fewel's opinion the Council could appoint the current City Manager *Pro Tem* as the City Manager and authorize the City Attorney's Office to draft a contract for the Council's review. Mr. Fewel said Ms. Brewer had the right to have independent legal counsel review the contract. Suggested contract elements included a 30-day notice to terminate the contract; recognition of the need for the contract due to practical difficulties the City was facing by not being able to hire a City Manager within the six-month timeframe; specification that compensation would be Ms. Brewer's current salary plus five percent; specification that all benefits would continue to accrue as they had been; and a provision that Ms. Brewer would return to her previous position as Finance Director at the conclusion of the contract. Mayor Traber agreed Mr. Fewel's comments accurately represented Council Leadership's discussions.

Councilors York and Hirsch, respectively, moved and seconded that the Council direct Mayor Traber to sign a contract with Nancy Brewer to hire her for an indefinite term as City Manager, the right for the City to terminate in 30 days, with a return to her former position, with salary plus five percent, and otherwise as detailed by the City Attorney just now in open session.

Councilor Baker reiterated the City Attorney's point that as a practical matter, the Council was not able to hire a City Manager within the timeframe specified in the City Charter. He noted the assessment he made in previous meetings that the intent of the City Charter may not be met; however, given the situation, he believed the Council's actions were in the best interests of the City.

Councilor Hann thanked Ms. Altmann Hughes for reaching out to the community to identify individuals who could have potentially met City Manager qualifications and for the public announcement of the job as an open position. He noted, as part of that outreach, the City did not receive inquires from applicants who met the criteria. He believed the Council was fulfilling its obligation to Corvallis citizens and he thought appointing Ms. Brewer as City Manager was the best decision for the community.

In response to Councilor Bull's inquiry, Mr. Fewel clarified Ms. Brewer's salary would be what she was earning as Finance Director, plus five percent.

The motion passed unanimously.

XIII. ADJOURNMENT

The meeting adjourned at 9:12 pm.

APPROVED:

ATTEST:

_____
MAYOR

_____
CITY RECORDER

MEMORANDUM

February 17, 2015

TO: Mayor and City Council

FROM: Nancy Brewer, City Manager Pro Tem NB

SUBJECT: **Schedule an Executive Session**

The City Attorney's Office has requested the City Council schedule an executive session on March 2, 2015 at 5:30 PM to discuss litigation or litigation likely to be filed under ORS 192.660(2)(h).

INCLUSIONARY ZONING

Background

- Housing affordability for lower income workers and families has been a long standing concern in Corvallis
- In the late 1990s, Corvallis was considering the merits of inclusionary zoning as a tool to address this concern
- ORS 197.309 was implemented in 1999 to preempt any government body from adopting a mandatory inclusionary zoning ordinance. The statute effectively took away the opportunity for Corvallis to make a local decision about whether and how this type of program could fit with other land use planning and housing program tools in order to provide additional affordable housing opportunities in Corvallis

Looking Forward

- The 2014 Housing Study conducted in support of the Council's 2013-14 housing goal identified that there are 18,467 commuters traveling to Corvallis
- 40% indicated that they would consider moving into Corvallis. Affordability was by far the greatest barrier to living in Corvallis
- Inclusionary zoning was identified by project consultant ECONorthwest as an important policy option to consider as a tool to increase the supply of mixed income housing in Corvallis for these commuters
- It could complement other programs that the city and non-profit partners have available or might implement in the future to address low income and work force housing needs
- Repeal of ORS 197.309 would restore local control of our planning and housing efforts – allowing the community to decide if this tool works for Corvallis rather than being prevented from considering it due to a state preemption

Holzworth, Carla

From: City Attorney Brewer
Sent: Tuesday, February 17, 2015 1:57 PM
To: Holzworth, Carla
Cc: City Attorney Fewel
Subject: FW: some procedural questions ... it is entirely OK with me to share the Q&A. Thanks, Jim. Bill Glassmire

Carla:

Can you please forward this email to the Mayor and Council? It may be that we should print copies for their meeting tonight.

Thank you,

Jim

From: ward7@council.corvallisoregon.gov [mailto:ward7@council.corvallisoregon.gov]
Sent: Tuesday, February 17, 2015 1:44 PM
To: City Attorney Brewer
Subject: Re: some procedural questions ... it is entirely OK with me to share the Q&A. Thanks, Jim. Bill Glassmire

February 17, 2015
Hello Jim, I trust that this finds you well. Thanks for your note and your explanations. They are helpful to me. I do not know whether you expected a reply, but for sure it is OK with me to share the explanations with other Councilors. Thanks again, enjoy the sunshine. Best wishes, Bill Glassmire

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From: "City Attorney Brewer" <jkbrewer@peak.org>
To: ward7@council.corvallisoregon.gov
Sent: Tuesday, February 17, 2015 11:25:51 AM
Subject: RE: Hello Scott, some procedural questions about the window replacement appeals. Thank you. Bill Glassmire

Hello Bill:

Scott asked me to respond to your email.

Before we get to your questions, let me assure you that all of them are both appropriate and thoughtful. These are clearly part of the analytical structure you need as a City Councilor when making land use decisions.

Regarding the first issue: The final written argument is not supposed to include any new factual information or evidence. Probably checking with the planning staff about whether they identified this as new information is a good idea. If the same information came into the record in a different form, that's ok (so something someone said during public testimony could be included in written argument, or something from a table can be summarized). Similarly, the record from the HRC is also in front of you, so if the information is in that record someplace, you can consider it. But if it is new information raised for the first time in the written argument, then the best practice is for the Council to identify the new information and expressly state that you are not considering it in making your decision.

Second, only the applicant has any burden to establish a position. The applicant has the burden of demonstrating that the proposal meets the criteria. There isn't a burden on anyone else to demonstrate anything. But this leads to your last question:

Regarding the standard of proof, you have touched on the "quasi" element of a "quasi-judicial decision." Unlike a civil case or criminal case in a court, there is no requirement that the applicant must provide a preponderance of evidence or evidence beyond a reasonable doubt in demonstrating that the criteria are met. Instead, the applicant needs to satisfy the decision makers that evidence that demonstrates how the proposal complies with the criteria is of the type, amount and nature that a reasonable person would rely upon it in making important decisions. The state land use system recognizes that reasonable people can disagree about what evidence they find persuasive or compelling, and so reviewing bodies do not second guess that determination, other than to review the record itself to see if there is substantial evidence in the record as a whole supporting the findings of the local decision maker.

If you don't mind, we'll send this to the other Council members, or provide it at the table for tonight's meeting, as it may be useful to the other members. If you want to discuss this further, please call any of us.

Jim Brewer

From: Scott Fewel [mailto:safewel@peak.org]
Sent: Tuesday, February 17, 2015 8:11 AM
To: 'Jim Brewer'; 'David Coulombe'
Subject: FW: Hello Scott, some procedural questions about the window replacement appeals. Thank you. Bill Glassmire

Can one of you provide answer and make sure I get a copy. Thanks

From: ward7@council.corvallisoregon.gov [mailto:ward7@council.corvallisoregon.gov]
Sent: Monday, February 16, 2015 11:03 PM
To: safewel@peak.org
Cc: Nancy Brewer; halb382@
Subject: Hello Scott, some procedural questions about the window replacement appeals. Thank you. Bill Glassmire

February 16, 2015
Hello Scott,

I trust that this finds you well.

For the appeals of the HRC decisions about window replacements, I have a couple of questions about legal issues. If for any reason you think these questions inappropriate, please let me know what I am doing wrong.

First, in the final written argument for HP0014-19, the Farra house, page 124 of 02-17-2015 CC packet, there is some new-to-me information: first that there are other non-original windows; and second the difficulty of maintenance for the windows on the third floor. I do not find that info in the record before the closing of the public hearing. Is it OK for me to take that info into account?

Second, which of the two parties is "more responsible" for establishing its position? I presume that whoever is proposing to vary from historical accuracy has the burden of proof; is that correct? (In this case, the appellant is proposing to replace wood with fiberglass-clad wood.)

Third, for the more responsible party, what is the standard of proof for establishing its argument? Is the standard "better than 50%" (I think that amounts to, a preponderance of the evidence)? or beyond a reasonable doubt? or other?

Thanks. I appreciate your help. Enjoy the day.

Best wishes,
Bill Glassmire

COMPREHENSIVE PLAN
5.4.2 The City shall encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

MEMORANDUM

To:	**Mayor and City Council**
From:	**Ken Gibb, Community Development Director**
Date:	**February 17, 2015**
Subject:	**Farra House – Motions for Decisions on the Historic Preservation Permit (HPP14-00019)**

Below are potential motions for your consideration regarding the proposed Farra House Historic Preservation Permit (HPP), as presented in the January 14, 2015, staff report to City Council. Option #1 would move to deny the application, as decided by the Historic Resources Commission:

Requested Action

With respect to the appeal of the HRC's decision, which was to deny the Historic Preservation Permit, for the property located at 660 SW Madison Avenue (HPP14-00019), the City Council has the following options:

OPTION #1: Deny the proposed Historic Preservation Permit application (HPP14-00019), thereby upholding the HRC's decision (Order #2014-066) and denying the appeal of the HRC's decision; or

OPTION #2: Approve the proposed Historic Preservation Permit application (HPP14-00019), per staff's original approval recommendation subject to the conditions of approval incorporated into the November 18, 2014, staff report to the HRC, thereby upholding the appeal of the HRC's decision; or

Cond#	CONDITION
1	**Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal (**Attachment A**) except as modified by the following conditions of approval, or future Historic Preservation Permits.
2	**Building Permits and other LDC Standards** – The applicant shall obtain required Building Permits associated with the proposal. Work associated with the proposal shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of the Land Development Code.
3	**Window Finish** – The new windows' exteriors shall be painted to match the structure's other windows.
4	**Window Horns** – Window horns shall be installed on all of the new windows' top sashes.

OPTION #3: Approve the proposed Historic Preservation Permit application (HPP14-00019), subject to the conditions of approval incorporated into the November 18, 2014, staff report to the HRC, and an additional Condition that limits the approval to the replacement of windows located on the east and south facades, and disallows replacement of the three windows located on north (front) façade; thereby denying the HRC's decision and upholding a portion of the appeal of the HRC's decision.

Includes the Conditions listed above, plus the following:

Cond#	CONDITION
5	**Amended Scope of Alteration** – The approved alteration shall be limited to the replacement of windows located on the east and south facades, as described in **Attachment A**. The three (3) windows located on the north (front) façade shall not be replaced as proposed.

Motions for Consideration:

Option 1:
I move to deny the appeal of the Historic Resources Commission's decision, and thereby deny the Historic Preservation Permit application (HPP14-00019), subject to the adoption of Formal Findings and Conclusions, at a subsequent City Council meeting.

Option 2:
I move to approve the Farra House Historic Preservation Permit application (HPP14-00019) brought forth by the applicant on appeal, as conditioned in the November 18, 2014, staff report to the Historic Resources Commission. This motion is based on findings in support of the application presented in the November 18, 2014, staff report to the HRC, and findings in support of the application made by the Council during deliberations on the request, subject to the adoption of Formal Findings at a subsequent City Council meeting.

Option 3:
I move to approve the Farra House Historic Preservation Permit application (HPP14-00019) brought forth by the applicant on appeal, as conditioned in the November 18, 2014, staff report to the Historic Resources Commission, and as modified by the City Council. This motion is based on findings in support of the application presented in the November 18, 2014, staff report to the HRC, and as modified by the City Council, and findings in support of the application made by the Council during deliberations on the request, subject to the adoption of Formal Findings at a subsequent City Council meeting.

MEMORANDUM

To:	**Mayor and City Council**
From:	**Ken Gibb, Community Development Director**
Date:	**February 17, 2015**
Subject:	**Lane House – Motions for Decisions on the Historic Preservation Permit (HPP14-00020)**

Below are potential motions for your consideration regarding the proposed Lane House Historic Preservation Permit (HPP), as presented in the January 14, 2015, staff report to City Council. Option. Option #1 would move to approve the application, as conditioned by the Historic Resources Commission:

Requested Action

With respect to the appeal of the HRC's decision, which was to approve the Historic Preservation Permit, subject to Conditions of Approval, for the property located at 435 NW 4th Street (HPP14-00020), the City Council has the following options:

OPTION #1: Approve the proposed Historic Preservation Permit application (HPP14-00020), subject to the conditions of approval incorporated into the Historic Resources Commission's decision (Order 2014-067), thereby upholding the HRC's decision and denying the appeal; or

Cond#	CONDITION
1	**Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal (**Attachment A**) except as modified by the following conditions of approval, or future Historic Preservation Permits.
2	**Building Permits and other LDC Standards** – The applicant shall obtain required Building Permits associated with the proposal. Work associated with the proposal shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of the Land Development Code.
3	**Window Finish** – The new windows' exteriors shall be painted to match the structure's other windows.
4	**Window Horns** – Window horns shall be installed on all of the new windows' top sashes.
5	**Amended Scope of Alteration** – The approved alteration shall be limited to the replacement of windows located on the east and south facades, as described in **Attachment A**. The three (3) windows located on the west (front) façade shall not be replaced as proposed.

OPTION #2: Approve the proposed Historic Preservation Permit application (HPP14-00020), per staff's original approval recommendation subject to the conditions of approval incorporated into the November 18, 2014, staff report to the HRC, thereby upholding the appeal of the HRC's decision; or

Includes the Conditions listed above, except Condition #5.

OPTION #3: Deny the proposed Historic Preservation Permit application (HPP14-00020), thereby denying the HRC's decision and the appeal of the HRC's decision.

Motions for Consideration:

Option 1:
I move to deny the appeal of the Historic Resources Commission's decision, to uphold the HRC's condition to not approve the proposed replacement of three street-facing windows, and thereby approve the Historic Preservation Permit application (HPP14-00020), subject to the adoption of Formal Findings and Conclusions, at a subsequent City Council meeting.

Option 2:
I move to approve the Farra House Historic Preservation Permit application (HPP14-00019) brought forth by the applicant on appeal, as conditioned in the November 18, 2014, staff report to the Historic Resources Commission. This motion is based on findings in support of the application presented in the November 18, 2014, staff report to the HRC, and findings in support of the application made by the Council during deliberations on the request, subject to the adoption of Formal Findings at a subsequent City Council meeting.

Option 3:
I move to deny the appeal of the Historic Resources Commission's decision, and to deny the Historic Preservation Permit application (HPP14-00019), subject to the adoption of Formal Findings and Conclusions, at a subsequent City Council meeting.

Information provided by Associate Planner Carl Metz *regarding Historic Resources Commission (HRC) decision (HPP14-00019, Farra House – Window Replacements) and (HPP14-00020, William Lane House – Window Replacements)*

Response to Council Questions Received After 02/11/15

Presented to City Council, 02/17/15

1. **Does the "Historic integrity" clause (2.9.100.04.b.1.b) refer to the existing structure, or to the replacement part, or both?**

b. Review Criteria

1. **General** – The Review Criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource.

Consideration shall be given to:

a) Historic Significance and/or classification;

b) Historic Integrity;

c) Age;

d) Architectural design or style;

e) Condition of the subject Designated Historic Resource;

f) Whether or not the Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design or style, or type of construction; and

g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction.

Historic Integrity - Integrity of setting, location, materials or workmanship which is determined to be historic by fulfilling at least two of the following criteria:

a. **<u>The historic resource is in its original location</u>** or is in the location in which it made a historical contribution;

b. **<u>The historic resource remains essentially as originally constructed;</u>**

c. **Sufficient original workmanship and material remain to show the** construction technique and **stylistic character of a given Period of Significance**;

d. The immediate setting of the historic resource retains land uses, or landscaping and relationship with associated structures, consistent with the Period of Significance;

e. The historic resource contributes to the architectural continuity of the street or neighborhood;

f. The site is likely to contain artifacts related to prehistory or early history of the community; or

g. The historic resource is now one of few remaining prime examples of an architectural style or design, or a type of construction that was once common.

Historic Significance (or Historically Significant) - Determination made for a resource that is in and of itself significant or that contributes to historic and cultural resources of the community.

a. **It is associated with events that have made a significant contribution to the broad patterns of political, economic, cultural, or industrial history of the City, county, state or nation**;

b. The resource is fundamentally related to the work, achievements, or life story of a person, group, organization, or institution that has made a significant contribution to the City, county, state or nation;

c. **It embodies distinctive characteristics of a type, Period of Significance, or method of construction**;

d. **It may be a prime example of an architectural style or design**, or may represent a type of construction that was once common and is now one of few remaining examples;

e. It represents the work of a master, i.e., it is a noteworthy example of the work of a craftsman, builder, architect, or engineer significant in City, County, State, or national history;

f. It demonstrates high artistic values in its workmanship or materials;

g. It yields or is likely to yield information important in prehistory or history;

h. It is a visual landmark; or

i. It contributes to the continuity or the historic character of the street, neighborhood, and/or community, or contributes to the Historic Integrity of the Period of Significance represented.

2. **Have permits been granted for replacement insert windows?**

- I found at least three cases where insert windows received HPP approval (2 HRC, 1 Director-level) using metal-clad wood, except one did use fiberglass windows for 4 basement windows that had limited visibility.

- Additionally, I found at least 7 cases dating back to 2004 that utilized fiberglass or fiberglass-clad windows. 5 of these cases pre-date the HRC's creation. All of them had limited or no public visibility or were for additions.

3. **What is the history of the LCD review criterion which allows metal-clad windows in a director-level HPP permit?**

- Staff found that the inclusion of metal-clad windows for Director-level HPPs seems to have been informed from the HRC's experience of approving several requests for metal-clad windows, and finding them to generally meet compatibility measures.

- Further, we understand that the HRC had not found fiberglass-clad windows to be able to incorporate some of the more detailed design elements traditionally found with wood windows, whereas metal-clad wood windows could do so.

4. **New information**

- **Non-Original Windows**
  It was discussed by the applicant during presentations and in the application materials that the south façade window that is proposed to be replaced, is not original. It was also noted at the Feb. 2nd meeting that there are several different types of windows on the house, but not necessarily that they are replacements. There is enclosed second story sleeping room whose windows don't match the rest of the houses, but staff is not aware of these not being original to the enclosure. That there are other replacement windows present would seem to be new information.

- **Maintenance**
  Staff is not aware of this issue being previously discussed or introduced, and believe that this may be new information.

February 17, 2015
Statement on Economic Development Policy submitted by Mike Beilstein

I will start by saying that I am not opposed to economic activity. Our economy is the means by which people meet their needs for housing, nutrition, transportation, education, health care, entertainment and other things. City government has a responsibility to facilitate economic activity to assist in meeting the needs of our community. I am also not opposed to trade. Our quality of life is maintained by goods and services derived from outside our community as well as goods and services produced in our community.

I oppose the revision of the Economic Development Strategy for the same reasons I have opposed the strategy from the start. It does not address relevant issues of economic development for our community, and in fact if it were successful it would exacerbate our two greatest economic problems: excess resource consumption and economic inequality.

The policy is written as if it were a business plan for a typical capitalist corporation. A capitalist enterprise exists in a competitive environment in which it must constantly seek to grow merely to survive. Failure to grow results in the relative growth of competitors, who will use monopolistic control of the market to eliminate competition. If you don't understand this, you might consider the history the auto industry, banking, retail sales or agriculture in the USA.

The City of Corvallis is not a capitalist corporation and it does not face the need to constantly grow to beat the competition. The impulse toward growth only results in more expensive real estate and more commuting. Economic development directed toward growth may benefit some community members, but it is at the expense of the majority of residents.

The focus on "traded sector" economy derives from the model of the City as a capitalist corporation. The strategy is to continually enrich our community. By selling our "stuff" at a price higher than the price of "stuff" we buy from outside the community we create a positive flow of wealth into the community that makes us richer. We accumulate capital which is the theoretical goal of capitalist corporations.

However, there is a disconnect in the "accumulating capital" concept. The City does not accumulate capital, only smart entrepreneurs in the City benefit from our efforts to promote the "traded sector" economy. Higher earning by Corvallis corporations, or their owners, or employees does not translate into higher income for the City. It does translate into higher demand for services and skewing of the market to make the community less affordable for everyone who is not part of the "traded sector" boom.

The "traded sector" model derives from an imperialist world view. If we sell more and buy less, there has to be someone in the world selling less and buying more. We accumulate capital, but someone has to be depleting their capital for this to occur. We might not be able to identify exactly who it is, but if we consider it a success that a

company chooses to locate in Corvallis rather than Springfield, it is clear that our gain is a loss to Springfield.

Similarly, companies often start in Corvallis and grow too large for our community to support their personnel, transportation infrastructure, or other necessary services. They move to larger communities better suited to meet their needs. The imperialist "traded sector" model would view this as a loss to the community because their corporate earnings would no longer flow to Corvallis. Rather than try to grow our community to meet the needs of growing companies, we would do better to facilitate their moving to locations that better meets their needs, and create space for new companies to grow.

The focus of economic development strategy on growth is in direct opposition to a commitment to sustainability. Economic activity is directly correlated to resource consumption. There is clear need for greater resource consumption in some geographic and economic sectors, however Corvallis as a whole is not an economically underdeveloped community. As a community we do not suffer from poverty. We are very good at producing wealth. Individuals may face financial difficulties, but these are generally exacerbated by growth rather than alleviated.

If Corvallis intends to approach sustainability we need to reduce resource consumption, which means reducing economic activity. I realize this is impossible for most people to imagine. We have experienced 10,000 years of a system that thrived through greater consumption of resources, and an ever expanding economy. However, we can no longer sustain the acceleration of resource depletion. Global climate change is a well known consequence, but we are also depleting fresh water, energy resources, soil and even sand. We need to choose between continuing our cherished economic system, or continuing human civilization and life.

I conclude with reading recommendations which might help clarify the situation. Many people in Corvallis will be familiar with these suggestions. I hope consideration of these readings will help build consensus for a truly sustainable future and a rational economic policy.

Kate Pickett and Richard Wilkinson, **The Spirit Level: Why Greater Equality makes Societies Stronger** (2011)
Tim Jackson, **Prosperity Without Growth: Economics for a Finite Planet** (2011)
Rob Dietz and Dan O'Neil, **Enough is Enough: Building a Sustainable Economy in a World of Finite Resources** (2013)
Naomi Klein, **This Changes Everything: Capitalism vs. the Climate** (2014)

CITY OF CORVALLIS
COUNCIL EXECUTIVE SESSION MINUTES
February 23, 2015

Mayor Traber read a statement, based upon Oregon law regarding executive sessions. The statement indicated that only representatives of the news media, designated staff, and other Council-designated persons were allowed to attend the executive session. News media representatives were directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions would be made during the executive session. He reminded Council members and staff that the confidential executive session discussions belong to the Council as a body and should only be disclosed if the Council, as a body, approved disclosure. He suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

Council entered executive session at 5:33 pm under ORS 192.660(2)(a)(employment of a public official).

PRESENT: Mayor Traber; Councilors Baker, Beilstein, Brauner, Bull, Glassmire, Hann, Hirsch, Hogg, York

Waldron Consultant Heather Gantz, the Mayor, and Councilors reviewed City Manager applications.

Mayor Traber adjourned the executive session at 7:00 pm.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY RECORDER

CITY OF CORVALLIS
CITY COUNCIL WORK SESSION MINUTES
February 24, 2015

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 7:02 pm on February 24, 2015, in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon, with Mayor Traber presiding.

I. CALL TO ORDER

Present: Mayor Traber; Councilors Baker, Beilstein, Brauner, Bull, Glassmire, Hann, Hirsch (7:30 pm), Hogg, York

Also present were facilitator Joseph Bailey, City Manager Brewer, Community Department Director Gibb, Acting Finance Director Chenard, Library Director Rawles, Parks and Recreation Director Emery, Police Chief Sassaman, and Public Works Director Steckel

II. UNFINISHED BUSINESS

A. 2015-2016 City Council Goal Setting, continued

The Council members discussed the draft goal language, reviewed the analysis provided by staff, and the public testimony (Attachments A and B).

The Council also discussed a desire to have more information as the term progresses for the costs to implement the goals. Staff agreed to work on mechanisms to track costs and report those costs quarterly with the goals updates.

III. ADJOURNMENT

The meeting adjourned at 9:05 pm.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY RECORDER

To: The Honorable Mayor Biff Traber and Members of the Corvallis City Council

From: Corvallis Climate Action Plan Task Force

Date: February 24, 3015

Subject: City Council Proposed Climate Action Goal

Dear Mayor Traber and Members of the City Council:

Thank you for considering Climate Action as one of the goals for your 2015-16 term. We have reviewed the goal and the staff analysis and support combining the Georgetown University Energy Prize (GUEP) and the Climate Action Plan (CAP) under one overarching climate action goal. We look forward to working with the Council and City staff on both efforts.

This memo pertains only to the CAP portion of staff's analysis because that was the focus of the goal proposed by our organizations. Of the four options outlined, we support Option 2, but we believe it could be accomplished on a shorter timeline at less cost. Under Option 2, "Staff takes the draft Climate Action Plan proposed by the citizen-established Climate Action Plan Task Force and conducts a robust public involvement process…" We prefer this option because:

- ***Option 2 builds on the draft CAP already developed.*** The Scope of Work that the CAP Task Force completed in August 2014 for the Urban Services Committee said, "Given that City staff resources are limited, the CAPTF proposes to develop a community climate action plan for consideration and integration by the Corvallis City Council." Understanding that the Scope of Work was not binding, the Task Force nonetheless worked in good faith to complete a plan on the agreed-upon timeline. With hundreds of volunteer hours devoted to the CAP—which has also been reviewed by topic experts and consultants with whom the City has previously contracted (e.g., Dorothy Fisher Atwood, Kelly Hoell)—we believe that the foundational work is complete and that it would be a waste of City resources to start over.
- ***Option 2 takes a holistic approach to climate action***, covering all sources of emissions in the community greenhouse gas inventory and offering both mitigation and adaptation strategies. Under Options 3 and 4, the City would take responsibility only for the topic areas that fit within its core responsibilities. In contrast, the CAP Task Force envisions the City leading the entire plan, but working in partnership with other entities (e.g., Benton County Health Department, Corvallis Sustainability Coalition) to develop the topic areas and to track progress. A comprehensive, holistic approach not only is more likely to reduce greenhouse gas emissions but also would reduce confusion and the likelihood of piecemeal, ad hoc initiatives that ultimately could be more costly in terms of Council and staff resources.

Even if the Council chooses Option 2, we believe that, as currently written, it would accomplish too little on too lengthy a timeline—18 to 24 months just to develop a plan. Our organizations have made clear that we consider climate action to be a matter of great urgency, and we submitted a goal that we felt had a feasible implementation timeline. The Scope of Work emphasizes that the CAP Task Force accelerated its original timeline because, "Rather than merely going to the next City Council with the request to develop a climate action plan, we propose to complete a plan by the end of this calendar year and ask the Council to implement the plan." We see two areas in which staff's proposed timeline can be shortened:

- ***Setting reduction targets.*** The CAP Task Force has researched reduction targets and made recommendations in its draft. Even if starting from scratch, however, the process should take only 80-200 hours of staff time, according to ICLEI's *Quick Start Guide for Setting A Greenhouse Gas Reduction Target*. Eugene did it in about 48 hours, according to Climate and Energy Analyst Matt McRae. With data from the Corvallis greenhouse gas inventory and recommendations from the

scientific community about the reductions necessary, this step can be done fairly quickly and does not require a great deal of public input.

- ***Public process.*** We understand staff's desire for a robust public process. However, the draft CAP has already received much community vetting. Many of the objectives and actions are from the *Community Sustainability Action Plan*, which was developed by the Corvallis Sustainability Coalition in 2008 based on community input at three well-attended town hall meetings. The plan was updated in 2013, again with community input. In addition, the CAP Task Force held two public forums to engage community members on the six topic areas, conducted outreach to members of the participating organizations, and made the draft available to the general public on the CorvallisCAP.org website. While we do not view this process as sufficient for Council adoption of the plan, neither do we believe a public process should take 18-24 months. Rather, we encourage the City Council and staff to identify where there has been a lack of engagement (i.e., gaps in the public process) and to target and engage those groups. In any event, the focus of the public process should be more on engagement to implement a CAP than to generate more ideas.

Tightening the timeline will tighten the budget. We believe the estimated costs in all of the options are excessive because of the lengthy timelines. As stated, the estimates are also confusing. For example:

- Option 2 estimates FY 15-16 costs of $50,000 to $75,000 for 1.0 dedicated FTE. If the timeline were 18 months, with 4-6 months to hire a new employee and 12 months for the process, then wouldn't the 18-month costs be $50,000 to $75,000 for 12 months of the new employee's time instead of the $100,000 to $150,000 cited?
- It is unclear why the estimated FY 15-16 cost for a 0.5 dedicated FTE in Option 3 is $40,000 to $50,000, whereas a 1.0 FTE in Options 2 and 4 is $50,000 to $75,000. Shouldn't the 0.5 FTE be half the cost of the 1.0 FTE?

Finally, although we are most amenable to Option 2, neither it nor the other options address the process questions raised in the draft CAP, such as determining who is going to conduct future GHG inventories and on what schedule; oversee implementation of action items in the CAP; monitor, measure and report progress; and identify and seek funding, where necessary. We hope that the City would commit to these essential tasks as part of a climate action plan and goal.

We agree with the staff report that the goals will need a great deal of coordination. We trust the Council will examine how the proposed goals overlap and how they might work together to avoid duplication of effort and unnecessary expense. For example, we concur with staff's judgment that "Both the Climate Action and Vision goals are expected to need robust community input opportunities, and the ability to coordinate may lead to better information for both goals." Indeed, Appendix B of the draft CAP details many ways that "Climate Planning and the Corvallis Vision" can work together to bring about a sustainable budget, affordable housing, and economic vitality.

Once again, we appreciate the effort that the Council and staff have taken to analyze the proposed goals and reiterate our offer to work with you in a spirit of community collaboration to bring them to fruition.

Sincerely,

Corvallis Climate Action Plan Task Force:

Julie Arrington	Marys Peak Group—Sierra Club
Claudia Keith	League of Women Voters
Linda Lovett (Chair)	Corvallis Sustainability Coalition
Annette Mills	League of Women Voters
Kris Paul	350 Corvallis
Marjorie Stevens	First United Methodist Church Natural Step Ministry

SIERRA CLUB
FOUNDED 1892

February 24, 2015

The Honorable Mayor Biff Traber and
Members of the Corvallis City Council
501 SW Madison Avenue
Corvallis, Oregon 97333

Subject: Proposed City Council Climate Action Goal

Dear Mayor Traber and City Council Members,

Thank you for considering Climate Action as one of the City Council's 2015-16 goals. The Corvallis City Staff has completed their analysis and we would like to give input, which is intended to add to your discussion of approaches not considered.

Plan Development

In the Staff analysis, the ICLEI steps for plan development were referenced: 1. Complete a greenhouse gas inventory; 2. Set emission reduction targets; 3. Develop a plan to achieve the targets; 4. Implement the plan; 5. Monitor and evaluate progress. The staff recommended accomplishing 2 and 3 and then begin 4. However, we believe that all five steps need to be considered in the climate action plan development. Steps 4 and 5—implementation of greenhouse gas reduction and monitoring and evaluating progress—can and should occur as a climate action plan is being completed.

The Corvallis Climate Action Plan Task Force asserted that "Many of the action items recommended in this plan align with work already underway across the City organization in solid waste management, stormwater management, urban forestry, and other existing City programs." The intended action items in the draft Corvallis Climate Action Plan (CAP) are to "be part of the work that the City will be doing when it updates the Comprehensive Plan and Transportation Master Plan." As a result, the actions will require **a redirection** of City staff. Therefore the plan development will supplement work already underway that reduces greenhouse gases.

A climate action plan is a guide or road map showing how the city will meet their greenhouse gas reduction goals. Therefore the climate action plan process must be systemic within city government. It should be included and inform any future City Plan updates, such as the Comprehensive Plan, Transportation Plan, and 2020 Vision Statement. Ideally, the CAP should inform all of the other five City Council proposed goals: 1) OSU/City Relations, 2) Economic Vitality, 3) Housing Development, 4) Vision and Action Plan for Corvallis, and 5) Sustainable Budget. There are many needed climate actions such as working with businesses and other regional partners in resource efficiency, multi-modal transportation options, sustainable economic development, and planning for livability. Now is the time to integrate GHG reduction into all city government decision-making processes.

Plan Options

Of the four options that the City staff outlined, we support Option 2, but with concerns about the estimated timeline, cost, and the lack of implementation and evaluation of progress (as discussed above). As written, it would accomplish too little with too lengthy a timeline—18 to 24 months just to develop a plan.

In Option two, staff will use the draft CAP, and will conduct a public involvement process that the Task Force initiated. City staff proposes hiring a 1.0 FTE ($50,000 to $75,000), and if public involvement is added the City calculates that the cost will rise anywhere from $100,000 to $150,000. However tightening the timeline will tighten the budget. The CAP Task Force has already spent hundreds of volunteer hours working on the CAP, including community collaboration. If this volunteer process was continued, the cost of public involvement would go down substantially, and the timeline and associated costs would shrink.

The volunteer possibilities of this important issue are unique and should be recognized. In particular, the CAP Task Force members are willing to work with City staff to take advantage of funding opportunities that they have identified. Some of the possible funding sources include: STAR Communities. Climate Action Champions, Partnership for Sustainable Communities, and 100 Resilient Cities.

It is important to note that once the City acquires the necessary tools that are provided by ICLEI (and others), and begins the climate action plan process, the City will have the track-record of envisioned or implemented climate change projects, which greatly increases the City's eligibility for grants. Therefore, if a volunteer CAP Task Force or working group was formed, and a 1.0 FTE was hired, he or she could leverage the volunteer potential, which should cut back on costs and allow the 1.0 FTE to work on implementing a plan to reduce GHG emissions.

Georgetown University Energy Prize

We support combining the Georgetown University Energy Prize (GUEP) with the Climate Action Plan where the GUEP is an immediate-term action used to lessen the carbon footprint of Corvallis residents. The city can implement it before the full CAP is in place. The GUEP presents a unique opportunity. Many volunteer hours have been invested in the project. The GUEP can be used to educate and show Corvallis residents about the many ways and reasons to achieve energy conservation, while working to win the Georgetown Energy prize. It is a path the city can take while performing the more complicated, longer term action of implementing a CAP.

Thank you for all the work that the Council and staff have done thus far to analyze the proposed goals, and we look forward to working with you in the future on a Climate Action Plan goal.

Respectfully,

Debra Higbee-Sudyka
Conservation Committee
Oregon Chapter Sierra Club
4750 SW Nash Avenue
Corvallis, OR 97333
(541) 554-6979
dwhigbes@gmail.com
http://oregon.sierraclub.org

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

DRAFT
CITY OF CORVALLIS
DOWNTOWN ADVISORY BOARD MINUTES
FEBRUARY 11, 2015

Present
Liz White, Chair
Shelly Signs, Vice Chair
Elizabeth Foster
Mary Gallagher
John Morris
Ken Pastega
Nancy Whitcombe
Mike Wiener

Staff Present
Ken Gibb, Community Development Director
Sarah Johnson, Associate Planner
Lisa Scherf, Transportation Services Supervisor
Terry Nix, Recorder

Excused
Joe Elwood
Heidi Henry
Brigetta Olson

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Call to Order			
II.	Approval of November 12, 2014, Meeting Minutes			Approved as presented.
III.	Public Comment			
IV.	Discussion: Review and discussion of proposal by Whiteside Theatre for dedicated parking space along 4th Street			Motion passed to refer the issue to the Downtown Parking Committee.
V.	Discussion: Council request regarding consideration of a parking structure development downtown – Downtown Advisory Board input on considerations for USC evaluation			Agreement that staff will develop a report to include background information and the Board's discussion. Chair White will review and sign off on the report prior to it going to the USC.
VI.	Committee Reports and other Commissioner Updates	X		

VII.	Updates	X		
VIII.	Other Business	X		
IX.	Adjourn			Adjourned at 7:00 p.m.

CONTENT OF DISCUSSION

I. CALL TO ORDER

Chair White called the Corvallis Downtown Advisory Board to order at 5:30 p.m. in the Madison Avenue Meeting Room. Introductions followed.

II. APPROVAL OF NOVEMBER 12, 2014, MEETING MINUTES

MOTION: Ms. Signs moved to approve the November 12 minutes as presented. Mr. Morris seconded. The motion passed unanimously.

III. PUBLIC COMMENT: None.

IV. DISCUSSION: REVIEW AND DISCUSSION OF PROPOSAL BY WHITESIDE THEATRE FOR DEDICATED PARKING SPACE ALONG 4TH STREET

Ron Gandara said he volunteers for the Whiteside Theatre. Members of the Whiteside Theatre Foundation are present and he is making this request on their behalf. It has been his responsibility to get parking permits from the City when needed so performers and other participants have access to the stage door and equipment can be loaded into the building. As the Whiteside Theatre is becoming more successful, this need is growing and it has become necessary to request these permits more frequently. The request is that two parking spots be permanently dedicated to the Whiteside Theatre for use as a loading zone next to the stage doors. He showed signage that is used in other areas and said the theatre would be happy to pay for dedicated space signage.

In response to inquiries from the Board, Mr. Gandara said the requested spaces would be used for construction activity as well as performance needs. He said the nonprofit theatre is becoming more successful and he expects that the number of events will be increasing. If there is a need for additional space for some events, they would go through the regular City permit process.

Community Development Director Gibb reviewed the staff memo. He said it is important to carefully consider the permanent dedication of limited parking space in the public right-of-way. He said there may be some middle ground solution and it would be important to have an opportunity for public input on this issue. He suggested that the Board could refer the issue to the Downtown Parking Committee for further evaluation. Brief discussion followed.

In discussion and in response to questions, Transportation Services Supervisor Scherf reviewed restrictions for alleys and loading zones per the City's Municipal Code.

MOTION: Ms. Gallagher moved to refer this issue to the Downtown Parking Committee. Ms. Foster seconded. The motion passed unanimously.

V. PRELIINARY DISCUSSION: COUNCIL REQUEST REGARDING PARKING STRUCTURE CONSIDERATION DOWNTOWN

Chair White said the City Council is beginning to consider the idea of developing a parking structure downtown and has requested that the Advisory Board give input to the Urban Services Committee (USC) which will be considering the issue on March 3, 2015.

Associate Planner Johnson referred to the staff memo dated January 7, which outlines the requested action, as well as the staff memo dated February 5, which outlines some of the Advisory Board's preliminary discussions from the last meeting.

Community Development Director Gibb identified three categories and potential items to think about in each category on the whiteboard as a means to facilitate additional discussion. He noted that several of the items have already been discussed by the Advisory Board and that the listed items are not intended to be all inclusive.

Goals/Purpose/Need: Address demand created by employees, customers, residents. Mixed use opportunities. Provide capacity for future development. Create a denser urban downtown.

Big Picture $ Considerations: User pays. General City responsibility. Downtown property owners - public/private partnership.

Next Steps: Utilization study to assess current situation. $ for parking consultant. Might be broken into the initial review and the full blown study. Location, size, cost, financing strategy.

Mr. Pastega mentioned potential locations for a parking structure - the public lot on Second Avenue or on the site currently owned by Citizens Bank.

Chair White said the study to identify location and size would need to also consider land availability.

Ms. Whitcombe said she would like to tie the location to existing public transportation.

Ms. Signs wondered if there would be a way to increase the parking price point on game days.

Chair White said consideration could be given to a partnership with the University.

Ms. Signs said it may be helpful to look at the experiences of similar sized communities that have done a parking structure. Mr. Pastega added that communities such as Eugene and Bend could be asked about funding and occupancy issues associated with their parking structures.

Mr. Gibb said part of the equation that a consultant could help with is looking at the market. In a user paid system, it would be important to elevate parking rates in other downtown areas in order to create the demand.

Mr. Morris suggested that consideration be given to enhancing transit to reduce cars coming into downtown. Mr. Gibb noted that transit ridership has increased over recent years.

Ms. Whitcombe asked if consideration had been given to private parking. Ms. Scherf said the City has talked with property owners about partnerships by which they would get some of the revenue for providing parking on private property; however, the property owners have not been interested. Mr. Gibb added that

this is a good thought and a major recommendation from the parking study; however, it has not yet been successful.

Ms. Whitcombe asked if there would be a way to require property owners to make a commitment toward parking when a property changes hands. Mr. Gibb reviewed the previous system by which parking was required to be provided per Code when there was a change of use and variances were granted with the agreement that the property owner would participate in a future parking district. The Land Development Code was subsequently changed so that new development may provide the required parking or pay into a fee-in-lieu of fund. Those obligations could be part of the funding strategy if we get to that point.

Mr. Weiner asked if there is a deficiency of parking for City businesses. Mr. Gibb said there is a need for parking for City employees. Discussion followed regarding potential sites for City parking.

Mr. Weiner asked if it would be helpful if three-hour free parking was replaced with metered parking in some areas. Mr. Gibb said there is a lot of debate about the issue of free vs. metered parking and a consultant could help to answer those questions.

Ms. Foster asked if the utilization study could be done around an OSU game day. Mr. Gibb said it is his opinion that it would be hard to justify a major public investment largely based on seven days per year.

Ms. Whitcombe said a more remote parking garage for employees would reduce pressure on the downtown for commerce. Mr. Gibb said that could be taken into consideration with the utilization study and then addressed in a full blown study.

Chair White said an important part of the location analysis is to consider future needs.

Chair White asked if it's reasonable to consider more single surface lots. Mr. Gibb said that is a viable option; however, surface parking is still expensive and may not meet the needs of a denser downtown. There is a restriction about putting surface parking on the riverfront but no restriction in other locations. It is possible that the parking study would lead not to a parking structure but to some other solution such as geographically dispersed lots.

Mr. Weiner said one question is whether we should encourage more parking. He asked what would happen of the City decided to replace the three-hour free parking with metered parking. Mr. Gibb said that would be a major community discussion. He said some communities have gone with metered parking because turnover is a big issue. Chair White said downtown businesses have an affinity for free downtown parking. She noted that Salem metered downtown parking to encourage utilization of their structured parking; however, they decided to remove the meters about six years later.

There was general agreement that staff will develop a report to include background information and the Board's discussion in each of the three categories. Chair White will review and sign off on the report prior to it going to the USC.

VI. COMMITTEE REPORTS AND OTHER COMMISSIONER UPDATES: None.

VII. UPDATES: None.

VIII. OTHER BUSINESS: None.

IX. ADJOURN: The meeting was adjourned at 7:00 p.m.

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

DRAFT

CITY OF CORVALLIS
LAND DEVELOPMENT HEARINGS BOARD
February 4, 2015

Present
Jennifer Gervais, *Chair*
Ron Sessions
Paul Woods

Staff
David Coulombe, Deputy City Attorney
Kevin Young, Planning Division Manager
Sarah Johnson, Associate Planner
Matt Grassel, Public Works Engineering
Aaron Manley, Public Works Engineering
Terry Nix, Recorder

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Public Hearing: Grove Street Major Lot Development Option and Minor Land Partition (LDO14-00008, MLP14-00007)			The applicant may submit final written argument by 5 p.m. on February 11. Deliberations will occur on February 18.
III.	Adjournment			Adjourned at 6:55 p.m.

Attachments to the February 4, 2015 minutes:

A. Staff-identified Applicable Land Development Code Criteria handout.

CONTENT OF DISCUSSION

The Corvallis Land Development Hearings Board was called to order by Chair Gervais at 5:35 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. VISITORS' PROPOSITIONS: None.

II. PUBLIC HEARING – Grove Street Major Lot Development Option and Minor Land Partition

A. Opening and Procedures:

Chair Gervais welcomed citizens and reviewed the public hearing procedures. Staff will present an overview followed by the applicant's presentation. There will be a staff report and

public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Board may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room. **(Attachment A)**

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing.

B. Declarations by the Commission:

1. Conflicts of Interest: None.
2. Ex Parte Contacts: None.
3. Site Visits: Board members Gervais, Sessions and Woods declared site visits. Chair Gervais said she visited the site yesterday at 2:30 p.m. and noted there were three empty parking spaces on the street at that time of day.
4. Objections on Jurisdictional Grounds: None.

C. Staff Overview:

Associate Planner Johnson reviewed the request to vary from Land Development Code Section 4.60.c.2, which states that a cul-de-sac should not serve more than 18 dwelling units. The request to vary from this standard is tied to a Minor Land Partition application to separate the existing parcel into two parcels and to replace the existing single family dwelling unit with two single family detached dwelling units. Grove Street currently contains more than 18 dwelling units. The subject site is located at 900 SW Grove Street, near the southwest corner of Grove Street and Western Boulevard. The site is designated as Medium-high Density Residential (RS-12). Surrounding development includes a mix of uses, as detailed in the written staff report.

D. Legal Declaration:

Deputy City Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they believe are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the parties an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Bill Patton, Civil Engineer on the project, introduced the applicant's team and expressed appreciation to City Planning Staff. He said the existing home is somewhat dilapidated. The proposal is to partition the property, demolish the existing house, and construct two new houses, adding one house to the neighborhood. All of the conditions of approval in the staff report are acceptable to the owner with one exception. Condition 13 would reduce each dwelling to three bedrooms, the stated goal being to reduce the effect on parking. It is his understanding from the owner that if there is a three-bedroom limit on each house, the project will not proceed. He distributed a proposed replacement to Condition 13 (Attachment 1) which would require the lease agreement to include a limit of three vehicles for each dwelling unit which, he said, is a more direct way of addressing the parking concern.

Mr. Patton said the subject site is in an area zoned for high density residential and the City desires high density residential development especially in the vicinity of campus. On one hand, he said, the City is encouraging higher density development and, on the other hand, they want to reduce the number of bedrooms which would in effect reduce density. He requested that the Board approve the request with the owner's proposed replacement to Condition 13.

Ross Leavitt, Property Manager, said City staff has said they want to limit the number of cars but also that higher density development is desirable in this area which is close to campus where more student housing is needed and where minimal conflicts with home owners would be created. The proposed replacement to Condition 13 would create an opportunity for the City to get needed density and limit the number of cars by having that limitation as part of the lease and enforced by management. He said students in the area have indicated they primarily use alternative transportation and that is reinforced by other student rentals he manages where he usually sees about two-thirds utilization of the provided parking.

Board member Sessions asked why the applicants want to develop the property as two parcels versus perhaps having three units on a single parcel. Mr. Leavitt responded that developers try to get good value and value is immediately created when the property is divided. He said it would also be difficult to meet the parking requirements for that type of development.

Board member Woods asked if consideration was given to combining the lot with the corner lot in order to develop apartments. Mr. Leavitt said that was considered; however, the house on the corner lot has had a fair amount of renovation and there is no financial incentive to purchase the property for redevelopment.

Board member Woods asked if it would be possible to utilize parking from other properties the applicants own to serve this property. Mr. Leavitt said it wouldn't be possible to officially count those spaces toward the parking requirement for this application; however, it is likely that tenants would be able to use those spaces.

Terry Leavitt, Property Owner, said his son represents the fourth generation of rental management in Corvallis. He said his family business brings honesty and integrity to bear and they work hard to cultivate good relations with the City because they plan on being in the

community for a number of years. He supports the stated goals of increasing density and controlling parking; it is small developers that contribute the pieces to achieve those goals. Five bedrooms versus three is a substantial difference on return which translates to high quality affordable housing for the students.

Ronnie Wilson said the applicants' alternative Condition 13 would allow for five-bedroom dwellings with a lease restriction allowing only three cars. He said the applicants are open to other methods of restricting the number of vehicles but they cannot have the restriction of three bedrooms for this project to work.

F. Staff Report:

Planner Johnson said the Minor Land Partition request would partition the existing 4,792 sq. ft. parcel into two lots of equal size. Concurrent with that application is a Major Lot Development Option request to vary from the standard which states cul-de-sacs should not serve more than 18 dwelling units. Because the partition request is dependent upon approval of the requested variance, the discretionary decision-making body is asked to review both cases concurrently. The review is subject to the Land Development Code that was in effect August 28 which would incorporate Package 1 changes. Package 2 changes were not yet adopted and are not part of the decision making criteria for this application.

Planner Johnson reviewed the applicable criteria, staff findings and conclusions for the Minor Land Partition as detailed in the written staff report. All relevant Code requirements are met or have been conditioned to be met, with the exception of LDC Section 4.0.60.c.2, which states that cul-de-sacs should not serve more than 18 dwelling units. Based on the analysis in the staff report and in light of a recent Planning Commission decision, staff is interpreting this as a mandatory standard and the request is therefore subject to discretionary review.

Planner Johnson reviewed the applicable criteria and staff analysis related to the Major Lot Development Option. Staff concluded that the request is consistent with the applicable review criteria with one exception. LDC 2.12.30.06.a.11 states that a proposed development shall provide benefits within the development that compensate for the variations requested such that the intent of the development standard is still met. The applicant's stated intent is to construct two five-bedroom, five-bathroom dwelling units and there is a concern that the proposal could result in negative impacts to off-site parking availability. As compensating benefits, the applicant said that they were bringing the parcels up to the minimum density within the zone, that infill development is appropriate for this zone and location, that Grove Street contains 44 units, and that the addition of one unit would have negligible impacts. Staff asked the applicants to address the possible intent of the 18 dwelling unit limitation and compensating benefits such that the original intent was still met. Some of the things discussed were that the limitation could have been placed in consideration of excessive congestion on a local street with only one outlet, and that excessive curb cuts can create vehicle movement conflicts and contribute to inadequate on-street parking. The applicant responded that the level of service is acceptable, that there are only 14 curb cuts on Grove Street because there are a number of multi-family units, and that the applicant plans to provide two parking spaces per unit consistent with parking requirements. Staff found that the applicant didn't provide sufficient compensating benefits for the requested variance to the extent that the original intent of the standard has been met. Staff has identified a condition of approval that could be found to be acceptable as a means to mitigate potential offsite parking impacts by limiting the number of

bedrooms per unit (Condition 13). Staff recommends approval of the request subject to conditions of approval in the staff report.

Board member Sessions asked how long the subject street is. Planner Johnson said Grove Street is about 500 feet long and it does comply with the 600-foot limitation for cul-de-sacs.

Chair Gervais asked for staff's view of the applicant's proposed replacement Condition 13. Planner Johnson said that from the perspective of legal implementation and maintenance, a deed restriction for bedroom counts is easier to implement with building permits and would have a more reasonable expectation that it would be upheld. City Attorney Coulombe added that a lease agreement is only enforceable among the parties to the lease and would have no effect if the dwellings were owner-occupied. He had some concern whether the wording as proposed would be enforceable off the property.

Board member Woods asked if it is possible to restrict the occupancy of a building. Planning Manager Young said that even if a condition could be placed related to number of occupants, it would be very challenging to enforce. City Attorney Coulombe added that the dwellings could potentially be occupied by a large family which could raise constitutional issues associated with restricting the number of occupants.

Board member Woods asked how long the 18 dwelling unit limitation has been in effect. Planner Johnson said the provision has been in effect at least since the 1993 Code and it was brought into the 2006 Code with slightly revised language. Planning Manager Young said what is more recent is the Planning Commission's interpretation on Coronado Tract B that the limitation should be considered a mandatory standard. Brief discussion followed.

Board member Sessions said it has been contested as to whether the 18 dwelling unit limitation is a discretionary rule versus one that is binding, and he is concerned about making arbitrary decisions. City Attorney Coulombe said the decisions the Board makes with respect to whether there is sufficient compensating benefits for requested variances will vary from application to application based on the facts. That is not arbitrary; it is a discretionary decision based on whether the standards are met in each case. Planning Manager Young added that the Board should not feel bound by the previous decision which was a specific interpretation based on a specific application. In that context, the Planning Commission made a certain finding as to how the rule should be read and staff is using that to apply the Code in a clear and objective manner. This is a discretionary process, however, and the Board can consider circumstances or considerations specific to the subject request.

G. <u>Public Testimony in favor of the application</u>:

Jim Ruggeri said he has owned property on Grove Street since 2006. He has purchased and sold units at Oak Grove and currently owns bare land north of the subject site. He said he has discussed with staff three different development plans for his lot and at no time was the 18 dwelling unit limitation raised. He said there are multiple apartment complexes on the street and he hopes to have multiple units on his property. To apply this criteria as mandatory at this point is not fair. He encouraged the Board to not apply criteria from the previous application to this decision. He said the area is used by students and that is its highest and best use. He thinks the City should reconsider allowing tandem parking which would alleviate on-street parking. He asked that the Board find a way to help the applicants accomplish their request.

H. Public Testimony in opposition to the applicant's request: None.

I. Neutral testimony: None.

J. Rebuttal by Applicant:

Ross Leavitt said the replacement to Condition 13 is proposed not to address an observed problem with parking in the area but simply to address the requirement for a compensating benefit in exchange for the requested variation. The proposed compensating benefit is to limit the number of cars based on the lease. The applicants are willing to work with the City on ideas of how to maintain that restriction long-term. Limiting the number of cars students bring would not create a problem for residents based on his experience with other rentals in the area.

Board member Sessions asked if each tenant signs a lease. Mr. Leavitt said his existing houses are currently leased with one lease for the entire unit but it's possible that will be done differently in the future.

Board member Sessions asked why staff proposed the three-bedroom limitation. Planner Johnson said the proposal was based on precedent and on what one would expect to find in a single family detached development.

K. Sur-rebuttal: None.

L. Hold the record open:

There was no request for a continuance or to hold the record open.

The applicant reserved the right to submit additional written argument. Final argument will be submitted by February 11, 2015, 5:00 p.m. Deliberations will occur on February 18.

M. Close the public hearing:

MOTION: Board member Sessions moved to close the public hearing. Board member Woods seconded. The motion passed unanimously.

III. ADJOURNMENT: The meeting was adjourned at 6:55 p.m.

Staff-identified Applicable Land Development Code Criteria

900 SW Grove Street Lot Development Option and Minor Replat
LDO14-00007, MLP14-00008
Land Development Hearings Board

Chapter 2.12 – Lot Development Option

2.12.30.02 - Acceptance of Application

b. Major Lot Development Option -

1. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

2. After accepting a complete application, the Director shall schedule a public hearing to be held by the Land Development Hearings Board. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

3. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.12.30.03 - Determination of Lot Development Option Type –
The Director shall determine whether an application qualifies as a Minor or Major Lot Development Option, as described in "a," and "b," below.

a. Minor Lot Development Option - A Minor Lot Development is classified as General Development and shall be processed consistent with this chapter. A Lot Development Option shall be considered Minor if it:

1. Meets "c" - "e," below; and

2. Falls within the thresholds in "h," below.

b. Major Lot Development Option - A Major Lot Development Option is classified as Special Development and shall be processed consistent with this chapter. A Lot Development Option shall be considered Major if it:

1. Meets "c" - "e," below;

2. Exceeds the thresholds of a Minor Lot Development Option in "h," below; and

3. Falls within the thresholds in "i," below.

c. Unless otherwise stated in the following chapters, the Minor and Major Lot Development Option processes shall not be used to vary from the minimum and maximum density specified in each zone, standards in Chapter 2.11 - Floodplain Development Permit, 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.

d. Minor and Major Lot Development Option requests shall apply only to existing individual lots or parcels or to individual lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land Partition process. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined in this Chapter need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

e. Whether a Lot Development Option request is Minor or Major, no more than a total of three variations may occur within a two-year period on the subject property(ies) and its parent recorded Partition, Replat, or Subdivision plat (the development-wide provision applies only to plats recorded after January 1, 2000). If a single lot is involved, variations of up to three different development standards may occur. If a development site includes plans for multiple lots through a Minor Land Partition or Tentative Subdivision Plat, and multiple variations are needed, up to three lots may be involved in variations from the same development standard or different development standards.

f. Variations exceeding the thresholds described in "a" and "b," above, shall be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

g. Variations to Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option, except for variations allowed per LDC Section 4.0.60.o, which shall be processed as a Minor Lot Development Option.

i. Major Lot Development Option Thresholds -

1. Major Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that

exceed the Minor Lot Development Option thresholds in Section 2.12.30.03.g, above. The Major Lot Development Option process shall apply to all zones; and

2. A request to vary from the requirements of Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option, except for variations allowed per LDC Section 4.0.60.o, which shall be processed as a Minor Lot Development Option.

2.12.30.06 - Review Criteria

a. **Minor Lot Development Option** - With respect to the requested variation, a Minor Lot Development Option shall be reviewed to determine if the following criteria have been met:

1. The proposal is consistent with Section 2.12.30.03.a and Sections 2.12.30.03.c-e and "h;"

2. The land use for the proposed development is allowed in the underlying zone;

3. The proposed development falls within the minimum and maximum density requirements for the underlying zone;

4. All structures comply with Building and Fire Codes and Vision Clearance requirements established by the City Engineer;

5. The proposed development is not contrary to any other applicable policies and standards adopted by the City;

6. The proposed development does not substantially reduce the amount of privacy enjoyed by users of neighboring structures when compared to development located as specified by this Code;

7. The proposed development does not adversely affect existing physical and natural systems, such as traffic, drainage, dramatic land forms, or parks, nor adversely affect the solar access potential for abutting properties when compared to development located as specified in this Code;

8. Where architectural features are involved, the proposed development is compatible with the design character of existing structures on adjoining properties;

9. Where variations are proposed to Chapter 4.10 - Pedestrian Oriented Design Standards, the proposed development implements the purpose(s) of that chapter through inclusion of additional benefits to the pedestrian environment that compensate for the requested variations from development standards;

10. Preservation and/or protection of Significant Natural Features is achieved, 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 are also designed along contours, and structures are designed to fit the topography of the site to ensure compliance with these Code standards; and

11. The proposed development shall provide benefits within the development that compensate for the variations from development standards such that the intent of the development standards is still met.

c. **Major Lot Development Option** - A Major Lot Development Option shall be reviewed to ensure consistency with the policies and density requirements of the Comprehensive Plan, other applicable policies and standards adopted by the City Council, and the following criteria:

1. The proposal is consistent with Section 2.12.30.03.b, c, d, e, g, and i;

2. The proposal is consistent with "a.2" through "a.11," above; and

3. With respect to the requested variations, the application demonstrates compatibility in the following areas, as applicable:

   a) Basic site design (the organization of Uses on a site and the Uses' relationships to neighboring properties);

   b) Visual elements (scale, structural design and form, materials, etc.);

   c) Noise attenuation;

   d) Odors and emissions;

e) Lighting;

f) Signage;

g) Landscaping for buffering and screening;

h) Transportation facilities;

i) Traffic and off-site parking impacts;

j) Utility infrastructure;

k) Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

l) Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards; and

m) 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.

Chapter 2.14 – Partitions, Minor Replats, and Property Line Adjustments

2.14.30.05 - Review Criteria

Requests for approval of a Tentative Partition Plat shall be reviewed to ensure:

b. **Residential Partitions** - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:

1. Consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in the applicable underlying Zoning Designation standards in Article III of this Code; the development standards in Article IV of this Code; the standards of all acknowledged City Facility Master

Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-street Parking Standards;

2. The following criteria are met for Residential Partitions and the application demonstrates adherence to them:

   a) Approval will permit City services and access from a public street to be provided to property under the same ownership and on adjacent lands planned for urban densities;

   b) Consistency with the density requirements of the zone;

   c) 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;

   d) Land uses shall be those that are outright permitted by the existing underlying zoning designation;

   e) Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing Locally Significant Wetlands and/or Riparian Corridors that are subject to this Code's Wetlands and/or Riparian Corridor provisions in Chapter 4.13 - Riparian Corridor and Wetland Provisions; and

   f) For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, no Partition or Minor Replat shall create new lots or parcels

unless each new and remaining lot or parcel contains remaining lot or parcel contains:

1) An area unconstrained by Natural Resources or Natural Hazards;

2) An area that includes Formerly Constrained Areas; or

3) Contains an area that includes the areas in e.1) and e.2) above;

and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones is which the site falls. Exceptions to this requirement are:

4) Lots created for public park purposes; and

5) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space.

New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards. See also Section 4.11.30.

A Residential Partition that conforms to these criteria in "1," and "2," above, is considered to meet all of the compatibility standards in this Section and shall be approved. A Residential Partition that involves Uses subject to Plan Compatibility or Conditional Development review, or that involves a Zone Change, shall be the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.

Chapter 3.6 – Medium-high Density Residential (RS-12) Zone

Section 3.6.20 - PERMITTED USES

3.6.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. <u>Residential Use Types</u> -

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

g) Manufactured Dwelling Facility in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards

Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

Table 3.6-1

		Standard
a.	Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b.	Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c.	Minimum Lot Area	2,200 sq. ft. per dwelling unit
d.	Minimum Lot Width	25 ft.

Chapter 4.0 – Improvements Required With Development

Section 4.0.20 - TIMING OF IMPROVEMENTS

a. All improvements required by the standards in this Chapter shall be installed concurrently with development, as follows:

1. Where a Land Division is proposed, each proposed lot shall have required public and franchise utility improvements installed or secured prior to approval of the Final Plat, in accordance with the

provisions of Section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.

Section 4.0.30 - PEDESTRIAN REQUIREMENTS

a. Sidewalks shall be required along both sides of all streets, as follows:

1. Sidewalks on Local, Local Connector, and Cul-de-sac Streets - Sidewalks shall be a minimum of five ft. wide on Local, Local Connector, and Cul-de-sac Streets. The sidewalks shall be separated from curbs by a tree planting area that provides at least six ft. of separation between the sidewalk and curb, except that this separated tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions. This separated tree planting area shall also not be provided adjacent to sidewalks where they are allowed to be located within drainageway areas governed by regulations in Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

a. Traffic evaluations shall be required of all development proposals in accordance with the following:

1. All development site proposals shall provide an estimate of site generated trips based on ITE standards. A traffic impact analysis (TIA) is required for any proposal generating 30 or more peak hour trips to an intersection/access. If there are specific safety or capacity issues associated with a site, staff may request those be addressed, regardless of the number of site trips generated. The TIA shall include Level of Service (LOS) analyses for the impacted intersections. A proposed TIA scope with preliminary trip estimates and trips distribution shall be prepared by a registered professional engineer, and submitted to the City Engineer for review and approval based on established procedures. The applicant shall complete the evaluation consistent with the approved scope in accordance with accepted traffic engineering practices and present the results with the site development proposal.

2. If the TIA identifies safety issues or Level of Service (LOS) conditions less than the minimum standard established in the

Corvallis Transportation Plan, recommended improvements and funding strategies mitigating the problem shall be included in the TIA, and considered concurrently with a development proposal.

c. Although through-traffic movement on new Local Connector and Local Streets usually is discouraged, this may not be practical for particular neighborhoods. Local Connector or Local Street designations shall be applied in newly developing areas based on review of a street network plan and, in some cases, a traffic study provided with the development application. The decision regarding which of these designations will be applied is based on a number of factors, including density of development, anticipated traffic volumes, and the potential for through traffic.

Street network plans must provide for connectivity within the transportation system to the extent that, generally, both Local Connector and Local Streets will be created within a development. Identified traffic calming techniques, such as bulbed intersections, etc., can reduce traffic speeds and, where included, are to be constructed at the time of development. To further address traffic speeds and volumes on Local Connector and Local Streets, the following street designs, along with other designs intended to reduce traffic speeds and volumes, shall be considered:

1. Straight segments of Local Connector and Local Streets should be less than .25 mile in length, and include design features such as curves and T intersections.

2. Cul-de-sacs should not exceed 600 ft. nor serve more than 18 dwelling units.

3. Street designs that include traffic calming, where appropriate, are encouraged.

Section 4.0.70 - PUBLIC UTILITY REQUIREMENTS (OR INSTALLATIONS)

a. All development sites shall be provided with public water, sanitary sewer, storm drainage, and street lights.

b. Where necessary to serve property as specified in "a" above, required public utility installations shall be constructed concurrently with development.

c. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrently with development.

d. To provide for orderly development of adjacent properties, public utilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. All required public utility installations shall conform to the City's adopted facilities master plans.

f. Private on-site sanitary sewer and storm drainage facilities may be allowed, provided all the following conditions exist:

1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;

2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and

3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits are obtained from the Development Services Division prior to commencement of work.

g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance 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.

Section 4.0.90 - FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements that the City has with providers of electrical power, telecommunication, cable television, and natural gas services, hereafter referred to as Franchise Utilities.

a. Where a Land Division is proposed, the developer shall provide Franchise Utilities to the development site. Each lot in a Subdivision shall have an individual service available or secured prior to approval of the Final Plat, in accordance with Section 2.4.40 of Chapter 2.4 - Subdivisions and Major Replats.

b. Where necessary and in the judgment of the Director, Franchise Utilities shall be extended through the site to the edge of adjacent property(ies) to provide for orderly development of adjacent properties.

c. The developer shall have the option of choosing whether to provide natural gas or cable television service to the development site, provided that all of the following conditions exist:

1. Extension of Franchise Utilities through the site is not necessary for the future orderly development of adjacent property(ies);

2. The development site remains in one ownership and Land Division does not occur, with the exception of Land Divisions that may occur under the provisions of Section 4.0.60.d, above; and

3. The development is nonresidential.

d. Where a Land Division is not proposed, the site shall be provided with Franchise Utilities prior to occupancy of structures as required by this Section and in accordance with the provisions of Section 2.4.40.12 of Chapter 2.4 - Subdivisions and Major Replats.

e. All Franchise Utility distribution facilities installed to serve new development shall be placed underground except as provided below.

1. Poles for traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts; and

2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

f. The developer shall be responsible for making necessary arrangements with Franchise Utility providers for provision of plans, timing of installation, and payment for services installed. Plans for Franchise Utility installations and plans for public improvements shall be submitted together to facilitate review by the City Engineer.

g. Natural Hazards, Minimum Assured Development Area (MADA), and Natural Resources shall be addressed in accordance 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.

Section 4.0.100 - LAND FOR PUBLIC PURPOSES

a. Easements for public sanitary sewer, water, storm drain, streetlight, transit, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.

b. Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations. In areas where such a utility easement is not compatible with the existing development pattern, the Director may require that the utility easement be placed in an alternate location, as recommended by the City Engineer and affected utility companies.

e. Where street, trail, utility, or other rights-of-way and/or easements in or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.

f. Easements or dedications required in conjunction with Land Divisions shall be recorded on the Final Plat. For developments not involving a Land Division, easements and/or dedications shall be recorded on standard forms provided by the City Engineer.

g. Environmental assessments shall be provided by the developer (grantor) for all lands to be dedicated to the public or City. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands, in accordance with the following:

1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of this information, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. If further site

investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor, as described in "2," below.

2. Level I Environmental Assessments shall include data collection, site reconnaissance, and report preparation. Data collection shall include review of Oregon Department of Environmental Quality records, City and County fire department records, interviews with agency personnel regarding citations or enforcement actions issued for the site or surrounding sites that may impact the site, review of available historic aerial photographs and maps, interviews with current and available past owners of the site, and other data as appropriate.

   Site reconnaissance shall include a walking reconnaissance of the site to check for physical evidence of potentially hazardous materials that may impact the site. Report preparation shall summarize data collection and site reconnaissance, assess existing and future potential for contamination of the site with hazardous materials, and recommend additional testing if there are indications of potential site contamination. Level I Environmental Assessment reports shall be signed by a registered professional engineer.

3. If a Level I Environmental Assessment concludes that additional environmental studies or site remediation are needed, no construction permits shall be issued until those studies are submitted and any required remediation is completed by the developer and/or owner. Additional environmental studies and/or required remediation shall be at the sole expense of the developer and/or owner. The City reserves the right to refuse acceptance of land identified for dedication to public purposes if risk of liability from previous contamination is found.

Chapter 4.1 – Parking, Loading, and Access Requirements

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

a. Residential Uses Per Building Type -

1. <u>Single Detached and Manufactured Homes</u> -

   a) <u>Vehicles</u> - Two spaces per dwelling unit.

b) Bicycles - None required.

Section 4.1.40. b. Access to Unimproved Streets

1. Development may occur without access to a street built to City standards when that development constitutes infill on an existing substandard public street. A condition of development shall be to prepay the City for future street improvements according to current policies and procedures. This shall be required with approval of any of the following applications:

   a) Land Divisions;

   b) Conditional Developments;

   c) Building Permits for new nonresidential construction or structural additions to nonresidential structures, except Accessory Development; and/or

   d) Building Permits for new residential units.

2. The City Engineer may allow the developer to sign an irrevocable petition for public street improvements in lieu of prepayment if it is determined that:

   a) Existing development along a particular street corridor is so extensive that the ability to fund a future street improvement project through the collection of additional prepayment fees is limited; or

   b) Future improvement scenarios are uncertain to the extent that an estimate for street improvements cannot be generated with any degree of confidence.

Chapter 4.2 – Landscaping, Buffering, Screening, and Lighting

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE

a. Tree Plantings -

Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

1. Street Trees -

a) Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "d," below;

Table 4.2-1 - Street Trees

Medium-canopy trees: trees that normally reach 30-50 ft. in height within 30 years	-	Maximum 30 ft. on-center spacing
Large-canopy trees: trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	-	Maximum 50 ft. on-center spacing

Chapter 4.4 – Land Division Standards

4.4.20.03 - Lot Requirements

a. **Size and Shape** - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and depth shall generally not exceed 2.5 times the average width. Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.

b. **Access** - Each lot shall abut a street (not an alley) for a distance of at least 25 ft. unless it complies with the exceptions listed in "1," "2," or "3," below:

1. Exception 1 - On a lot or parcel zoned RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) and existing prior to December 31, 2006, the Minor Land Partition or Minor Replat process may be used to create flag lots that comply with all of the criteria in "a-d,"

a. Each resulting lot or parcel contains an area equal to no more than 175 percent of the zone's minimum lot size for a Single-family Detached dwelling;

b. The primary building entrance is located within 100 ft. of the lot's (or parcel's) accessway;

c. A street is not required through any part of the site per other requirements of this Code, such as the Block Perimeter standards in Section 4.0.60.n; and

d. The Access Way is consistent with Section 4.4.30.01, below.

d. **Lot Side Lines** - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.

e. **Lot Grading** - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.

h. **Minimum Assured Development Area** - For property with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, lots created through a Subdivision, Partition, or Property Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA).

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

Approved as submitted, February 18, 2015

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
JANUARY 21, 2015

Present
Jennifer Gervais, *Chair*
Jasmin Woodside, *Vice Chair*
Kent Daniels
James Feldmann
Roger Lizut
Jim Ridlington
G. Tucker Selko
Ronald Sessions
Paul Woods

Absent
Penny York, *Council Liaison*

Staff
Kevin Young, Planning Division Manager
Amber Bell, Assistant Planner
Matt Grassel, Engineering
Aaron Manley, Engineering
David Coulombe, Deputy City Attorney
Mark Lindgren, Recorder

Visitors
Lyle Hutchens
Teresa Bishow

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			None.
II.	Public Hearing – Coronado "Tract B" (PLD14-00005)			The public hearing was closed. There was a request to hold the public record open for written testimony until January 28, 2015. Deliberations will be held February 4, 2015.
III.	Approval of Minutes January 7, 2015			January 7, 2015 minutes were approved as presented.
IV.	Old Business			Discussion of appointments. Commissioner Feldmann announced his resignation; his last meeting will be March 4, 2015.
VI.	New Business			None.
VII.	Adjournment			Meeting adjourned at 11:02 p.m.

Attachments to the January 21, 2015 minutes:

A. Memo Re: Coronado Tract B (PLD14-00005) Additional Written Testimony, submitted by Assistant Planner Amber Bell.
B. Memo Re: Coronado Tract B (PLD14-00005) Additional Materials, submitted by Assistant Planner Amber Bell.
C. Supplemental handouts, *Applicant's Recommended Motion and Supplemental Findings*, were distributed by the applicant's.

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Jennifer Gervais at 7:00 p.m. in the OSU LaSells Stewart Center, Construction and Engineering Hall, 875 SW 26th Street.

I. VISITOR'S PROPOSITIONS: There were no propositions brought forward.

II. PUBLIC HEARING – CORONADO "TRACT B" (PLD14-00005):

A. Opening and Procedures:

The Chair welcomed citizens and reviewed the public hearing procedures. Staff will present an overview followed by the applicant's presentation. There will be a staff report and public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Commission may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room.

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence.

She noted that there had been a request to hold the record open for an additional seven days to submit additional written evidence, so Commission deliberations will not take place until its February 4, 2015 meeting. Requests for allowing the record to remain open should be included within a person's testimony. She added that there were also requests for a month-long continuance, which allows for submission of additional testimony to address documents or evidence in favor of the application.

Planner Young explained that a continuance is typically needed if new information is introduced at a public hearing and there has not been an opportunity for the public to receive that new information. He noted that the State of Oregon's "120-Day Rule" requires the City issue a final decision at a local level within 120 days. The 120-day window can accommodate up to two

Commission meetings and three City Council meetings under the current schedule. However, if the hearing were to be continued, it's likely the application would be outside that 120-day window. Under State law, if the City is unable to issue a final decision within that period, the applicant may seek a writ of mandamus in Civil Court, and the applicant's proposal is automatically approved and is not subject to any Conditions of Approval. Chair Gervais added that the Commission has the discretion whether or not to honor a continuance, whereas a request to hold the record open is automatic, and will be granted. She said the Commission sought to avoid exceeding the 120-day window on the application, since if it did, the City would then lose any ability to modify or deny it.

Chair Gervais stated that in this case, the 120-day period began from the day the application was deemed complete (December 11, 2014; calculated in calendar days). She said the Planning Commission considers whether to grant a continuance following sur-rebuttal. The record will be held open.

Chair Gervais opened the public hearing.

B. Declarations of Conflicts of Interest, Ex Parte Contacts, Site visits, or Objections on Jurisdictional Grounds

1. Conflicts of Interest. None declared.
2. Ex Parte Contacts. None declared. There were no rebuttals of declarations.
3. Site Visits. Commissioners Selko, Sessions, Woodside, Ridlington, and Lizut declared site visits. Commissioners Feldmann, Gervais and Daniels stated that they'd visited the site in 2013.
4. Objections on Jurisdictional Grounds. No objections were made.

C. Staff Overview:

Planner Amber Bell said the proposal was for a Major Planned Development Modification for a ten-unit apartment within Tract B within the Coronado Subdivision, also identified as Tax Lot 6400 on the Benton County Assessors Map 11-5-23 AD. The Planned Development proposed to be modified was approved in 1981, consisting of a conceptual and detailed development plan. The Comprehensive Plan designation of the site is Medium Density Residential, applied in 1981 in CPA-81-4. In a Comprehensive Plan amendment in 2000, the northern portion of the site was amended to Medium-High Density Residential. Tract B is Medium Density Residential. There is also a small portion of the site that the Comprehensive Plan designated as Low Density Residential.

The zoning of Tract B is primarily Medium-High Density Residential, RS-12, with a small portion near the NW Mirador Place cul-de-sac zoned RS-5. The site includes Natural Hazards, with Steep Slopes (defined as being greater than 10%) in the 10-15% and 15-25% range.

The site's Land Use history dates to the 1967 annexation, and was part of the 1968 Elks Addition subdivision plat. In 1981, a Comprehensive Plan amendment designated the site as Residential Medium Density, and a District change changed the zoning of the site from RS-3.5 to RS-12, with a Planned Development Overlay. Also, a conceptual and detailed plan was approved for the site. The conceptual plan for an additional number of units expired, as they were not constructed. A minor partition in 1992 created Parcel 2, which the subject site was part of. In 2000, the Comprehensive Plan Amendment required by periodic review modified the plan designation for the northern portion of the Planned Development, now known as The Regent. In 2005, there was a subdivision plat approved for the 57 lots of the Coronado subdivision, which also created the

subject site, Tract B. In 2007, a major Planned Development Modification approved additional parking and emergency-only access for the Regent site.

Planner Bell displayed the detailed Development Plan approved in 1981. Its Conditions of Approval included Condition #12, requiring the Regent building be set back from the southern property line no less than 135'. She displayed the 2005 Coronado Subdivision, with the Tract B site, created as part of that subdivision. She displayed additional parking and emergency-only access approved in the 2007 Major Planned Development modification, with bollards blocking access to the cul-de-sac from the Regent parking lot.

The current proposal is for ten 2-bedroom units, with twenty vehicle parking spaces and 16 bike parking spaces, both inside and outside the building. The plan includes a network of pedestrian walkways around the building and connecting to the public right-of-way through an easement. The proposal includes landscaping; a refuse enclosure on the northeastern portion for garbage and recycling; a garbage truck and fire lane access on the northern portion of the site; and preserving significant trees (exceeding greater than 8" in diameter at four feet above existing grade).

There have been requests for a continuation hearing and to hold the written record open for seven days. She said copies of testimony submitted until noon on January 13 was part of the packet; testimony received after that point until 5 p.m. today was included in a separate packet, and was sent in a memo to Commissioners, and was available in the lobby. **(Attachment A)**

D. Legal Declaration:

Deputy Attorney David Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they believe are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Teresa Bishow introduced Lyle Hutchens of Devco Engineering, and highlighted supplemental handouts being distributed. **(Attachment C)** One was a letter of January 16, 2015 regarding the use of a trash compactor rather than a dumpster, as well as the applicants' recommended motion and supplemental findings, and an outline of the applicants' response to staff's Conditions of Approval.

Outlining the history of Tract B, she noted that in 1981 there was a Plan designation to change the property from Low Density Residential to Medium Density, along with a concurrent zoning change to the PD RS-12. The Regent Retirement Residence also got conceptual and detailed development plan approval. The boundary of that approval was based on their leased area (it did not encompass the entire legal lot). In 1992 a land partition excluded the area now referred to as Tract B, allowing Regent parcels to be in separate ownerships. In 2000, as part of the Comprehensive Plan update, the City Council re-approved and re-confirmed the Medium

Density designation for Tract B and retained the PD RS-12 zoning. Five years later, the Satinwood (now Coronado) Subdivision created Tract B as a standalone, separate legal lot. She displayed an aerial photo (probably taken around 1992) of the area referred to as the Elks property, including The Regent, showing the approximate boundary of the Regent lease area, which does not encompass the area of Tract B. She displayed a line drawing of the 1992 minor partition, highlighting the southern boundary of what was the formerly the lease boundary for the Regent. She noted that tax lot 200 was one large parcel, without a distinct separate area known as Tract B.

She said that during review of the Comprehensive Plan, the City Council did a thorough detailed examination of planning and zoning and made a number of changes to the Plan and the Plan designation in the vicinity. In looking at the land north of Tract B, the Council changed the Plan to reflect the development, and designated it for Medium-High Density. The Council did not change the planning or zoning for the subject property, and a site was maintained for Medium Density Residential use. She displayed adjacent lower-density residential land that later became the Coronado subdivision.

When a City adopts a Comprehensive Plan, there is an extensive analysis of vacant lands within the City suitable for development. The subject property was listed in the Corvallis Vacant Lands Study. The Buildable Land Inventory shows the subject property; it was listed as buildable land. The State of Oregon, through its periodic review of City land use and regulations, acknowledged that the tract was buildable land planned and zoned for Medium Density Residential.

In 2005, a subdivision was submitted for the large tract remaining of the Elks property. The 1996 LDC in effect at the time did not include the term “tract”. When the “flag” lot was created, the decision-making body had the ability to configure the property differently, but essentially acknowledged that Tract B was unique, with Medium Density planning and zoning, and it was given its own legal lot. A flag lot like this would probably not be created as such in today’s code for Medium Density Development, but this application is not for subdivision or plat review, it is for Planned Development approval. She noted that meeting standards such as Maximum Building Setback were difficult to meet when the property is already set back so far from the street in a flag lot configuration, but that standard was not in effect in 1995, so it is not applicable.

The Coronado Subdivision findings for Tract B found that it contained the entire area of tax lot 200 that is zoned PD RS-12; it references it as a tract, since it wasn’t clear how future development would occur, but acknowledges that all area with similar zoning was put in a lot named Tract B. A conversion plan is not required. The subdivision finding stated that it was the only large lot created and subject to Planned Development review. At the time of subdivision, it was planned and zoned for Medium Density, and that a future development proposal would come forward, with another opportunity for public review and evaluation of the development through the detailed development plan approval. The subdivision required extension of water and sewer lines to serve future development of Tract B at the Medium Density level.

She displayed an illustration of the site plan, saying that while this site plan appeared similar to the previous proposal, the applicant sought to address all issues raised at the previous hearing, and that there were a number of refinements. When the property is constrained like this, there are limited options in siting and other elements. It is still a ten-unit apartment building, which is the minimum number of units that achieve the minimum density required by zoning, but do not go over the maximum number allowed in the Plan designation.

She stated that the staff report for the previous application recommended approval. This time, staff raised a number of issues, and she said she would address them. Regarding whether a tract is a developable site, the major modification proposal implements the Comprehensive Plan. The Coronado subdivision required the extension of public infrastructure, such as water and sewer lines, and it is a legally created lot, and it was on the Buildable Lands Inventory intended for residential development (not park and open space), as part of what was needed to fulfill projected growth figures.

She stated that Tract B allows applicants to develop according to the standards in effect at the time it was platted. The code guarantees that uses allowed in zoning can be developed. This is a case of where the use is a permitted use; the issue whether it is complying with clear and objective standards.

She highlighted the issue of the cul-de-sac in terms of the LDC language under Public and Private Streets. In a subdivision application that requires submission of a street network plan, the applicant must demonstrate that it meets public and private street standards, such as provisions regarding a cul-de-sac. However, this is not something under review at this time in the process; the street and cul-de-sac are already built, and are not being extended or closed or reduced in size or design. She said that in this case, the applicant is going through a planned development process. The subdivision is when the length of the cul-de-sac was evaluated and determined to be acceptable, compliant with the code, and access to Tract B provided.

The applicant is seeking approval through the Needed Housing statutes. Codes often contain discretionary criterion, such as compatibility. However, in this case, since the applicant is going through a Needed Housing application, they are required to meet all clear and objective standards, but the City can't require compliance with a standard where there is discretion or ambiguity, where there are words like "should" or "are encouraged". The State enacted Needed Housing in order to ensure Cities don't block needed housing from being developed for all income types.

She noted the application was innovative in changing the use of dumpsters to a trash compaction system.

Commissioner Gervais asked if there were any other compensating benefits to offer for the cul-de-sac rule apart from needed housing. Ms. Bishow replied the largest benefit was implementing Corvallis' vision in its general Plan for housing to be built on land intended for it. The primary public benefit is providing additional housing choices for people in the community, at the lowest level of density allowed at RS-12.

Commissioner Woodside asked about applicant responses regarding developability of the site in regard to staff report findings on ZDC05-00009, and specifically staff report findings at pages 5, 27. Ms. Bishow replied the applicant was referencing the staff report for the subdivision; they will make sure that is entered into the record. Commissioner Woodside said she would like to see them.

Commissioner Woodside said there were several Conditions of Approval in regard to Tracts A, B, and C, and asked about Tracts A and C. Ms. Bishow replied Tract A was permanent open space and stormwater detention. Tract C was originally open space, and was included in the Regent parking area expansion. Mr. Hutchens added that Tract C is now partially parking for the Regent and the remainder is included in an adjacent lot to the west. Commissioner Woodside asked if the tracts were served with sewer and water. Mr. Hutchens replied that they were not;

Tract A was mostly used for a stormwater detention pond; and Tract C was configured with an access easement to private property.

Commissioner Feldmann asked about the differences between the two applications; Mr. Hutchens replied that two main differences were relocating the trash enclosure to the northeast corner of the site and an additional parking space to meet new parking standards in the LDC. The building elevations and other details are basically the same, other than a carport to cover ten parking spaces on the southern boundary.

Commissioner Feldmann asked why the proposed parking was on the south and not the north side. Mr. Hutchens replied that it was on the north side in order to get adequate fire access, and with a multilevel apartment building, in order to provide the minimum number of units, that pushed parking to the rear of the building in order to meet Pedestrian Oriented Design Standard (PODS) requirements.

Commissioner Feldmann asked about compensating benefits of removal of two significant trees described on page 24 of the staff report; Mr. Hutchens replied that it is the ability to develop the property to the planned density. Commissioner Feldmann asked whether the proposal's modification to haul garbage to the street would be adequate in regards to the width of the sidewalk, the slope, and the weight. Mr. Hutchens replied that the wheeled dumpster was a two-yards and about 4' wide, and maintenance staff will wheel the trash out on a weekly basis. Commissioner Feldmann asked if the proposed lighting was changed from the 2013 application, and was shielded from neighboring properties; Mr. Hutchens replied that that was correct, through the permitting process they are required to submit photo metric plans.

Commissioner Daniels asked about compensating benefits for the requested variances; the only one cited in the report is that it makes the land developable. Ms. Bishow replied that the need for variances was eliminated. The site plan was modified in a number of ways to ensure the project complied with the standards. For example, to meet the previous concern about the distance from the front entrance of the apartment to the street, the building was redesigned with an interior corridor and an entrance closer to the street to comply with standards. The cul-de-sac standard is not applicable due to the Needed Housing provision, so there is no need for a compensating benefit for that standard.

She clarified that the applicants now believed that they didn't need variances, though the proposal contained evidence and findings for why they should be granted. Mr. Hutchens added that the variance request was included since it was an aspect of the present LDC, but based on the 2005 subdivision approval, the variances are not required. Ms. Bishow gave the example that in Medium Density Residential areas, you want a building close to the street to provide a pedestrian oriented environment and promote walkability, but those standards weren't in effect when the Tract B lot was created. If it *is* deemed to be applicable, then a modification should be granted since the building physically cannot be brought within the maximum required setback, and the project should be approved under the Needed Housing provision.

Commissioner Gervais asked who initially designed the subdivision; Ms. Bishow replied that it was the previous owner. Commissioner Gervais stated that it was her understanding that the cul-de-sac standards were in place in 2005 and were unchanged; Mr. Hutchens replied that the standards were the same.

Commissioner Daniels asked about the interpretation of the word "should". Ms. Bishow replied that the word "should" inherently provides discretion; it is different from "shall" and "will" and

is essentially up for interpretation on when to apply it. It is aspirational. She noted that the time to look at the standard for the cul-de-sac was when the public street was created and the lots being developed. You can't apply a later standard when an applicant comes in to develop a lot. If staff had informed the applicant of the need to submit a street network plan, then that application would have triggered those standards, but this did not; this is not the right time to consider it during the development process.

Commissioner Sessions asked when the actual Tract B was split from the Regent. Mr. Hutchens answered that the northerly property line of what is now known as Tract B was created with the 1992 minor land partition that created the Regent parcel. At that point, the northerly, easterly, and southerly property line of Tract B existed; the westerly property line of Tract B and the pole portion of the flag lot were created in the 2005 subdivision plan. Commissioner Sessions asked if that was after the development of the Regent; Mr. Hutchens confirmed that that was so.

F. Staff Report:

Planner Amber Bell stated that given the presence of the Planned Development overlay, any proposal of development within Tract B would require a Planned Development Modification process. Whether that process is a Minor review process or a Major review process (which requires a public hearing) depends on whether the proposal exceeds thresholds in the modification to the Planned Development. In this case, several thresholds have been exceeded, so a Major Planned Development Modification is required. She highlighted compatibility factors and criteria that must be considered, including compensating benefits for requested variations, and the Planned Development Modification is also subject to policy and density requirements of the Comprehensive Plan and any other Council policies.

The site Comprehensive Plan designation is Medium Density, which allots 6-12 dwelling units per acre, and the northwest corner portion of the site has a Comprehensive Plan designation of Low Density, for 2-6 units per acre. Based on the size of Tract B, and the size of Comprehensive Plan designations, staff found that five to ten dwelling units would be permitted according to the Comprehensive Plan designation. The applicant proposed ten units, within that range.

Regarding the intentional discrepancy between the zoning and the Comprehensive Plan, the site zoning is PD RS-12, with a portion in the northwest corner at RS-5. Based on the size of the site and zoning designations, the zoning would allow nine to sixteen dwelling units on the site; the proposed ten units falls within that range.

The application includes two requests for variations, and compensating benefits are required for those requests. The first requested variation is to the maximum front yard setback of 25', in Section 3.6.30.e.1, with a proposal to locate the building within 90.8' from the site frontage at Mirador Place. Staff found a compensating benefit provided is an additional buffer from locating the building further from lower density residential areas to the west. In addition, the application includes a request to vary from a Pedestrian Oriented Design Standard (PODS) that requires that 40% of the site frontage be occupied by buildings within that maximum setback area; staff found that a compensating benefit was an additional buffer between the building and lower density residential areas.

One applicable compatibility criterion is Basic Site Design, which looks at organization of uses on the site, and how they relate to surrounding uses and properties. She displayed the site plan submitted December 11, 2014, and noted that the applicant provided a revised site plan on January 16, 2015. **(Attachment B)** Staff focused evaluation on the site plan submitted December

11, but will address the revised site plan later in the presentation. That site plan includes a system of sidewalks; parking at the rear of the site, consistent with PODS, with the 5' wide required buffering around parking along the western and southern site portions; green area exceeds the 30% requirement (48% is proposed); bike parking meets minimum requirements of 15 spaces; and approximate setbacks are 25' to the north property line, 40' to the west, 56.5' to the south, and 72.8' to the east, all exceeding minimum setback RS-12 zone requirements for side and rear yard setbacks.

The refuse collection is proposed for the northeastern portion of the site, with various issues noted in the staff report. Concerns include whether or not the access is needed for garbage and recycling collection; if so, a minimum 20' width driveway would be required, as per Off-Street Parking and Access Standards. Also, a 5' landscaped buffer would be required between that driveway and the north property line to provide buffering from the vehicle maneuvering areas. A 6" raised curb would be needed to meet PODS for sidewalks parallel to vehicle circulation areas and a portion of the sidewalk which appears to be 4' in width would need to be increased to 5'. A sidewalk connection provided in an easement would connect to public right-of-way, but it wouldn't exactly align with the proposed sidewalk and that would need to be addressed.

The second compatibility criterion is Visual Elements, including Scale, Structure, Design, Form, and Materials. Staff found the proposed architectural features and materials were compatible with surrounding residential areas. Accessory structures, including the carport, are required to comply with LDC Chapter 4.3; Conditions of Approval ensure compliance with those standards. Staff found that the height of the building was consistent with the 35' maximum height requirement in the zone; when measured to the mid-point of the roof, it is generally a maximum of 30' in height, consistent with the lower residential areas surrounding the site.

Staff found the proposal was complied with the Noise Attenuation criterion as Conditioned; noise impacts are expected to be similar to other residential areas, with more concentrated impacts, given the higher density. Setbacks to the east, south and west exceed the minimum requirements and so should help provide additional abatement of noise impacts. Staff found the proposal complied with the Odor and Emissions criterion, and should be typical of a residential development. The application states that exterior light will be shielded so as not to produce glare onto adjacent properties; Section 4.2.80 would apply to proposed exterior lighting; and Condition #3 would ensure compliance, so staff found the proposal was consistent with the Lighting criterion.

The applicant states that any future signs will comply with LDC Chapter 4.7. An additional Condition of Approval of the 1981 Planned Development requires that any proposals for signs be presented and approved by the Planning Commission. Staff recommended a new Condition of Approval that would modify the previous Condition.

Regarding the Landscaping for Buffering and Screening criterion, the site contains existing significant trees (with diameters greater than 8"). Protection of the trees are potentially required as per a Condition of Approval of the 2005 subdivision, and since Chapter 4.2 states that significant vegetation should be preserved to the extent practicable. Thirteen trees were required to be preserved within Coronado subdivision. Staff found that two of those trees were located within the southwestern corner of Tract B, identified as Trees #100 and #101 in the Arborist's Report provided by the applicant. Two additional trees were labeled in the Coronado subdivision as Trees #14 and #15 (#119 and #122 in the current Arborist's Report). Staff identified the issue as somewhat discretionary to the Commission in the Planned Development Modification process, as it would appear to be a discrepancy.

The applicant provided a conceptual landscape plan on December 11, 2014. The standard requires that shade canopy trees be located along driveways to a parking lot spaced every 40 linear feet. The proposal currently does not comply with that standard, so staff included a potential Condition of Approval to ensure compliance with this, and with this, LDC 4.2.30.a is satisfied.

Where vehicle maneuvering and parking areas abut adjacent properties, a 5' landscaping buffer is required; this is provided on western and southern property lines. If the northern road is interpreted as being required for garbage and recycling services, then staff would look at that as a vehicle maneuvering area requiring a 5' landscaping buffer.

Regarding Transportation Facilities, the proposal would result in 6 trips per peak hour (both a.m. and p.m.) and 66.5 daily trips. Adding that to the existing development in the Mirador Place cul-de-sac, that would result in an estimated average of 229 daily trips from the cul-de-sac. This would be within the range anticipated for a local street, and below the 300 vehicles per day threshold of Council policy requiring traffic calming. However, LDC Section 4.0.60.c states that basic cul-de-sacs should not exceed 600' nor serve more than 18 dwelling units. Staff found that with an addition of ten units, the cul-de-sac would serve as many as 27 dwelling units. Considering the 2012 Commission decision that the cul-de-sac was a mandatory standard in this case, staff found that this land development standard was not satisfied.

Regarding traffic and off-site parking impacts, 20 parking spaces are proposed, meeting the maximum allowed for the site, and exceeding the minimum, and includes one ADA accessible space. Staff reviewed the proposed ITE dimensions and found that ITE dimensions would be acceptable. However, the retaining wall appears to encroach into parking space #1, so it must either meet City or ITE standards to comply with the full city standard and the ADA space would need to meet the City's standard. Regarding the 20' width required for the northern driveway, if it is needed for garbage and recycling collection services, it does not meet the criterion.

Regarding Utility Infrastructure, many of the utilities are existing at the northwest corner of the site. The applicant proposes water services, a new fire hydrant, a sanitary lift station, and stormwater detention and water quality facilities. Condition #8 also ensures compliance for storm water, and with that, meets the criterion.

Regarding effects on air and water quality, Condition #8 ensures compliance with stormwater requirements and will provide for water quality facilities within the site. The development is anticipated to be consistent with other residential developments in terms of effects on air and water quality and staff found the criterion was satisfied as conditioned.

Staff found the proposal complied with all Pedestrian Oriented Design Standards (PODS) for apartment buildings except the standard requiring 5' in width for sidewalks, since portions of sidewalks on north and south of the building are a substandard width. Where sidewalks are parallel to vehicular maneuvering areas, there would need to be the required landscape buffering or curb. On the southern side of the building, a 6" raised curb and 5' landscape buffering would be required, so Conditions of Approval #7 and #18 would ensure compliance with these issues.

Regarding Natural Features, there are no Natural Resources on the site. The site contains mapped Natural Hazards consisting of Steep Slopes. The application shows the percentage of slopes that exceed 10% grade, but the 72% proposed does not exceed the 75% maximum for gradable area allowed within steep slopes. The applicant submitted a cut and fill plan for grading that does not exceed the 8' maximum and so staff found the criterion was satisfied.

Regarding previous Conditions of Approval, the most applicable may be the 1981 Planned Development Condition #12 regarding building setbacks to the southern property line, requiring that the building be located no closer than 135' from the southern property line. If the proposal was approved, it would effectively modify that Condition. Staff provided an optional Condition of Approval that could be adopted to modify the Condition.

There is also a requirement that thirteen trees be preserved within the Coronado subdivision. Staff found that Trees #100 and #101 on the tree preservation plan of the current proposal would need to be preserved, and the applicant proposes to preserve them.

Additional information was received from the applicant on January 16, 2015 indicating that the driveway on the north side would not needed for vehicular maneuvering, since the garbage or recycling collection trucks would not need to access the refuse enclosure. **(Attachment B)** Based on that, a revised site plan was provided, showing a trash compactor and recycling carts. Staff noted this appears to be moving closer to compliance with those various issues on the northern side of the property, but haven't been able to fully evaluate compliance with all LDC standards.

Based on findings in the staff report that the proposal does not comply with the cul-de-sac standard in Section 4.0.60.c; the off-street parking width and access standards requiring a 20' wide driveway for vehicle maneuvering areas on the north side of the property; Section 4.2.40.a, requiring a 5' buffer between parking lot areas and adjacent properties; and POD standards requiring 5' wide sidewalks and landscape buffering and 6" raised curb; staff recommended denial of the application. Staff also provided potential Conditions of Approval to ensure compliance with the standards except for the Section 4.0.60.c cul-de-sac standard.

Commissioner Sessions highlighted the retaining wall on the southern boundary and the landscaping in that area, saying that he understood from the grading plan that the area along the retaining wall would be higher than the parking area. Highlighting section F, he said that a fence should be above that retaining wall and continue through to where the existing grade was lower. He expressed concern about screening, citing the possibility of headlights shining onto the adjacent property, saying that fence would help, and landscaping calls for trees six to eight feet in height. Along eastern boundaries of the parking area, the proposed trees would be considerably below the retaining wall; he said he assumed that some fencing was planned for the area, and that a possible Condition could be increasing the height of landscaping along there. Planner Bell said a potential Condition would require the fence to be located along the top of the retaining wall from Hardened Space #1 to #17, and be a minimum of 4' from the finished surface of the parking lot and be opaque; the applicant shows a fence on top of the retaining wall that is 6' tall. Commissioner Sessions said it needed to be more substantial than that.

Commissioner Lizut read from Mr. Hutchen's January 14, 2015 letter, "The applicant is requesting that the accompanying RS-12 District Standard from the 1998 amended City of Corvallis LDC be included in the record of the subject application…This standard documents that there were no maximum front yard or side yard setbacks in the RS-12 zone at the time Tract B was approved as a lot in the Coronado subdivision". He asked staff if Mr. Hutchens was correct in his assertion regarding setbacks. Planner Young replied that he'd prefer that staff give a definitive answer to the question before deliberations at the next meeting. Commissioner Session said there isn't clear coherence between the application and statements made by the applicant and the City. Commissioner Sessions added that he'd also like staff to research the definition of cul-de-sac, and whether it was placed in the Code before the Coronado subdivision was approved.

Commissioner Feldmann said that the staff report stated at one point that the term "should" did not equal mandatory, but elsewhere that "a cul-de-sac should not exceed eighteen units", saying the definition appeared to change during the presentation. Planner Bell said that the staff finding regarding the cul-de-sac standard was informed by the Commission's decision in the previous application, PLD12-00005, in which it decided that the cul-de-sac standard was mandatory in that case. Based on that decision, staff found the standard would apply, and this proposal does not comply with that standard.

Commissioner Daniels asked about the word "should" in the LDC Definitions under 1.6.2.c, he related that the word "shall" is mandatory and "may" is permissive. He found that under Merriam's Dictionary, Seventh Edition, the word "should" is the past tense of "shall", and the word "might" is the past tense of "may". He felt the word "should" did not mean that something was optional. Planner Young replied that the term "should" is defined in LDC Chapter 1.6.30, Definitions- Specific Words and Terms on page 49, as "expressing what is desired, but not mandatory". Commissioner Daniels said there is conflict in the interpretation of the meaning, and it needed discussion.

Commissioner Woodside asked about testimony that there was an application, PLD-00012, that was removed, and asked about Code on re-application following denial. Planner Young replied that Code language essentially states that for land use applications that are denied, if an applicant wishes to propose development on the same property within one year, then the Community Development Director can look at that application, and if it is determined that that application is similar enough to the prior application that was denied, then the Director may state that it will not be considered. Staff evaluated an earlier iteration within the one-year span of the Planning Commission's denial; the Director recused himself since he lives in the area, and so Planner Young evaluated it, and determined that it was too similar to what the Commission had already seen, and so staff did not accept that application. This application came in after that one-year period.

G. Public Testimony in favor of the application: None.

H. Public Testimony in opposition of the application:

Josh Hall stated he lived on a property directly east of the site. When he purchased his property in 2001 his realtor told him that the Regent's setback would not allow development. He was never informed of that change in setback, and should have gotten proper notice of the change. The proposed development would tower over his lot, and there would be no way to avoid the lighting shining down into his windows, and no way to avoid invasion of privacy, especially given his large windows.

Pamela Hawks stated she was speaking on behalf of the Regent contingent present and read highlights from a petition statement signed by most of the building's residents. They were concerned with lighting, which would beam directly onto the building. They were also concerned regarding noise, especially from automotive trips, since Regent residents go to bed earlier, and with possible noise from the trash compactor. She said it didn't make sense to put so many apartments at the end of a cul-de-sac on a steep hill. The residents asked for consideration of existing neighbors.

Ted Kent stated that the proposed development would impact the privacy of Regent residents and since there is no playground, children living at the Regency would likely trespass on Regent property.

Vanessa Blackstone said it appears that part of Tract B is supposed to retain a 135' setback. If the community agrees on that intent, then that should carry forward, and we shouldn't have to fight the same issue over and over again.

Paul Lieberman said he lived at the south side of the east corner of Tract B, adjoining the site for 60'. He concurred with testimony neighbors were giving on the criteria, and said the proposed development was completely out of character with the neighborhood, which is composed of single-family houses. If the development goes through, the parking lot will adjoin his back yard, and since it will be so far above it, there is no practical way to shield the lights overhead. Regarding noise, he said it is currently quiet, but it would become much noisier. He said his understanding is that available density for the site had been already used up by the previous Regent development. The purpose for the zoning was to accommodate the Regent development; if the zoning is incorrect, then it should be changed.

Curt Hubele said he lived on Mirador Place and will submit his written testimony. **(Attachment C)** He stated the proposal was inconsistent with previous and current land use codes and decisions, and O.R.S. Chapters 92 and 94. The proposal is incompatible with the surrounding neighborhood. The application is incomplete and should be rejected under LDC 2.0.50.01, since it requires the signed consent on all property owners within the Planned Development. The entire Planned Development includes the Regent and Tract B. The entire Planned Development is what is being proposed to be modified to allow the development of Tract B. The application should not be accepted without signed consent of the owners of the Regent, and the application has not provided that signed consent.

The proposal seeks to add new use types to the site. Multi-family residential increases noise, traffic, parking and other impacts. It reduces available open space from 98,000 square feet to 80,000 square feet, a reduction of 19%. It reduces the future developable footprint of the Regent site by 18,000 square feet and reduces the Regent setback from adjacent developed property on the south from 201' to 56.5', a reduction of 72%. The Regent has a vested interest in this Planned Development modification and has not signed consent to it.

The applicant has appealed the previous Planned Development activity on the site, when the Regent added parking in Tract C in a major Planned Development modification. The previous applicant's predecessor appealed the decision of the Planning Commission because they wanted to remove Tract B from the Planned Development through that same action. In their appeal, they stated, "On its face, the Planning Commission decision affects our equities and interests, and if our property is part of the detailed Development Plan, as the decision suggests, that Plan cannot be changed without our consent". He stated that that the applicants' argument also applies now, and the Regent owners have not submitted signed consent, and so the application must be denied.

Also in that appeal, the applicants also argued that "a fundamental tenet of planning is that variances from development standards cannot granted for self-created conditions". He concurred, noting that Tract B was created by the applicants' predecessors with the platting of the Coronado subdivision.

He stated that the Tract is not a lot and was never legally established as a lot; it is a tract, which was specifically excluded from the application for the Coronado subdivision. Tract B was excluded from the Coronado subdivision application; it was not a lot created by the subdivision, but rather was a remainder parcel, after completion of the subdivision, not under the Planned Development. It was left over when everything that could be subdivided was, so it is not a legally

conforming lot. The word "lot" existed in the LDC in existence at the time and could have been used, but instead the word "tract" was used.

He related that 97 days after the final plat for the Coronado subdivision was recorded, there was an application to remove the Planned Development overlay from Tract B. That application stated that in 2007, the subdivision was recorded with a plat, which included Tract B, but not as a lot within the subdivision. That application's Section F, regarding the request to remove the Residential Planned Development overlay, stated that "it was not a lot created through the subdivision process" and "there must be no active detailed Development Plan on any part of the site". The applicants' own statement is that "a final subdivision or partition plat asks if there is a subdivision or partition plat filed… The land division performed under the Coronado subdivision plat has no impact upon this request, as the subject site was established as a tract and not a lot through the subdivision process to meet the state's Needed Housing".

Mr. Hubele concluded that Tract B was a tract excluded from the subdivision and did not comply with any land use code at the time. It has not been subject to any other land use application to establish it as a legally conforming unit of land. Under Oregon land use law, O.R.S. Chapter 92 and 215, Tract B is not a lot, parcel, or unit of land created in compliance with all applicable planning, zoning and subdivision ordinances and regulations, since it has never had an application for it; it was excluded from the Coronado application. It is a tax lot created by the applicant to retain ownership and to establish a separate tax account for the portion of property originally excluded from the Coronado subdivision. Since it has never been established as a legally conforming lot, the application must be denied.

The subject area identified as Tract B on the subdivision plat has been identified as both the required minimum 135' setback, but also a 100' required setback from the eastern property line from the Regent, as can be seen in the conceptual and detailed development plan. Through different cases over the years, the purpose of Tract B has been repeatedly confirmed as a setback open space area.

The application is for a Planned Development Major Modification. The purpose of such a modification in the Code states that the modification can be approved such that the intent of the original approval is still met by the modification; you cannot change the original approval. It must be evaluated in light of the original intent of the Plan in place for the Regent, which was to be permanent setback and open space.

The Regent's 1980 application was denied by the Planning Commission because "a suitable balance between the proposed structure and open space was not provided; the proposed development would be disproportionate to the overall site area". The Regent reapplied in 1981, and in the approval, were required to set aside open space around the Regent building. Later, there were applications processed for other portions of the property, but the applications expired, as Conditions of Approval were never completed. In 1988, when staff reviewed an application, they stated that "the property was created without a partition approval" and that "the land to the south of the Regent parcel was intended to serve as open space for the Regent; the southern boundary should be extended to the south to include the open space". Unfortunately that was never completed and the Condition of Approval never finished.

Mr. Hubele cited a 2008 City Planner's report, which stated that "the open space and building setback for the Approval is still valid". During the Coronado subdivision, when there was a lot of neighborhood discussion on Tract B, a City Planner stated that an applicant would have to

address Conditions of Approval and assumed an open space area between the Regent building and the south property line.

The current application claims that the Regent property was developed, but the portion to the south was not, so the Planned Development approval for that portion expired. However, that is not true, since in 1983, there was a building permit for rough grading, and applicants were required to plant fescue and to plant trees in that area. Displaying the permit, he noted that the area was colored green, and summarized that it was dedicated green open space for the Regent.

He displayed a photo from 1985, just after completion of the Regent building, and showed that finished grading and landscaping had taken place on the site and so it was developed. He highlighted large trees along the south property line, including Tree #122 in the Arborists Report. The applicant now proposes to modify the original Condition of Approval requiring that the tract remain as permanent open space and change it to a multifamily apartment complex. Changing the open space and building setback area clearly does not meet the original intent of the Planned Development and so the application should be denied, as it does not conform to that.

There is a building setback requirement in Condition #12, as well as other applicable site setbacks in which no building may occur. In the approved site plan for the Regent, as it was built and approved, along with the 135' setback, there is also a 100' *site* setback from the eastern property line. Site setbacks in the Code at the time were clear on this- no building can occur in those areas; he contended that both 135' and 100' setbacks were *site* setbacks, not for the building itself.

Regarding density of the site, he stated the maximum density of the RS-12 zone is twenty units per acre. The Regent has 82 dwelling units on 4.02 acres, which comes to twenty units per acre, if Tract B is included as a portion of that. If Tract B were to be removed from that, the Regent would have 27 dwelling units per acre, exceeding the maximum density under the Comprehensive Plan designation for the site. If the additional dwelling units that are being applied for in Tract B were added, then it would still exceed the maximum density allowed under the Comprehensive Plan by 14% (with 23 units per acre), and so any change should be denied.

Regarding the other two significant trees on the site, they are required to be protected under Condition #2 under the Coronado subdivision, and were shown as such in the Grading and Tree Preservation Plan. In 2007, the final approved landscape plan for the Coronado subdivision includes protecting these two significant trees, which are required to be saved. For the Regent's parking lot expansion, they were required to inventory significant trees to be impacted. The Arborist's report highlighted a 65' tree with a 40" diameter; however, the current Arborist's report lists it as only half that height, and its protection would essentially block any development on the site. He said it called into question the validity of the current Arborist's report. He added that there were several significant trees on the site that are not protected.

He said the applicants referred to Tract B as a flag lot. Most variances requested result from it being a flag lot; however, this is a self-created condition caused when it was platted; it could have been configured differently. For example, Lot #22 would have been included in Tract B, allowing a reasonable amount of frontage on the road. Since the owners chose to do it that way, it is a self-created condition, so a variance cannot be requested. He summarized that it is not a legal lot; it was not legally created; it is a tract and a tax lot, which is why it did not configure to the requirements of a lot when it was created, and which is why variances are being requested to develop it. Commissioner Gervais suggested Mr. Hubele submit the slide show into the public record as a printout.

Kara Smith stated that Mr. Hubele had already adddressed much of her testimony. She highlighted the applicants' objection to the lack of clear and objectiveness in its use of the word "should" in the Code regarding cul-de-sacs. However, the standards of cul-de-sacs not exceeding 600', with a maximum of eighteen dwellings, are not subjective in the Code and there is no ambiguity. Also, "should" indicates what is desired in the Code, and the applicant does not address how increasing the maximum number of dwellings by more than half is a "desired" situation.

Margo Pierson stated that she lives adjacent to the Coronado subdivision and owns Lot #22, adjacent to Tract B, and has lived in her home since 1972. She's attended every neighborhood meeting and testified at every Planning Commission and City Council meeting regarding the Elks Club property since 1980. She attended the original meeting in 1980 in which the proposal to re-zone a portion of the property from R-1 to R-20 for construction of a retirement facility was denied, since it was deemed disproportionate to the site area and surrounding neighborhood.

In April 1981, after implementation of the new Comprehensive Plan, the Council approved a zoning change for a portion of the property from RS-3.5 to RS-12, with a detailed Development Plan overlay for the retirement facility and Tract B as a single property. The RS-12 was applied to the entire property, including Tract B, in order to provide the needed density for the number of units in the Regents building. That was the sole reason the property was that size. This number of units accounted for all of the density allowed for the entire parcel at that time.

Ms. Pierson stated that she was among neighborhood representatives at a meeting of developers where it was decided to locate the Regent building on the northern portion of the lot, as described in the June 1981 Planning Commission Notice of Disposition. Its Condition of Approval #12 required the building shall be set back from Elks Drive no less than 30', no less than 135' from the south property line, and no less than 55' from the east property line. It was clear to all parties at the time that Tract B had no applicable density, since it was all being used in the Regent. Other applicable setbacks are included in the site plan. The Condition was applied in response to concerns of nearby residents and the Commission that a building the proposed size was incompatible with the surrounding RS-3.5 residential property. In addition, parts of the facility closest to the surrounding homes on the south and east were limited to no more than one story above grade, to reduce visual and privacy impacts.

Although density transfers are no longer done, the intent of locating the Regent building with a 135' setback on the south side was to reduce the impact of such a large, dense building on the nearby single-family homes. It's clear that Tract B was never intended to be partitioned, nor should it have retained its high density as a separate tract, and should not have been entered as such in the City's Buildable Lands Inventory.

In 1988 and 1992, applications for a Minor Land Partition to create the present Tract B as a separate tract from the Regent property were submitted. The maps of the applications are unclear and either show Tract B as RS-3.5 or RS-12 and is also unclear how Tract B was partitioned from The Regent. However, it is certain that neighboring property owners were not notified as required by LDC 2.14.30.03 Public Notice, about either Minor Land Partition applications, and the Planning office has no records that such notice was ever sent. Affected neighbors were therefore were deprived of a substantial right to have input into such decisions. She said that when she raised the issue, she was told by staff at a previous Commission hearing that the appeal time has expired. However, since they were never notified of the land partition application and decision, it was not possible to have appealed it in the required time frame. Neighbors were unaware of the change until the Coronado subdivision was proposed.

She stated that Tract B was an integral part of the Regent property, supplying both needed density and required 135' setback, and so should not have been partitioned, nor sold separately. Therefore, Tract B was improperly partitioned from the Regent property. The proposal for the Tract B apartments subverts the intent of the Regent Detailed Development Plan to provide a proper scale and compatibility between the RS-12 Regent Retirement Center property and RS-3.5 residential neighborhoods by preservation of a 135' southern setback and open space on Tract B. For all these reasons, the proposal should be denied.

Sandra Bell stated that she lived on Mirador Place, and had submitted written testimony. The applicants' proposal is based on the false assumption that Tract B is a buildable lot. She concurred with much of Mr. Hubele's testimony on why it is not a buildable lot.

She cited LDC 2.5.60.01 Sections A and B, which provides two conditions that all requests for Modification must meet. The purpose of a Planned Development Modification is to provide *limited* flexibility in regard to site planning; also, the original intent of the original approval must still be met. If an application does not meet both directives, then the application must not be approved. This application meets neither of these conditions. Even if it is assumed that is a buildable lot, which it isn't, then the applicants are requesting much more than limited flexibility in order to build on the site. This contention is supported by the long list of staff Conditions of Approval and Concerns as well as those cited in her testimony. A compensating benefit that allow that site to be developed only benefits the developer, and no other party, nor the environment, nor the original intent of the property.

Regarding concerns specific to the cul-de-sac issues, parking and traffic, she said they'd also been discussed in testimony. She noted that even if the word "should" was used as a recommendation, it was used for a reason, and increasing the number of buildable lots by 150% on a cul-de-sac was beyond a logical recommendation. She stated that the proposal increases development density far beyond the existing density.

Regarding the applicants' statements tonight on whether the lot is a lot that can be built upon, the reason that there are so many staff Conditions and concerns is because the original intent of the lot is not being met. The intent of the two large setbacks on Tract B was to protect residents in surrounding single-family residences from the higher density development at the Regent. The applicant seeks to claim that Tract B is a lot and was approved as a lot in the Coronado subdivision in 2005. However, it has already been demonstrated that it was not approved as a lot; it was clearly marked and recorded as a tract, not a lot. No development was indicated at the time of approval of the subdivision (SUB-05), where it was referred to as a tract, and it was referred to as a tract in the CCR's. The well-documented specific purpose of the site was to serve as a buffer to surrounding neighborhoods. She said her written testimony shows numerous cited examples in which the City stated repeatedly that it is a green space, a setback, and a rear yard for the Regent.

She stated that all citizens depend on actions by the City Council, commissions and staff to uphold what is put in place through Code and policy. For more than thirty years, the City has repeatedly documented that it supported the vision and intent of Tract B- that the majority of the Tract B land is reserved and preserved as a buffer to the surrounding neighborhoods. If the City reverses its past decisions, then all citizens lose faith in the integrity of the government. She asked that the Commission stand by the staff recommendation to deny the application.

Linda Leiberman stated that she lived on the south boundary of the site, where the proposed parking lot would be located. She expressed concern that lighting from the development would shine down on her house. She concurred with previous testimony in opposition to the proposal.

She added that her back yard was very swampy, though her property was not even as steep as slopes on Tract B above it, and feared that more water would be drained down onto her and neighboring downhill properties despite engineering promises. She noted that there were breeding songbirds in trees along the south property boundary and that there were no setback buffers for properties to the south and east, as there was to the west.

Chair Gervais called for a ten-minute break at 9:37 p.m. She noted that written testimony may be submitted for another seven additional days until 5 p.m. on Tuesday, January 28.

David Stauffer stated he lived on NW Mirador Place and read a letter from a neighbor opposed to the application, Jeff Diamond, who could not attend: "The applicant requests deletion of Condition of Approval #18, saying that "there will be no need nor expectation of public services vehicles entering the site, thus staff determination that fire truck access to the north of the building is an access drive because it accommodates fire truck access and egress is no longer valid".

However, the applicant's mitigation plan is not feasible. Page 12 of the memorandum states that a two-yard trash compaction unit with rolling container will be wheeled to the curb by a facility manager at collection time each week. However, there are several major flaws with this plan. Page 13 shows that the empty compaction unit container itself weighs 740 pounds. According to a US EPA, 1997 Measuring and Recycling guide for state and local governments, residential waste weighs 225 pounds per cubic yard, so five yards of this would total 1,125 pounds of waste per week, and together with the weight of the container itself would weigh 1,875 pounds, close to a ton. Container dimensions are about 58" by 95", and the wheels are positioned at the outer edge. However, the sidewalks are only 60" inches wide. Third, the path to the street moves upslope at least eleven feet, mapped on Grading Plan R, application page 92, and would amount to a 4.8% grade. The distance from the container pen to the street, using sidewalks, is about 85 yards, with only two inches of margin of the sidewalk. There is no curbing or barrier to preventing the compactor from sliding downhill to Regent resident and staff cars or shuttle bus. This alternate proposal to get around City standards was clearly last-minute and impractical, since it would be very difficult for one (or even several) facility staff to weekly push a one ton container up a 4.8% slope while maintaining a path with only a two inch margin for 85 yards, and even pushing an empty 740 pound container down the sidewalk would be difficult".

Scott Holmboe stated he opposed the application and read aloud testimony of Nathan Smith, Mirador Place resident, who was unable to attend: "The current application is the same as the one that was already denied by the Commission two years ago. It was denied based on findings relating to cul-de-sac standards, significant trees, lack of compensating benefits, and lack of compatibility. The new application does not make any changes to meet these standards and seeks to minimize them".

John Enbring stated he lived on NW Mirador Place and opposed the new apartment complex in a neighborhood of single-family homes. He noted that many problems with the application had already been cited, and highlighted two key constraints. He noted that there were hundreds of pages in the application that describe how the project meets the requirements, but only minimally address the 135' setback buffer and standards of cul-de-sacs, though meeting either make the project unbuildable. The project is dead on arrival, just as the previous application was.

Regarding the 135' setback buffer, the staff report briefly states that it exists and that the Commission may change it if it wishes to do so. The conditions for establishing the buffer still remain for it, and have actually grown more imperative. The City signed a pact with neighbors in

establishing the setbacks in the 1981 detailed Development Plan, and the City needs to live up to that agreement with the neighborhood, and retain the buffer. Variances are intended for minor changes from standards of building requirements; however, the proposed change from the 135' setback is not a minor change, but a major change. The proposed 5' buffer from a parking lot and retaining wall is a complete obliteration of the 135' setback.

The Code states that no more than eighteen residential units shall be placed on a cul-de-sac. There are about 200 cul-de-sacs in Corvallis, with typically eight to ten houses on each. The existing 17 units total on Mirador Place is already twice as many dwellings as most, and the City Park there generates additional foot and vehicle traffic. According to former Planning Commissioner Hahn in the previous application, the tract is undevelopable.

Mr. Enbring said that solar review was needed as part of the Detailed Development Plan, since properties to the east and below the site could be in the dark much longer.

George Pierson stated he'd lived on NW Survista for 43 years, and also owns a lot on Mirador Place; his eastern border is the western border of Tract B. The Coronado subdivision formerly contained over 1,400 trees; only thirteen remain after development, and the rest of the vegetation was completely removed. Replacement trees were small and many have not survived.

In the previous 2013 proposal to build a ten-unit apartment building on Tract B, the property contained 24 significant trees. Condition of Approval #2 stated that the significant trees shown on Attachment T46 were to be saved as part of the subdivision plat approval. Trees located on Tract B are identified as Trees #100, #119 and #122; under the proposal, Trees #119 and #122 were to be removed, while Trees #100 and #101 (located on *his* lot) were to be retained. The largest, an oak, was removed by the developers that spring. The 2013 proposal was denied by the Commission was due in part to "a failure to protect significant trees on the site to the greatest extent practicable" and to integrate the trees into the design of the development, per LDC Section 4.2.20.d. The current proposal, which appears almost identical to the previous proposal, makes no attempt to save significant trees and integrate them into the development design. He cited a February 2, 2013 Planning staff letter to developers which stated that "Based on compatibility review criteria, there may be some benefits to considering preservation of additional significant trees on the site". Instead, developers are proposing dense plantings and a 6' fence to buffer the south property boundary.

At a neighborhood meeting in 2013 regarding the first proposal (developers have *not* met with neighbors since then, as they've claimed), neighbors unanimously agreed that preservation of existing trees on the perimeter of the property was required for preserving both privacy and appearance of the surrounding homes. The intent of the 135' and 55' setbacks south and east of the Regent, required by Condition of Approval #12, was to provide a buffer and transition zone between the RS-12 Regent and the surrounding singe-family low density residential area. The current proposal subverts the intent of Condition of Approval #12 and is not compatible with surrounding neighborhoods, as defined by LDC 2.5.40.04. He submitted his written letter. **(Attachment C)**

Teresa Enbring stated that despite their claims, the developers have not met with neighbors in over 2.5 years (apart from Planning Commission hearings) and have threatened the City with legal actions if the application was not approved. However, the staff report found that the applicant became the owner of Tract B *after* it was subject to the Conditions of the 1981 Planned Development overlay. The original developer and successors bought Tract B fully aware of the constraints, including setback requirements. They chose to design the Coronado subdivision

leaving Tract B with only a narrow access drive and no off-street parking at the end of a cul-de-sac. The same developers sold single-family lots to current residents of NW Mirador Place with no disclosure of any plans for an apartment complex at the end of the street. While the City seeks to add additional housing units, hundreds of apartment units were built recently, and there is also a huge demand for single-family homes and neighborhoods. She stated that Corvallis residents need to trust City officials to protect their homes, families, and investments from incompatible development. She stated that the reason that so many variances and Conditions were needed for the proposal is that it doesn't belong there.

James Klein submitted photos of Tract B from his house directly below Tract B, taken at the previous application. **(Attachment C)** He noted that neighbors of adjacent construction often suffer various negative impacts that are not considered. He stated that the grading of the site, on a significant slope, would result in him looking up at a 7-8' high retaining wall. The construction would affect the water table; overflow from the catch basin uphill already flows into his crawlspace during heavy rains. He stated that such developments are prone to these problems and the hill needed more study. He also expected lights and traffic noise to be a problem and to lose his solar access.

He stated that the density of the site was only intended to apply to the Regent, and the tract was intended to provide open space. He questioned the need for the development, noting that the developers have already sold 57 other lots there at around $150,000 each; Tract B sold for $69,000. He objected to having to repeatedly oppose similar development over the years.

Michael Moreno stated he lived on NW Mirador Place and that most of his testimony had already been covered. He cited yesterday's G-T article quoting Dale Kern of Commercial Associates that the property owner has had numerous meetings with neighbors over the last two years to address neighbor concerns and had incorporated neighbor's comments in the plan to the extent reasonably possible and allowed with the LDC. He said he bought his property on the street in December 2012, but the application and its intent were never disclosed to him; had he known, he would not likely have purchased his property.

I. Neutral testimony: None.

J. Additional Questions for Staff:

Commissioner Lizut noted it was quite late. Commissioner Daniels said he'd like staff to address the issue of takings, from Related Issue on page 48 of the packet. Attorney Coulombe said he couldn't address that issue tonight, but commissioners could submit written questions to staff. Planner Young urged commissioners to submit questions as soon as possible, and staff will try to respond as soon as possible, along with providing additional testimony.

K. Rebuttal by Applicant:

Teresa Bishow said applicants would carefully consider public comments and submit additional written rebuttal testimony. She said that regarding testimony that the application should be denied due to standards for cul-de-sacs, she noted that new standards for cul-de-sacs should not be a basis for denial, since the cul-de-sac was approved by the City in its current length for the number of dwelling units to be served. There is no new decision regarding the existing local street network. She said staff stated that, in this case, Commissioners should interpret cul-de-sac provisions as mandatory; however, this is a clear example of the City applying discretion

when, according to the Needed Housing State Statute, only clear and objective standards may be applied.

Commissioner Woodside asked about neighborhood meetings that were purported to have happened, but didn't. Mr. Hutchens replied that the neighborhood was correct, explaining that he'd made a mistake filling out the application. She asked about testimony regarding the noise or weight of the proposed trash compactor; Mr. Hutchens replied that applicants would submit additional information.

Commissioner Daniels stated that he didn't understand why the cul-de-sac standard shouldn't apply, since the development will use it. Ms. Bishow replied that at the time of application, a new public street was not being proposed, so it didn't seem applicable. She asked that if the apartment had been developed first, whether there would have been a first-come, first served approach taken for the remaining subdivision lots. In terms of development rights, she said that a legal lot was created and there is a premise that the street could be used. There is not an economical development design solution if the cul-de-sac cannot be used; the land would be removed from the Buildable Land Inventory, and the asset value would be removed. She urged caution in regards to the takings issue; even if the project density was reduced, the number of dwellings on the street would still be over eighteen.

Commissioner Feldmann noted that staff had stated that the site had a nine-unit minimum, but the applicants' presentation stated that ten units was the minimum. Ms. Bishow replied that ten dwelling units was the minimum needed based on the acreage for the Plan designation, and according to the zoning, ten was the maximum. Chair Gervais noted that staff would address the issue later.

Commissioner Feldmann asked about public testimony on the history of the site, such as the density being allocated to the Regent. Ms. Bishow replied that applicants would prefer to read testimony, the staff report, and then reply via written testimony.

L. Sur-rebuttal:

Curt Hubele said the original application had asked for a variance regarding northern access and other variances. However, the applicants have at the last minute removed their request for variances, and asked if that required new public notice, since the application has changed. He asked if a denial due to the lack of written consent by property owners would be an administerial decision, and not subject to appeal. Chair Gervais suggested staff respond to the questions.

Sandra Bell highlighted the cul-de-sac and street usage. She noted that Ms. Bishow had stated that no new public street was being proposed. It is true that the cul-de-sac was already developed and was one dwelling unit shy of the maximum number allowed. Adding an additional ten units is an extreme excess to the recommendation and was unreasonable. Regarding Ms. Bishow's claim that there was no design solution if no development was available to the site, she noted that developers knew about the site's limitations when the Coronado subdivision was platted and the site was platted and recorded as a tract. There is no record that there was an intent to develop it, and it includes the setbacks. She asked that the developers abide by the site setbacks.

John Enbring highlighted the applicants' argument that since the street is already there, therefore the cul-de-sac standard does not apply. In the original Coronado subdivision plat, there

are exactly eighteen residential units on the cul-de-sac, excluding Tract B. Tract B was never intended to be developed, and was not identified as a lot. There are fewer units on the street since a few were used for a City park.

James Pine stated that regarding the cul-de-sac standards, another development on Rose Street also sought to get around City cul-de-sac standards, so the issue needs to be resolved, as it will continue to come up.

Chair Gervais noted there had been requests for a continuance; it is up to the Commission's discretion. She polled those who had requested a continuance; Mr. Enbring withdrew his and his wife's requests, given the time window constraints; Ms. Bell withdrew her request for a continuance; and Mr. Pine also withdrew the petition's request for a continuance. Attorney Coulombe summarized that all the requests for a continuance had been withdrawn. Chair Gervais announced that she did not establish a continuance and that the record for additional written testimony would be held open until 5 p.m. on January 28. The applicants will have seven days after that to submit their own final written arguments.

Attorney Coulombe noted that there is no requirement to hold the record open for questions to staff. One member of the public asked when Commissioner questions to staff would be available; Planner Young replied that written responses to timely Commissioner questions would be distributed with additional written testimony after seven days; the public may subscribe to it electronically, and staff can help. Public written testimony may be submitted to Planner Amber Bell or himself. Chair Gervais announced that deliberations would be held at the Planning Commission's meeting on February 4, 2015.

Attorney Coulombe explained that the period of sur-rebuttal ends tonight. The applicants have the final written argument, though they can't add new information, though it is not limited to rebuttal. Chair Gervais said the applicants have the burden of proof, so they can submit at the last minute, if they wish, and they get the final word. Planner Young said the next step is that once the Commission's decision is made, a Notice of Disposition will be sent out.

M. Close the public hearing:

Commissioner Daniels moved to close the public hearing; the motion was seconded by Commissioner Woodside; motion passed.

III. APPROVAL OF MINUTES:

A. January 7, 2015:

MOTION: Commissioner Woodside moved to approve the January 7, 2015 minutes as presented; Commissioner Daniels seconded the motion; motion passed.

IV. OLD BUSINESS.

Commissioner Daniels noted that Commissioner Lizut had been appointed to represent the Commission to the Transportation Plan Steering Committee. Commissioner Lizut will forward meeting documents to Planner Young to distribute to other commissioners. Commissioner Daniels noted that Commissioners Gervais, Woodside, Woods and Sessions were appointed to represent the commission at the OSU – Related Comprehensive Plan review, and asked that they keep the Commission informed. Commissioner Gervais suggested that OSU meeting minutes be

made available for other Commissioners to read; Planner Young noted that some details still needed to be worked out.

Commissioner Feldmann announced that he would be resigning, with his last meeting being March 4, 2014. Commissioner Woods asked whether vacancies needed to be filled within a sixty-day period. Planner Young said the Council would like to consolidate interviews of candidates. Some terms expire at the end of the fiscal year, in June.

V. NEW BUSINESS. None.

VI. ADJOURNMENT: The meeting was adjourned at 11:02 p.m.

MEMORANDUM

Date: January 21, 2015

To: Planning Commission

From: Amber Bell, Assistant Planner - Community Development Department

Re: Coronado Tract B (PLD14-00005)
Additional Written Testimony

This memorandum includes copies of written testimony received between noon, January 13, 2015 and January 21, 2015 at 5 pm.

ATTACHMENT A.1

From: minterj@comcast.net
To: Planning
Subject: Coronado tract B
Date: Tuesday, January 13, 2015 12:55:24 PM

Attention Amber Bell:

Once again this proposal is put forward by Group B. LLC with only minor modification. The exact same objections can be raised.

One - As was the case behind my house on Survista Ave. the soil will be dozed and amended, adding to the destabilization of
the hillside.
Two - The drainage issue, which has already impacted properties on both sides of upper Survista Ave and gradually moving down
to Maxine and south.
Three - There are too many units planned for the number of lots involved in this proposal.
Four - This is on a cul-de-sac. The number of cars that the apartments will involve will outnumber the parking planned on that
property. The only place for the renters to park is on the cul-de-sac and down the narrow street in front of existing homes.
Five - The problem of the point above is that emergency vehicle will not be able to turn into the apartment parking lot to service
the dwellings should they have a fire.

Please forgive a layperson's lack of expertise in language, code references, and brevity.
I am sorry this is 54 minutes late: I hope you will accept it.

Jackie Minter
515 NW Survista Ave
Corvallis, Or 97330

January 11, 2015

RECEIVED
JAN 14 2015
Community Development
Planning Division

Amber Bell, Assistant Planner
City of Corvallis Planning Division
P.O. Box 1083
Corvallis, OR 97339

Dear Ms. Bell:

I am a resident of NW Mirador Place. Neighbors have shared the city's consideration of a development application for Coronado Tract B (PLD14-00005) with me. I had no previous knowledge of this proposal nor any notice from the developer.

From the information I have had the opportunity to review, I understand that a similar plan (PLD12-00005) was unanimously rejected by the planning commission less than two years ago. It would seem that many of the reasons for denying the original plan would apply to the latest proposal.

As the residential homesteads continue to be built along Mirador Place, I cannot understand how multi unit apartments could positively impact the neighborhood.

I am opposed to the new development and would hope the application be denied.

Sincerely,

Carol A Russo

Carol A. Russo
683 NW Mirador Place
Corvallis, OR 97330

SCANNED
Date: 1/14 By: AB

From: Gibb, Ken
To: Bell, Amber
Cc: Young, Kevin
Subject: FW: LAND USE ISSUE
Date: Friday, January 16, 2015 12:35:31 PM

-----Original Message-----
From: Ward 9
Sent: Friday, January 16, 2015 11:28 AM
To: Tom Yates
Cc: Gibb, Ken
Subject: Re: LAND USE ISSUE

Thank you for you Comments.

Hal B

----- Original Message -----
From: "Tom Yates" <yatest@peak.org>
To: ward9@council.corvallisoregon.gov
Sent: Friday, January 16, 2015 11:07:21 AM
Subject: LAND USE ISSUE

I am a resident of The Regent. I am concerned about the proposal to build an apartment building adjacent to The Regent. I believe the already congested parking area and the very high frequency of emergency vehicle visits to our facility constitute serious problems to accepting the proposed project.

Thomas L. Yates
Apt. 316, The Regent

RECEIVED

JAN 16 2015

Community Development
Planning Division

January 16, 2015
City of Corvallis Planning Commission
Corvallis City Hall, 501 SW Madison Ave. Corvallis, OR 97333
Attention: Amber Bell

LETTER OF OPPOSITION for TRACT "B" OF CORONADO SUBDIVISION - MAJOR MODIFICATION (PLD 14 - 00005)

My name is James Kline. I live at 3098 N.W. Autumn Street in Corvallis. My house is directly below the proposed 10-unit apt. complex on the eastern downhill slope of the Tract "B" property. My neighbors on Autumn Street and Autumn Place, (even further downhill) will all be negatively affected by building on Tract "B".

To begin with, it is upsetting that we have to deal with this matter again. The Planning Commission and City Council both denied this proposal in 2013.The present proposal is almost identical to the applicant's original one (PLD 12-00005). Again, they are asking for variations, (in their favor) to do things that are not up to city code standards. Through the whole previous process, and this one, they deny that "should" has any compelling meaning for them to abide by. I won't get into detail about this matter now as it is covered in letters from other opponents, notably Sandy Bell and Jeff Diamond. Please refer to them, as I concur with them.

Tract "B" has been open space behind and above my house for 30 years now. I was told when buying the property in 1984 that Tract B could never be built upon. Anne Harrison and her husband Robert owned the property at the time. The Regent had just recently been constructed after City, developers, and neighbors worked out a compromise for the site. Tract "B" site was then part of the Regent property. The agreement was for the Regent to have a 135 ft. setback from its southern boundary line and a 55 ft. setback from it's eastern. No structures were to be put there. I purchased my property for this reason. This was publicized in the newspaper and encoded in the CCR's for the property. The City says this is still in effect despite numerous maneuvers over the years to have this setback requirement removed. The present developers knew this when the property was split from the Regent.

The Regent got the peaceful and awesome view site they wanted. The Regent developers got more housing units and had to provide fewer parking spaces than City code then required. The neighbors on Autumn and Survista were granted the Tract "B" site as compensation for this denser development. Everyone was satisfied. That should have been the end of the drama of Tract "B".

I am asking the City for the same considerations they gave the Regent for their development. They wanted a serene setting with a great view. They got it. They wanted a site with little traffic. They got it. They got variances to City codes. Today, I and my downslope neighbors, are facing loss of privacy, solar access, and clean air. In addition, we would get the noise from traffic above us. Where would the exhaust

fumes from 20 plus parking space lot and the cars parked therein go? Directly to my house. I have a bedroom to the back of the house, very near the property line.

The lighting from a complex on Tract "B" would also be extremely hard to mask from my view of the property. Developers are proposing as a solution to this, to put up a massive retaining wall very near the property line. On top of which they would place an additional high fence to "shield" me from their glare. I don't see how this is even possible on a steep slope like this. It would also be difficult to meet the landscaping requirements of the City Code. This is a very far cry from what the Regent project got when they made the bargain with their neighbors. I urge you to go walk the site and see the Regent and Tract "B" and visually see how we are to be affected by this proposed project.

Landslide Hazard and Hillside Development Provisions 4.14.10.a Purpose - to protect human life, health, property. Exhaust fumes, noise, adverse lighting, massive wall, blocking of solar access, excessive grading on a hazardous slope, altering the underground aquifer do nothing to protect me and my neighbors.

4.14.10. b Reduce damage from steep slopes, Landslide Risk areas. Slope near my line is in the 15-25% range. Tract "B" was created with this in mind -4.14.10.e

Developers would have to disturb over 82% of the project site to bring it up to City code. Massive amounts of fill would need to be brought in. The underlying water features would force rainwater to find new channels. This is potentially very dangerous to us downslope. Go to Survista St. to see what the massive grading and filling of the Coronado subdivision left in their backyards. The water systems that were put in place there, by the same owners of Tract "B", are not working like promised, planned, and approved. Properties are still experiencing soggy backyards, crawlspace damage, etc. I can provide you street addresses if you need them. I canvased the street in 2013 and homeowners there wrote letters explaining their issues in (PLD 12-00005) There was also a needed repair on Maxine St. downslope from Survista that the City had to fix in 2013 related to the runoff from the Coronado hillside. The road had crumbled due to underground water infiltration from uphill. Coronado site itself had to fix one of its plots that failed due to water and fill issues on lot 52. It makes me wonder what might happen in the future to the rest of the site since it has the same fill.

4.14.70.04 Grading Regulations - graded area shall not exceed 75% of site. Is building itself to be on hazardous slope? Then 4.14.20.02 greater restrictions on development must apply.

4.14.50.04 Site Assessment. Besides the developers, what studies have been done on this site? Did City do any? Results? Have there been slope failures in City on similar hazardous slope sites? I know of one property at 5994 NW. Rosewood Dr. that was knocked off its foundation when the slope collapsed during heavy rains on Jan. 19, 2012. (Gazette Times follow up articles 7-17-12 and 5-2-13) You can see why I am concerned.

There is a 10-inch drainage pipe along my property that connects to a catch basin at the SE corner of Tract "B" For years, the City told me there was no drainage pipe across Tract "B" from the Regent. Digging into City records found there were plans for it in the original Regent development. I have had open water coming out of the ground on Tract "B" for almost 20 years during the 3-day rain events. Water cascaded downhill from the overburdened catch basin to collect against my house foundation. I found water in my crawlspace.(Last year, I had my crawlspace sealed with a water barrier.) In 2012 and 2013, after I complained about the drainpipe, the City scoped it. The City found it infiltrated with roots and debris. The camera was unable to go across Tract "B" after about 45 feet from the catch basin. It looked like a break in the line. The City required owners of Tract "B" to flush out the line. I asked whether there was a break in the line and what could cause the water to come out of the ground like this. I wasn't given a clear answer by the city. Now, in the proposal by Tract "B" owners, I saw that they admitted there was a break in the line. As a result of 2 decades of dealing with this issue, you might be able to see why I am so skeptical and fearful of anything being built upon Tract "B". Adding another large apt. complex's storm water into an already overloaded pipe is putting me in harm's way. In early Dec. 2014, the water was again coming out of the ground in small stream to the catch basin.

Despite the problems, I've enjoyed living in the house and neighborhood. But, I am adamantly opposed to anything being built upon the Tract "B" site. Its intent was to serve as a buffer from the Regent. The developers knew the restrictions imposed upon the site when they purchased it (how did that happen?) I would have bought it myself if I'd known it was ever up for sale. I'd still like to know who was involved in doing this.

The main issues that I see in this affair are the two major City Land Development Codes that would be violated by any development upon this site. 1) No more than 18 housing units at the end of a Cul de Sac and, 2) The two setbacks put in place upon the entire Regent property in 1981.They were supposed to ensure the land was a permanent open space backyard for the Regent itself. The City needs to honor its agreements and live up to its codes. If a developer can pick at every "should" or variance in these codes and can get staff or administration to go along with it, then why have a code in the first place? Please be fair to the citizens of this City and honor the original intents of the Laws and Covenants.

Sincerely,

James Kline

From: Kristina Graham
To: Planning
Subject: Tract B of Coronado Subdivision - Major Modification (PLD14-00005)
Date: Monday, January 19, 2015 9:08:02 AM

Case: Tract B of Coronado Subdivision - Major Modification (PLD14-00005)
Topic: Review of a Major Modification to a Detailed Development Plan
Owner/Applicant: Group B, LLC, 202 NW 6th St., Corvallis, OR 97330

Attention: Amber Bell, Assistant Planner

I'm asking the City of Corvallis to deny the request for major modification to Tract B of Coronado Subdivision because it is too large for the lot. Its size, and other issues relating to size, will adversely affect the existing community.

1. ts size makes it unsightly; very little consideration has been given to aesthetics and compatibility with neighboring structures.
2. It produces more traffic and parking than a cul de sac is normally expected to handle.
3. The amount and type of earth moving that will be required will stress the infrastructure of a neighborhood that has already experienced adverse effects from the existing Coronado division. As a homeowner on the downhill (south) side of Coronado, I now have a cracked foundation as a result of soil and water shifting that took place after the earth had been resurfaced behind my house. My neighbors have experienced similar problems due to improper drainage.
4. It requires the amendment of covenants that are in place to protect the surrounding neighborhoods from problems like those in items 1-3. I am currently building a home on a site that is subject to setback, structure size and other covenants, and I am required to adhere to those rules. It seems unfair and imprudent that one developer would be permitted to violate provisions when others are expected to faithfully adhere to them.

Thank you for considering my request.

Kristina Graham, homeowner

--

Kristina Graham
589 NW Survista Avenue
Corvallis, OR 97330
Kristina.Graham.10@gmail.com

From: mrsmean54 .
To: Bell, Amber
Subject: Mirador letter
Date: Monday, January 19, 2015 9:21:33 PM
Attachments: Mirador2.docx

Ms. Bell:

Please include my letter to the Planning Commission meeting for Wednesday, Jan. 21st. I realize it is too late for inclusion in the packet of materials; it would be appreciated if you forward to the committee.

Thank you.

Dana Strowbridge

ATTACHMENT A.9

There are approximately 210 cul-de-sacs out of approximately 690 streets within Corvallis (30%).

The typical number of houses on a cul-de-sac is 8-10 with the maximum recommended at 18. Mirador Place currently meets the maximum standard.

"Private, end of street, cul-de-sac, near green space" are all words generously used by realtors to attract potential buyers to an area that:

- Has less traffic and fewer homes
- Encourages active interaction with neighbors
- Provides a safer environment (closed end means no through traffic) for their family

The Corvallis code (LDC (4.0.60.C.2) has been consistently maintained across the city in regards to cul-de-sac designation. Changes to the existing code fracture the sense of neighborhood for this community. Existing owners purchased their home here <u>because</u> it was a cul-de-sac of single family homes; not rental duplexes, not senior living, nor a shortcut to the Corvallis Clinic or Regent Retirement (although they have had to deal with employees parking in the bulb; limiting the large vehicle turnaround). No other cul-de-sac in Corvallis has had to deal with the multitude of building changes. People are upset when developers, who have no personal investment in the area, are permitted to affect others quality of life. There have been many "promises" by developers to listen and do what's best for the community, and then they turn around and twist the circumstance in their favor.

Residents met with the developers during the original application, but there has been no contact this last year.

I urge the council to listen to the Mirador neighborhood and deny the addition of the Tract B high-density apartment complex. I would also invite all council members to drive the Coronado neighborhood streets to experience the narrower width.

Corvallis residents pride themselves on established, safe, and livable neighborhoods that in turn make the city an attractive and desirable place to live.

Sincerely,

Dana Galle-Strowbridge

From: David Barber
To: Planning
Subject: Attention: Amber Bell -- Coronado Tract B Apartment PLD 14-00005, Testimony in Opposition
Date: Tuesday, January 20, 2015 4:07:03 PM
Attachments: PLD 14-00005 Coronado Tract B - David Barber.pdf

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Please the attached letter opposing Planning Commission approval of PLD 14-00005.

Thank you for your consideration,

David

David Barber
3117 NW Autumn St.
Corvallis, OR 97330

Phone: 541-737-2367
Cell: 614-893-3609

Date: January 20, 2015

To: City of Corvallis Planning Division, P.O. Box 1083, Corvallis, OR 97339

Re: Written Testimony in Opposition on *Coronado Tract B Apartments, Permit #: PLD14-00005*

I am the owner and resident of 3117 NW Autumn St., downslope from the planned Coronado Tract B apartments. I am writing to record my opposition to this proposed development.

Like my neighbors, I was concerned about the potential impact of the development of the Coronado Tract B property when it was last proposed (PLD 12-00005). I was pleased and relieved when, after a review of the letters and material submitted in opposition to the project, the Planning Commission decided to reject that application. My concerns have been raised again when the new development proposal was filed, PLD 14-00005.

When I submitted my letter regarding the first development proposal, I questioned the appropriateness of solving Corvallis' need for additional multi-family residences within what is primarily a neighborhood of single family homes and in an area distant from other multi-family developments. At that time, the vacancy rate was extremely low, said to be below 1%, and it was understandable that extraordinary approval of new development projects might have been considered. But, since that time, the Corvallis vacancy rate has increased dramatically, to 3.5% according to a February 2014 article in The Daily Barometer, http://www.dailybarometer.com/news/corvallis-has-highest-vacancy-rate-in-years/article_e7066af8-99ee-11e3-b1db-0017a43b2370.html, "Corvallis has the Highest Vacancy Rate in 5 Years." This rapid increase in the vacancy rate occurred before major rental projects, notably Witham Oaks and the Retreat at Corvallis, have been completed, making it likely that the vacancy rate will increase further.

The Planning Commission carefully considered how development of the Coronado Tract B property should be restricted when The Regent was built. I encourage the Planning Commission to reject the new application for permission to develop Coronado Tract B and to reaffirm its past decisions about appropriate use of this property. The rising vacancy rate demonstrates there is no rental market emergency that would warrant reconsideration of the Commission's decisions or development of a rental property that requires variances to the city code.

Sincerely,

David Barber
3117 NW Autumn St.,
Corvallis, OR

From: Sue Ferdig
To: Bell, Amber
Subject: FW: Letter for Planning Commission
Date: Tuesday, January 20, 2015 3:40:56 PM
Attachments: Memorandum to Planning Division.docx

Hi Amber

I did not have your email address yesterday so sent this to Sharon to pass along. I have not heard from her and want to make sure it gets into the packet you are preparing. I apologize if you are getting it twice.

Sue Ferdig

MEMORANDUM

TO: Amber Bell, Associate Planner
City of Corvallis Planning Division

FROM: Sue Ferdig and Dave Russell
619 NW Survista Avenue

SUBJECT: Tract" B" of Coronado Subdivision Major Modification (PLD14-00005)

DATE: January 19, 2015

PLEASE INCLUDE WITH MATERIALS TO BE GIVEN TO THE PLANNING COMMISSION

We would like to state for the record that we are opposed to the Tract B Proposal. It is disheartening to see this back on the table so soon with very little change from the original proposal (PLD 12-00005) that was unanimously denied by the Planning Commission in 2013.

Having reviewed the staff report and letters from the neighborhood, we concur with all the letters in opposition in the 758 page staff report and wish to add some comments of our own.

We would urge any Commissioners who have not visited the site to do so before making a final decision. The photographs shown in the applicant's packet were obviously taken to show the site from the best angle. Please look at the photos in the letter from Julie Hansen (in the packet) for a much more accurate picture (no pun intended). We also refer you to the comprehensive letter by Jeff Diamond for the many reasons this proposal deserves to be denied as opposed to listing them all here.

Having had to deal with this Developer on several issues now, it is always the same thing. The neighbors are given very little notice to prepare for the hearing. No meetings with neighbors were held for this proposal. How can new residents to Coronado possibly have any knowledge of meetings that were held in 2013. This blatant disregard for the Coronado, Autumn, and Survista neighborhoods is reason alone to deny or at the very least extend this hearing.

There is bound to be runoff from building on the site. During meetings for the Coronado Subdivision, we were assured that the runoff issues would be taken care of by a French drain and a collection pond so that none of us would be affected by any runoff. That did not turn out to be the case and several neighbors experienced water in and under their houses at the first rains of the season. One homeowner was forced to spend several thousand dollars to mitigate the damage (he had never had a problem before the subdivision went in). It would be frivolous to assume that there will not be runoff to the houses on Autumn Street as there have already been issues with this from the system in place now.

Regarding the public need for these apartments, there are literally hundreds of apartments within a couple of minutes of this site located on Conifer, Jack London, Lancaster, and Walnut Streets with many more having been built since 2013 all across Corvallis. “For Rent” signs are visible from almost any location in town. Much has changed with the vacancy rates since 2013. This does not seem to be a viable argument for the Developer any longer.

Lastly, the nitpicking by the Developer regarding the definition of the word “should” with regard to a cul-de-sac is ridiculous. Coronado is a very narrow street and there are already approximately 26 houses with a large commercial duplex being built very close to Tract B. Constant construction in the area has given an excellent preview of how more traffic from the remaining houses to be built, the commercial duplex, and a 10 unit apartment will negatively affect the area. Perhaps, we might discuss the definition of the words reasonable and appropriate instead of “should”.

In closing, we ask the Planning Commission to once again deny this application to place a 10 unit apartment building on Tract B.

From: Teri Engbring
To: Bell, Amber
Subject: FW: letter about Trash Container
Date: Tuesday, January 20, 2015 7:21:26 PM
Attachments: Diamond rebuttal of memorandum 1-16-2015.pdf

Amber,
Please call (541-829-2601) or email me to confirm that you have received this additional testimony from Jeff Diamond for inclusion in the packet for the Jan. 21 Planning Commission hearing. If I don't hear back from you Wednesday morning, I will bring a hard copy to your office to ensure it is included in the packet. Also, could you please tell me how many variances you found would be needed for the PC to approve the proposed application? I believe it is in your staff report, which I read earlier but we are having some trouble downloading it to check.
Thanks,
Teri Engbring

From: savage41@hotmail.com
To: engbring@hotmail.com
Subject: letter about Trash Container
Date: Tue, 20 Jan 2015 23:20:43 +0000

Hi Teri,
Please forward or hand deliver to Amber Bell. Long PDF attachment because it includes supporting evidence. Page 1 is the news and rest just backs up my arguments. Feel free to share it with group if they would want to read and not too busy with their own work, Jeff

Jeff Diamond, 548 NW Mirador Pl Jan. 20, 2015

PLD14-00005 - Rebuttal of Memorandum to Planning Commission dated Jan 16, 2015

The Applicant has sent a memorandum to the Planning Commission (Jan 16, 2015), which is included in the Supplemental Packet (released Jan 16, 2015), which states on page 11 that they request the deletion of **Condition of Approval No. 18**.

The Applicant states "there will no need or expectation of Republic Services vehicles entering the site, thus Staff's determination that fire truck access, to the north of the building, is an access drive because it accommodates garbage truck ingress and egress is no longer valid".

The Applicant's mitigation plan is not feasible. Page 12 of the Memorandum states that a 2 yard trash compaction unit with rolling container will be wheeled to the curb by a facility manager at collection time. There are several major flaws with this proposed alternative:

1) Page 13 shows specifications of the compaction unit, and states that the Container weighs 740 lbs.

Page 12 shows calculations of trash generation per unit of 5 cubic yards (compacted into 1.2 CY). According to US EPA *Measuring Recycling: A Guide for State and Local Governments* 1997, Residential waste weighs 225 lbs./CY. 5 Cubic Yards x 225 lbs/CY = 1,125 lbs. waste per week

Total possible weight of Container and waste: 740 lbs. + 1125 lbs. = **1865 lbs.** (93% of 1 Ton)

2) Container dimensions are stated as approximately 58" by 95". The container's wheels are positioned at the outer edges. The sidewalks in development and through neighboring easement are only 60" wide

3) The path to the street crosses 5 mapped contour lines and moves upslope by at least 11' (as mapped on Grading Plan "R", Application pg. 92). Straight line distance divided by rise produces a **4.8% grade**

4) The distance from the container pen to the street using sidewalks is approximately 255', that's **85 yards** (calculated using diagram on Page 14).

5) 80' of the projected path to the street uses the 5' walkway easement granted by The Regent. The curbing on the parking lot side of this entire easement is of a non-standard sloping ramp style. There is no barrier or curbing to prevent the container from moving downhill and accelerating towards the very nearby parked cars of the regent residents, their shuttle bus or the staff vehicles.

It is very obvious that this last-minute alternative plan presented by the Applicant to negate the city standards is not realistic. How could a facility manager, or even three, possibly push a 1 ton container up a 4.8% slope, while maintaining a path with only 2 inches of margin, for 85 yards? And the return trip trying to control 740 lbs. of steel pulling away downhill on the narrow path? Not once, but weekly?

If attempted, an accident in either direction would almost certainly cause severe property damage or injury. I urge the Planning Commission and Staff to deny this laughably impracticable proposal, and PLD14-0005 as a whole.

Sincerely, Jeff Diamond

DEVCO engineering inc.

245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

16 January 2015

RECEIVED

JAN 16 2015

Community Development
Planning Division

Ms. Amber Bell, Assistant Planner
Community Development
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

SUBJECT: Coronado Tract B Subdivision
(PLD14-00005)

Dear Amber:

The Applicant is proposing trash collection and pick-up, for the ten unit Tract B facility, in accordance with the accompanying guidelines for the project approved by Republic Waste. Under the proposed procedures there will be no need or expectation of Republic Waste vehicles entering the site, thus Staff's determination that the fire truck access, to the north of the building, is an access drive because it accommodates garbage truck ingress and egress is no longer valid.

The Applicant will be asking the Planning Commission to delete Condition of Approval No. 18.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 abell 01-16-2015.docx

Enclosures

SCANNED
Date: 1/14 By: AB

DEVCO engineering inc. 245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

14 January 2015

Mr. Mark Wibbens
Republic Waste
110 NE Walnut Boulevard
Corvallis, OR 97330

RECEIVED
JAN 16 2015
Community Development
Planning Division

SUBJECT: Tract B, NW Mirador Place
PLD14-00005

Dear Mark:

The subject property is a ten-unit, two bedroom/unit, multi-family residential facility which the City of Corvallis is presently reviewing under the case number above. The owner proposes to install a trash collection enclosure as shown on the accompanying drawing which would accommodate a two cubic yard trash compactor with container, and separate recycle carts.

Operationally, the facility manager would be responsible to wheel the trash container and the recycle carts to the NW Mirador Place curb at the designated collection times.

As we understand the industry standards, a typical two or three bedroom residential unit generates approximately 0.5 cubic yards of un-compacted trash weekly. Ten percent of this volume is typically recyclables. The trash compactor is rated to reduce this volume by a factor of 4 to 5. Thus the maximum weekly volume of compacted trash from this facility will be:

(10 units x 0.5 cy/unit) ÷ 4 = 1.2 cubic yards of compacted trash per week

5 CUBIC YARDS BEFORE COMPACTING
X 225 lbs/CYD = 1,125 lbs.

This quantity will easily fit in a two cubic yard rolling container.

If you are in agreement that the approach outlined above meets with Republic Waste's service expectations and requirements, please sign below, and we will forward a copy of this letter to the City.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
DB-402 wibbens 01-14-2015.docx

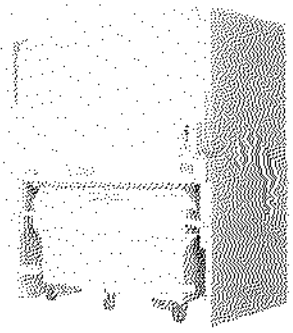
Concurrence by: Mark Wibbens, on behalf of Republic Waste

Attachments: (1) Site Plan
(1) Trash compactor product sheet

2 Yard Vertical Outdoor Compactors

WasteCare Corporation is your source for commercial trash compactors, balers, waste equipment, recycling equipment, industrial shredders and grinders, and other waste related products and services.

Two Yard Steel Container Holds roughly 8 - 10 yards of Compacted Trash



Helpful Info for Deciding on 2 Yd Vertical Compactors:

2-VOC - 2 YARD VERTICAL COMPACTORS

2 Yard Vertical Outdoor Compactor - Standard Features

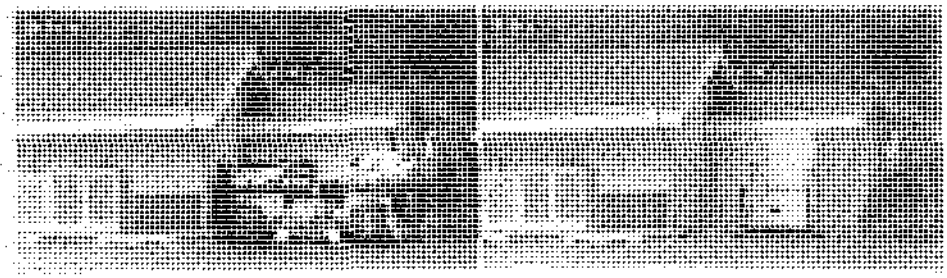
115V-Single Phase
Twin 3" Cylinders
Two Stage Pump

2 Yard Vertical Outdoor Compactor - Options

Ozone Sanitizer
3 Phase Power Unit
Through The Wall Chutes
Additional Colors Available
Right/Left Side Control Panel

Note: Our [illegible] may be helpful

Great for Parking Garage Applications where the Compactor can be positioned in the garage and the containers rolled out to the hauler area for tipping.

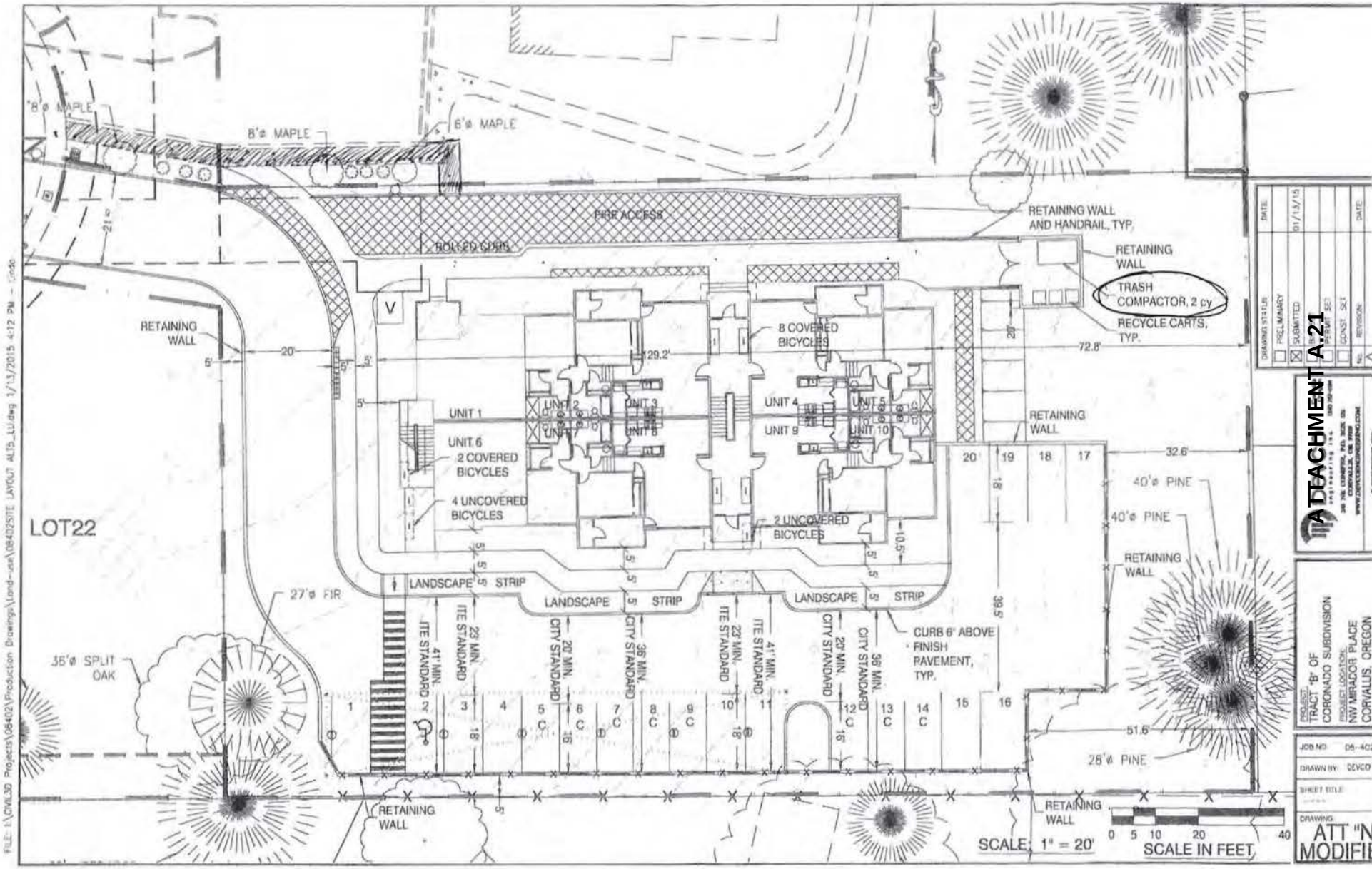


COMPACTOR SPECIFICATIONS

2VOC - Specifications		
Container Capacity	2VOC-CAP	2 Cubic Yard
Ram Face	2VOC-RFC	27" x 48" (69cm x 122cm)
Ram Pressure @ 2000	2VOC-RPR	28,300 lbs.
Cycle Time	2VOC-CTI	28 seconds
Twin Cylinders	2VOC-CYL	7" Bore, 37.5" Stroke, 1.5" Rod
Motor	2VOC-MTR	2 hp
Pump	2VOC-PMP	Two Stage
Electric Power	2VOC-PWR	115/230V-1Ph-60Hz.
Oil Capacity	2VOC-OIL	6 Gallons
2VOC - Dimensions		
Loading Door Opening	2VOC-LDO	85"x 24"
Overall Height	2VOC-OHT	102"
Overall Depth	2VOC-ODP	58"
Overall Width	2VOC-OWD	85"
Shipping Weight -Compactor	2VOC-WTC	3,250 lbs.
Shipping Weight -Container	2VOC-WTB	740 lbs

Container Specs

ATTACHMENT A.20



ATTACHMENT A.21

Pg. 14

RecycleMania

Volume-To-Weight Conversion Chart

The following conversion estimates are provided for schools to use in the RecycleMania competition where actual weights are not available. These estimate formulas are based on best-effort weight averages observed at multiple facilities across the country. Because it is possible for individual college and university's actual weights to vary significantly based on local conditions, RecycleMania participants should monitor and make note of materials that appear to be consistently heavier or lighter than the estimates below. Where a college believes it's materials may vary significantly from this chart, they should contact the helpline to discuss options for determining more accurate weights.

For questions about the conversion chart or estimating weights, email or call: helpline@recyclemaniacs.org or (843) 278-7686.

Unless otherwise noted, all figures are from averaged ranges published in *Measuring Recycling: A Guide for State and Local Governments,* by U.S. Environmental Protection Agency; Washington: 1997.

1. "Recycling Data Report," California Integrated Waste Management Board; Sacramento: 1996.
2. Based on CURC Standards Committee, peer reviewed estimates.
3. Based on RecycleMania Steering Committee estimates

Paper (All grades loose and unbaled)

Newspaper:	433 pounds/cubic yard	4.62 cubic yards/ton
Office paper:	568 pounds/cubic yard	3.52 cubic yards/ton
Mixed paper (1):	484 pounds/cubic yard	4.13 cubic yards/ton
Magazines:	950 pounds/ cubic yard	2.11 cubic yards/ton

Corrugated Cardboard

Flattened boxes, loose:	100 pounds/cubic yard	20 cubic yards/ton

Containers (cans, bottles, jars)

Commingled cans, glass and plastic bottles:	200 pounds/cubic yard	10 cubic yards/ton
Whole glass bottles (0-10% broken):	600 pounds/cubic yard	3.33 cubic yards/ton
Aluminum cans (whole, unflattened):	63 pounds/cubic yard	31.75 cubic yards/ton

Steel cans (whole, unflattened):	150 pounds/cubic yard	13.33 cubic yards/ton
Plastic bottles (whole, unflattened):	36 pounds/cubic yard	55.55 cubic yards/ton

Single Stream

Containers, paper, cardboard (3):	139 lbs/ cubic yard	15.46 cubic yards/ton

Food Waste

Mixed food waste	1,500 pounds/cubic yard	1.33 cubic yards/ton

Trash

Campus waste (loose) (2)	90 pounds/cubic yard	22.22 cubic yards/ton
Campus Waste (compacted):	300 pounds/ cubic yard	6.67 cubic yards/ton
Residential waste (loose):	225 pounds/cubic yard	8.88 cubic yards/ton
Commercial/industrial waste (loose):	450 pounds/cubic yard	4.44 cubic yards/ton

Volume Conversion

1 yard^3 = 201.974 gallons

1 gallon = 0.00576 yard^3

January 15, 2015

Benton County Planning Commission

City of Corvallis Planning Division

P.O. Box1083

Corvallis, OR 97339

RECEIVED

JAN 20 2015

Community Development
Planning Division

Attention: Amber Bell, Assistant Planner, to deliver to Planning Commission

Written Testimony of Record in Opposition to Tract "B" of Coronado Subdivision-Major Modification (PLD 14-00005)

Corvallis Planning Commission Members,

We, the undersigned, are **opposed** to the Major Modification (PLD14-00005) for Tract B of the Coronado Subdivision. Due to the short time from notification to hearing, we do not have adequate time to compose our own responses, but feel sufficiently informed. We have read and are in full agreement with the attached testimony of Jeff and Maria Diamond of 548 Mirador Place, and support all that they have written.

We request that you hold the records open an additional 7 days to allow for additional testimony.

Please add our names as Testimony in Opposition to the Coronado Tract B Apartments – Major Planned Development Modification (PLD14-00005).

Thank you,

Attachment

Name	Address	City, Zip	Email
[illegible]	3133 NW Autumn	Corvallis OR	dowekim@gmail.com
J. Brandejton	3133 NW Autumn St	Corvallis OR	czckwin@aol.com
John A. Drexler Jr.	349 NW Autumn Pl	Corvallis OR	drexler@bus.oregonstate.edu
Rachel Terry	3065 NW Autumn	Corvallis OR	rsmith_baking@yahoo.com
[illegible]	"	"	ash-trey@hotmail.com
[illegible]	460 NW Maxine Ave	Corvallis 97330	catpestana@gmail.com
Andre Barbosa	460 NW Maxine Ave	Corvallis 97330	andre.barbosa@oregonstate.edu
MARILYN SARFF	470 N.W. MAXINE	CORVALLIS 97330	M-G-S@COMCAST.NET
David Bennett	495 NW Maxine Ave	Corvallis 97330	5417524694
Elliot Bennett	495 NW Maxine Ave	Corvallis 97330	5417524694
CHAD EVANS	449 NW SUNSETA AVE	CORVALLIS 97330	TACTICAL-2241@YAHOO.COM
Lisa Evans	449 NW Sunsta Ave	Corvallis, OR 97330	Madhunt9902@yahoo.com

ATTACHMENT A.24

OVER →

Sherry Mendenhall 486 NW Survista Corvallis, OR
mendenhall_passey@comcast.net
Rick Passey 486 NW Survista Corvallis, OR
mendenhall_passey@comcast.net
Richard Leisman 605 N.W. Survista Ave. Corvallis Or 97330
Suzanne Ferding 619 NW Survista Corvallis 97330
David E. Russell 619 NW Survista " "
Rebecca Mettnes 631 NW Survista Corvallis 97330
Beccabelle@netmail.com
Robert Peery Rapid75@comcast.net 622 NW Survista Ave Corvallis 97330
Brenda Peery 869 WILD ROSE Corvallis OR 97330
Ethel J. Peery 622 NW Survista Ave Corvallis 97330

The 21 signatures listed above – All signed JAN. 17. 2015

Witnessed By James Kline
James Kline
3098 NW Autumn St.
Corvallis, OR. 97330
JamesKline5744@comcast.net

(PLD 14-00005)

NOTES

JAN. 18, 2015

ADD OUR NAMES IN OPPOSITION TO THE CORONADO TRACT B APARTMENTS. MAJOR PLANNED DEVELOPMENT MODIFICATION

NAME	ADDRESS	CITY/ZIP	E-MAIL
Paul & Linda Liegerman	3080 NW Autumn	Corvallis, 97330	liegerman@gmail.com
Dave Voltzke Stephanie Voltzke	1631 NW Sunista "	Corvallis, 97330 "	
Harold J. Mary	646 NW Sunista	Corvallis 97330	
Barbara J. Mary	646 NW Sunista Ave	Corvallis 97330	
Matt Heir	690 NW Sunista Ave	Corvallis, 97330	
Don Kraft	3126 NW Satinwood St.	Corvallis, 97330	
Deborah Buettner	3344 NW Satinwood	Corvallis 97330	
Charles Buettner	3344 NW Satinwood	Corvallis 97330	cebuettner@comcast.net
Whitney Adams	3424 NW Satinwood	Corvallis 97330	carver23d@yahoo.com
WALLACE FORDHAM	3493 NW MAXINE CIR	CORVALLIS, 97330	
Faye Hilton	3493 NW Maxine Cir	Corvallis	
Val Krauss	3463 NW Maxine Cir	Corvallis 97330	
Katherine E. Krauss	3463 NW Maxine Cir.	Corvallis, OR 97330	k.e.krauss@comcast.net
Ted Krauss	3463 NW Maxine Cir	Corvallis 97330	
Marjorie R Kinch	3510 NW Mink Pl	Corvallis 97330	suncatche100@comcast.net
[illegible]	3510 NW Mink Pl.	Corvallis 97330	"
Chris Gregory	3525 NW mink Pl.	Corvallis 97330	chrisgrnd@yahoo.com
Brenda Gregory	3525 NW mink Pl.	Corvallis 97330	chrisgrnd@yahoo.com
[illegible]	3544 NW Mink Pl	Corvallis 97330	dganver10@comcast.net
[illegible]	3544 NW MINK Pl	Corvallis 97330	debbiegarvera@comcast
Issam Rifai	3526 NW Mink Pl.	Corvallis 97330	issam.rifai@oregonstate.edu

NOTES

Alan Jacobson 3445 NW Maxine Cir Corvallis, OR aj@alan-rad.com

Marc Norcross 3439 NW Maxine Cir Corvallis, OR marc.norcross@gmail.com

Thomas Kincaid 3422 NW Maxine Cir. Corvallis OR kincaid.tom@epa.gov

Jennifer Davis 3405 NW Maxine Cir Corvallis, OR davisjb@hotmail.com

Anne Hart 3384 NW Maxine Cir Corvallis, OR hrhart3384@comcast.net

Andrew Jordan 787 NW Beaver Pl. Corvallis, OR andrew.william.jordan@gmail.com

Rosie Jordan 787 NW Beaver Pl Corvallis, OR rosie.n.jordan@gmail.com

Cindy Thacker 3034 NW Maxine Cir Corvallis OR 97330

Ernest Thacker 3034 NW Maxine Cir Corvallis, OR 97330

Paula Clark pac3326@gmail.com 3326 NW Maxine Cir Corvallis, OR 97330

Amanda Nielsen 3017 NW Maxine Cir Corvallis, OR 97330

Adam Nielsen 3017 NW Maxine Cir Corvallis, OR 97330 anielsen028@gmail.com

Patricia Hunnefeld 629 NW Maxine Cir Cor, OR 97330

[illegible] 583 NW Maxine Cir Cor, Or 97330

Claire Hauge 475 NW Maxine Ave Cor. 97330

Eric Chytka 419 NW Sawvista 97330 Chytkas@comcast

[illegible] Alcalondo 450 NW Maxine 97330

[illegible] 420 NW Maxine Av. 97330

James A. Kline 3098 NW Autumn St Corvallis 97330 JamesKline5744@comcast.net

Witnessed by James A Kline 1.18.15

From: Sue Powell
To: Planning
Subject: Written Testimony against PLD14-00005
Date: Tuesday, January 20, 2015 3:47:50 PM
Attachments: Planning Commission PLD14-00005.docx

Ms. Amber Bell
Asst. Planner, Corvallis
January 20, 2015

Ms. Bell -

Please include the attached letter as written testimony against approval of PLD 14-00005.

Your response to this email will serve as proof of receipt.

Thank you,

Susan Powell
jabirusue@yahoo.com

670 NW Mirador Place
Corvallis, OR 97330
January 18, 2015

City of Corvallis Planning Commission
City of Corvallis, PO Box 1083
Corvallis, OR

Planning Commission members:

I am opposed to the major modification to a planned development for the Coronado Tract B apartments proposal (PLD14-00005). The addition of an apartment complex at the end of the cul-de-sac is inappropriate, would create safety issues, and would reduce the livability of the Coronado subdivision.

We bought our lot at 670 Mirador Place in summer 2013 after carefully reviewing the CC&Rs provided by the developer, as well as Coronado subdivision maps and plans. The CC&Rs called for single-family homes in the cottage or craftsman style, which we followed in selecting a house design. The type of neighborhood these documents detailed was a primary reason for our decision to build a house here. The adjacent Satinwood Street often has a lot of traffic, and by contrast, Mirador is a slow traffic area.

According to the Detailed Development Plan of 1981, development on Tract B is restricted. The plan was negotiated with neighbors to allow The Regent, a high-density, senior care facility, to be built in the surrounding low-density zone. Tract B was designated as green space to act as a sight and noise buffer between The Regent and neighbors east and south. Green space is a desirable feature in neighborhoods, providing a visual break as well as an urban oasis for birds and other animals.

It is very disturbing to think that such a green space designation could be overridden and, further, that Tract B could be developed to permit higher-density housing, removal of buffer trees, poor sight lines due to the height of the building, and increased problems with noise, water runoff, traffic, and parking. Approval of this application would set a troubling precedent for infilling single-family neighborhoods with high-density dwellings in the many other cul-de-sacs in Corvallis.

The 20-bedroom apartment complex proposed for the end of Mirador Place would conflict with livability and safety issues paramount to the Transportation Master Plan 3.50.40. This plan states, “Streets and motorized vehicle traffic have a large impact on the safety and livability of the neighborhood. The ideal neighborhood street is, above all else, one that is safe.”

It is conceivable that the complex, if approved, could accommodate four persons per apartment, each person having a vehicle, resulting in 40 renters and 40 vehicles. Cars exiting Tract B would emerge into the cul-de-sac from an uphill, sight-impaired driveway. Traffic and parking on Mirador Place would become a nightmare. The Coronado subdivision has a mixed age group, from young families with small children to retired persons. This is an active area, with many people in both the subdivision and neighboring areas, including The Regent, frequently walking, running, exercising pets, and using the city park at the intersection of Mirador and Coronado. All would be affected by the high traffic going to and from the apartment complex, and even crossing the street would be dangerous, especially for small children and older adults. Further, the proposal calls for only 20 parking spaces on Tract B, which means that a large

number of those vehicles would have to be parked on Mirador. The presence of cars parked at the end of the Mirador cul-de-sac restricts the length of vehicles that can turn around; I often see cement trucks and other large vehicles backing down the street to the intersection with Coronado in order to turn around.

Mirador Place is not comfortably navigable when cars are parked on both sides of the street because it is less than 28 feet wide. LDC 4.8.70.a.2 – Site Development Standards; Street widths states that streets serving more than 30 dwelling spaces shall have a minimum width of 28 feet. There are 26 lots on Mirador (excluding those used for the park) and adding the apartment complex would push the number of dwelling spaces well above 30. Any other land use would result in livability and safety issues.

The numerous adverse features of this planned development are inconsistent with the Corvallis Comprehensive Plan and Land Development Code. I urge you to deny this application.

Sincerely,

Susan Lee Powell

From: Teri Engbring
To: Bell, Amber
Subject: Additional PC testimony of Teresa Engbring
Date: Wednesday, January 21, 2015 1:12:46 PM
Attachments: Added Testimony of Teresa Engbring to PC 1-21-15.docx

---

Amber;
Thank you in advance for including the attached additional testimony in tonight's packet. This reflects additional information and perspective after reviewing your staff report in more detail, though I still haven't quite made it through the full 756 pages yet.
Most sincerely,
Teresa Engbring

Additional Testimony of Teresa Engbring at 1/21/15 Planning Commission Hearing
RE: PLD1400005

I am Teresa Engbring and I live at 602 NW Mirador Place in Corvallis, 7 lots from the proposed Tract B Apartment Complex. I am fully opposed to the application before you.

Despite claims of the developer in their application and in yesterday's story in the Gazette Times, the developer has not met with neighbors in our surrounding single family zoned neighborhood since our first meetings nearly 3 years ago. Neither have they made any significant changes to the application which was submitted to you and denied in 2013.

When Tract B neighbors were first approached by the developer in 2012, we carefully considered their proposal for an apartment complex at the end of our cul de sac, but told them it was unacceptable on many levels.

Traffic, noise, lighting, runoff, grading, off-site parking, pedestrian and bicycle safety, odors and emissions, landscaping, and emergency vehicle access were some of our concerns then and now. They proposed 3 story buildings with10 two-bedroom units and applied to the city for nominal variances to proceed. The homeowners spent hundreds of hours researching the administrative history of the property and the Land Development Code, reviewing the application carefully. We found many code violations, errors and misleading statements, which we pointed out to the staff and planning commission. In June, 2013, we were relieved when the Planning Commission unanimously rejected the developer's application and the City Council chose not to accept an appeal.

The developer continues to ignore or dismiss significant City guidelines such as the limit of 18 units on a cul de sac, which they would increase to 27, a gross violation, and unprecedented in City history. *LDC4.0.60.c.2. says "Cul-de-sacs should not exceed 600 ft. nor serve more than 18 dwelling units."* The proposal would go well beyond the City's standard, and is even more egregious because the tract has no off-street parking. Why shouldn't the recommended standard for cul-de-sacs apply here? Crowding is further exacerbated by employees and guests of the abutting Regent property who regularly park on the cul-de-sac bulb instead of in the Regent's often full onsite parking lot.

That the applicant only asks for 2 variances in this application is a travesty, and an indication of their attitude toward the city and neighbors. It does not even address the 18 unit limit on a cul-de-sac! City staff pointed out that there are many inconsistencies with the LDC that the applicant never addressed, and 20 conditions (changes to the application) that would have to be made for approval.

And that is IF the elephant in the room (incompatibility with the existing DDP) is ignored. The developer also continues to ignore the City's ongoing commitment to provide a buffer to the surrounding single family neighborhood, made in 1981, when a Detailed Development Plan (DDP)was negotiated with neighbors to allow a unique high density Congregate Care Facility(CCF) to be built in a low density zone. A clear condition of approval was a135 foot setback from the building's southern boundary. By definition, you do not build in a setback, which this application would do. The current .8 acre Tract B is the southern portion of the 1981

CCF site that the City designated as a buffer for the surrounding neighborhood. That is the clear intent of the DDP and City officials who approved it in perpetuity. The setback is even more needed with the addition of 50 single family lots to the west in our subdivision. A request to build a 3 story apartment complex in an honestly negotiated setback area is not keeping with the intent or spirit of the law or DDP.

Please read critical testimony of many of my neighbors including Jeff Diamond, who cannot be here tonight. He responds to a rather remarkable response by the applicant about an impossible trash pickup option for the proposed apartments in response to last week's staff report that wisely recommended denial of the application.

The developer has threatened the city with legal action if they don't get their way. As Ms Bell noted in her report, "the City Attorney's Office advises that a property owner must have reasonable development backed expectations to claim a reduction in value in property that constitutes a regulatory taking. If the Planning Commission determines that conditions from the 1981 PD apply to the subject site, then the Planning Commission might want to determine whether there is sufficient evidence in the record to determine whether the current owner took possession of the property subject to whatever restrictions on development were applied through the 1981 PD conditions. She further and accurately finds that the applicant became the owner of the subject site after it was already subject to the conditions of the1981 PD.

It is critical to remember that the original developer and their successors bought the Tract B property fully aware of the 1981 DDP and setback requirements. They also chose to design the Coronado subdivision leaving Tract B with only a narrow access drive and no off street parking at the end of a cul-de-sac. These same developers sold single family lots to current residents of Mirador Place without any disclosure of plans for an apartment complex at the end of their street. With construction last year of a small park at the corner of Mirador and Coronado that has no off street parking, traffic and parking problems are exacerbated. The variances in this application should not be granted, especially as they are <u>self-imposed conditions created by the property's owners</u>. This and all similar applications should be rejected.

All maps and documents of the Coronado Subdivision refer to the site in question as Tract B. The LDC defines a **Tract** in section 1.6 as " A piece of land created and designated as part of a land division that is not a lot, lot of record, or parcel. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Again, Tract B was designed as a buffer and setback between the high density Congregate Care Facility and surrounding single family properties. That is the only purpose intended in its designation.

LDC 2.5.60.01(b) notes that a planned development modification must still meet the intent of the original approvals. As the intent of the DDP for Tract B is setback to buffer the surrounding neighborhood from the congregate care facility, there is no way a large apartment building can meet that intent. Further, the developer's wish to build in an inappropriate site should not be considered a compensating benefit for the city.

Unfortunately, the staff report for this application says that “It is anticipated that the proposed 10-unit apartment development will generate similar noise impacts on neighboring properties as the existing Regent Retirement facility and other nearby residential uses.” This assessment flies in the face of common sense. How can you compare a retirement residence where the average age is 80 and many residents don’t even own a car, to the proposed apartments where every unit is likely to include at least 2 renters, each with their own car, and a generally younger, more active population? Neighbors to the south and east will also be much closer to the action because the apartments are slated to be built within the buffer that screens them from the Regent. Another huge difference in impact on the neighborhood is that vehicle access to the Regent is from Elks Drive where there are no single family homes, in contrast to the proposed development where access is only on the Mirador Place cul-de-sac, past more than 25 single family homes and a children's playground with only on-street parking.

LDC4.2.40 says Buffer plantings are used to reduce apparent building scale, and generally mitigate incompatible or undesirable views. At minimum, this mix shall consist of trees, shrubs, and ground cover, and may also consist of existing vegetation, such as natural areas that will be preserved. Buffering is required in areas identified through Conditions of Approval. Yet the applicant would put covered parking within 3 feet of neighboring single family properties. Plus, in approving the Regent in 1981 the City recognized the need to provide neighbors on Autumn and Survista abutting their site with buffer plantings. After 30 years, that landscaping now includes several mature trees and plantings that would be destroyed by the applicant’s design as they squeeze a 20 bedroom building and off-street parking onto a small lot with limited street access.

I realize that the City still wants to add additional housing units in the coming years, but hundreds of rental units have been approved recently throughout the city in more appropriate locations, none at the end of a cul-de-sac. Plus any realtor will tell you that there is also huge demand here for single family homes and neighborhoods. We can’t afford to threaten the current limited stock of single family housing, which is what would happen to dozens of homes surrounding Tract B if this application is approved. Corvallis residents need to know their homes, families and investments will be protected by City officials from incompatible development. Changing the rules halfway through the game is unethical and illegal. There is a reason so many variances are needed for this proposal, and that is that it clearly does not belong here. Please deny this application.

Thank you.
Teresa Engbring
602 NW Mirador Place
Corvallis, OR 97330

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

Date: January 16, 2015

To: Planning Commission

From: Amber Bell, Assistant Planner - Community Development Department

Re: Coronado Tract B (PLD14-00005)
Additional Materials

The Applicant provided additional materials for PLD14-00005 after publication of the January 14th, 2015 Staff Report to Planning Commission, consisting of the following:

- A letter regarding RS-12 District Standards in effect at the time of SUB05-00005, along with excerpts from Chapter 3.6 of 1993 Land Development Code, received on January 15, 2015. The Applicant requested that this information be included in the record.
- A letter and correspondence with Allied Waste, stating that the northern driveway is not needed for garbage truck ingress and egress and accompanied by a revised site plan (Attachment "N" Modified), received January 16, 2015.

Staff are in the process of evaluating the additional materials provided on January 16, 2015 for compliance with applicable development standards and review criteria, and will be prepared to respond at the January 21st, 2015 Public Hearing. Staff will provide paper copies of the above-listed materials to the Planning Commission at the January 21st Public Hearing.

DEVCO engineering inc.

LETTER OF TRANSMITTAL

245 NE Conifer Boulevard ♦ P.O. Box 1211 ♦ Corvallis, OR 97339
Phone 541.757.8991 ♦ Fax 541.757.9885

Date: 01-15-2015

To: City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

Attention:
Amber Bell
Associate Planner

Project: 08-402

Tract B Detailed Development Plan

PLD14-00005

Via:

- UPS Ground
- UPS 2nd Day
- UPS Overnight
- UPS Overnight Saver
- U.S. Mail
- Federal Express
- Via Email
- To Be Picked Up
- x Hand Delivered

Enclosed are:

	Items you requested		Details		Electronic Media
	Draft Documents		Drawings		
X	Final Documents		Calculations		

Copies	Date	Description
1	01-14-2015	RS-12 District Standard letter

These are being Sent:

For your signature
For review

For your use
For your files

RECEIVED
JAN 15 2015
Community Development
Planning Division

Notes:

Copy to:

File

SCANNED
Date: 1/16 By:

Signature:

lyle e. hutchens/nle

Lyle E. Hutchens, Project Manager

ATTACHMENT B.2

DEVCO engineering inc. 245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

14 January 2015

RECEIVED
JAN 15 2015
Community Development
Planning Division

Amber Bell
Assistant Planner
Planning Division
City of Corvallis
POB 1083
Corvallis, OR 97339-1082

SUBJECT: Tract "B" of Coronado Subdivision, PLD 14-00005

Dear Amber,

The applicant is requesting that accompanying RS-12 District Standard from the 1998 amended City of Corvallis Land Development Code be included in the record for the subject application. This is the RS-12 District Tentative Standard which was in effect at the time of the approval of the Coronado Subdivision Plat under City of Corvallis Case No. SUB05-00005.

This standard documents that there were no "Maximum" front yard or side yard setbacks in the RS-12 zone at the time Tract "B" was approved as a lot in the Coronado Subdivision.

If you have any questions, please do not hesitate to call me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/jp
08-402 abell 01-14-2015.docx

CHAPTER 3.6
RS-12 (MEDIUM-HIGH DENSITY) DISTRICT

Section 3.6.10 - PURPOSE

This district implements the Medium High Density Comprehensive Plan designation, which allows a range of 12-20 dwelling units per acre. It is intended to provide areas for family and group residential uses and to serve as transition areas between lower density family residential housing and more intensively developed group residential housing and related uses. Through the following standards this district provides higher density housing designed to provide spatial territory for each unit through the promotion of:

a. Individual entries and transition from public and communal areas to private areas;

b. Building projections, level changes and so forth, to effectively define areas for a variety of outdoor functions as well as privacy; and

c. Landscaping and open space to serve as extension of living areas.

Section 3.6.20 - PERMITTED USES

3.6.20.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
   - Family
   - Group Residential
   - Group Residential/Group Care
   - Residential Care Facilities

   (b) Residential Building Types:
   - Single Detached
   - Single Detached (Zero Lot Line)
   - Duplex
   - Single Attached (Zero Lot Line, 2 units)
   - Attached (Townhouse)
   - Multi-Dwelling
   - Manufactured Dwelling Park (in accordance with Chapter 4.8)

2. Civic Use Types:
   - Community Recreation
   - Public Safety Services
   - Religious Assembly

3. Commercial Use Types:
   - Commercial use types existing prior to February 7, 1981, along SW 5th and SW 6th Streets, from SW Adams Avenue to Western Boulevard.

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticultural (personal use)
5. Model Dwelling Units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)
8. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1
9. Other development customarily incidental to the primary uses in accordance with Chapter 4.3
10. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 10 ft, subject to the standards in Chapter 4.9.
11. 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.

3.6.20.02 - Special Development - Uses Allowed Through Discretionary Review.

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

1. Conversion of structure to Professional and Administrative Services use types in accordance with Section 3.6.50
2. Cultural Exhibits and Library Services
3. Funeral and Interment Services (interring and cemeteries only)
4. Lodges, Fraternal and Civic Assembly
5. Major Services and Utilities
6. Minor Utilities subject to standards in Chapter 4.9
7. Offices, as defined in Chapter 1.6, existing prior to February 7, 1981
8. Planned Development in accordance with Chapter 2.5
9. Sports and Recreation (Spectator and Participant - General)
10. Commercial use types in existence as of February 7, 1981 (*i.e.,* Automotive and Equipment - Light Equipment Repairs and Light Equipment Sales and Rentals), in the RS-12 District at 2220 SW 3rd Street (Assessor's Map #12-5-11BC, Tax Lot 700 and 701), shall not be classified as nonconforming development. Upon further development, perimeter buffers shall be established consistent with Shopping Area District standards.
11. Colocated/attached facilities on multi-family (3 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.
12. 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.
13. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

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

1. (Reserved)
2. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*

Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

	Standard
a. Lot Area	2,200 sq. ft minimum per dwelling unit
b. Lot Width	25 ft minimum
c. Setbacks Front yard Rear yard Side Yards [1]	 10 ft minimum 20 ft minimum None if units are attached, otherwise: 1. Exterior side yards: 10 ft and visions clearance areas in accordance with Chapter 4.1 2. Side yard on an interior lot: 5 ft minimum 3. Side yard abuts a more restrictive district: 5 ft minimum 4. Side yard abuts a more restrictive district and proposed structure is more than one story: 10 ft minimum
d. Garage/Carport Vehicle Entrance	19 ft minimum to back of designated sidewalk
e. Structure Height	35 ft maximum - nor shall it exceed a solar envelope approved under Chapter 2.18 or 4.6
f. Lot Site Coverage	60% of lot area maximum [2]
g. Off-Street Parking	See Chapter 4.1

3.6.30.01 - Exterior Elevations

Exterior elevations of buildings shall incorporate design features such as offsets, balconies, projections, or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Director may refer the proposal to the Land Development Hearings Board.

Additionally:

a. No more than 4 units shall enter from a common entrance (vestibule, lobby, *etc.,*)

b. Structures shall not have a continuous non-interrupted horizontal distance exceeding 60 ft.

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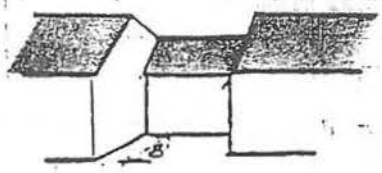
[1] Where side yard setbacks are provided there shall be a minimum of 10 ft between structures.

[2] Includes area occupied by buildings, parking and circulation of automobiles.

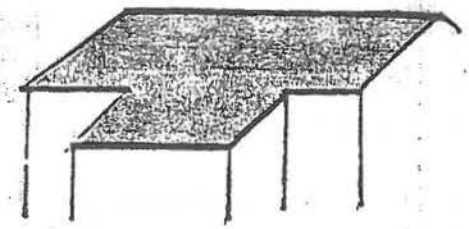
c. Along the vertical face of a structure, offsets shall occur at a minimum of every 30 ft by providing any two of the following:

1. Recesses (decks, patios, entrances, floor area, *etc.,*) of a minimum depth of 8 ft.



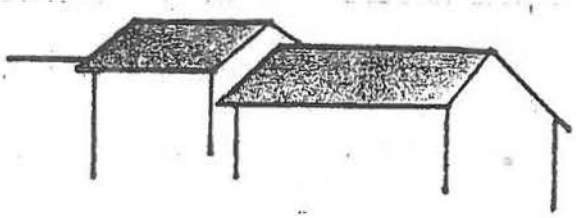
AND/OR

2. Extensions (decks, patios, entrances, floor area, *etc.,*) a minimum depth of 8 ft, a maximum length of an overhang shall be 25 ft.



AND/OR

3. Offsets or breaks in roof elevation of 3 or more ft in height.



3.6.30.02 - Multiple Buildings on One Lot: Separation Between Buildings, Parking Areas, Walks, and Drives

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

a. Buildings with windowed walls facing buildings with windowed walls - 25 ft separation.

b. Buildings with windowed walls facing buildings with a blank wall - 15 ft separation.

c. Buildings with opposing blank walls - 10 ft separation.

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", "b" and "c" above for walls in separate buildings.

f. Where buildings exceed a horizontal dimension of 60 ft or exceed 30 ft in height, the minimum wall separation shall be increased. The rate of increased wall separation shall be 1 ft for each 15 ft of building length over 60 ft and 2 ft for each 10 ft of building height over 30 ft.

g. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 ft of the ground level.

1. Driveways and parking lots shall be separated from windowed walls by at least 8 ft; walkways running parallel to the face of the structures shall be separated by at least 5 ft.

2. Driveways and parking lots shall be separated from living room windows by at least 10 ft; walkways running parallel to the face of the structure shall be separated by at least 7 ft.

3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 ft.

Section 3.6.40 - OPEN AREA, LANDSCAPING, AND SCREENING

a. A minimum of 40 percent of the gross lot area shall be developed as permanent open area. The minimum open area shall be landscaped and permanently maintained in accordance with Chapter 4.2. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as fountains, pools, benches, sculptures, planters, and similar elements may be placed within the area. Within the permanent open area, a minimum open area of 0.25 sq. ft shall be provided for each sq. ft of residential gross floor area. These provisions shall apply to all new projects and to an addition or remodeling of existing structures that creates new dwelling units. The open area may be allocated as follows:

1. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least 60 sq. ft with a minimum dimension of 6 ft may be included as part of the required open space and be given credit for 2 sq. ft of open area for each 1 sq. ft so provided, not to exceed 200 sq. ft of total open space credit for any one dwelling unit.

2. Required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

3. Balconies required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.

4. Roofed Structures shall not be included as open space except for open unenclosed private patios or balconies.

5. Driveways and parking areas shall not be included as open space.

b. Garbage collection areas, and service facilities such as gas meters and air conditioning facilities located outside the building shall be appropriately screened and landscaped in accordance with Chapter 4.2.

Section 3.6.50 - CONVERSION OF UNIT TO PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES

The predominant purpose of this district is to retain residential unit availability; however, within the district there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3, to the "Professional and Administrative Services" use type, except the review criteria to evaluate the proposal shall be as follows where the following conditions exist:

3.6.50.01 - Size Limitation

Structures must be 4,000 sq. ft or more and built before February 7, 1981.

3.6.50.02 - Burden of Proof

It is the burden of the developer to prove that:

a. The structure cannot feasibly be used for the uses permitted in Section 3.6.20 above without creating undue financial hardship for both tenants and owners. This may be accomplished by meeting both of the following:

1. Providing factual data and information on the potential costs of utilizing the structure for residential use (*e.g.,* heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, and construction for parking, *etc.*) as those costs compare to estimated potential rent or purchase prices for tenants or owners; and

2. It must be demonstrated that an earnest effort has been made to retain the structure for residential use through established marketing procedures (*e.g.,* advertising, brochures, telephone contact, contact with real estate and marketing professionals, *etc.*).

OR

b. It is in the best interest of the community to allow the structure to be used for "Professional and Administrative Services" use type. This may be accomplished by meeting both of the following:

1. Inclusion on the Corvallis Register of Historic Landmarks and Districts; and that

2. Determination that substantial alterations would be necessary for retention of the structure for residential use, and such alterations would result in the loss or reduction of historical or architectural significance.

3.6.50.03 - Project Design

In order to assure that the residential character of the structure and site will be preserved after conversion, the developer will be required to submit plans (in addition to the site plan required in Chapter 2.3) with the application, which indicates the following:

a. Proposed exterior facade treatment;

b. Interior remodeling plans (showing major structural changes);

c. Landscaping plan;

d. Proposed signage;

e. Changes resulting from the conversion which will upgrade the structure and site and aid in the retention of historically or architecturally significant elements of the structure and site;

f. Any other structural or site changes which would affect its character.

3.6.50.04 - Required Off Street Parking

The City recognizes that Section 3.6.50 generally applies to large structures with little or no remaining available property for off-street parking either on or off site. Where it is found that the provisions of Chapter 2.13 have been met, the following exception to Chapter 4.1, may be permitted:

a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

DEVCO engineering inc.

245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

16 January 2015

RECEIVED

JAN 16 2015

Community Development
Planning Division

Ms. Amber Bell, Assistant Planner
Community Development
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

SUBJECT: Coronado Tract B Subdivision
(PLD14-00005)

Dear Amber:

The Applicant is proposing trash collection and pick-up, for the ten unit Tract B facility, in accordance with the accompanying guidelines for the project approved by Republic Waste. Under the proposed procedures there will be no need or expectation of Republic Waste vehicles entering the site, thus Staff's determination that the fire truck access, to the north of the building, is an access drive because it accommodates garbage truck ingress and egress is no longer valid.

The Applicant will be asking the Planning Commission to delete Condition of Approval No. 18.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 abell 01-16-2015.docx

Enclosures

SCANNED
Date: 1/16 By: AB

DEVCO engineering inc.
245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

14 January 2015

Mr. Mark Wibbens
Republic Waste
110 NE Walnut Boulevard
Corvallis, OR 97330

RECEIVED
JAN 16 2015
Community Development
Planning Division

SUBJECT: Tract B, NW Mirador Place
PLD14-00005

Dear Mark:

The subject property is a ten-unit, two bedroom/unit, multi-family residential facility which the City of Corvallis is presently reviewing under the case number above. The owner proposes to install a trash collection enclosure as shown on the accompanying drawing which would accommodate a two cubic yard trash compactor with container, and separate recycle carts.

Operationally, the facility manager would be responsible to wheel the trash container and the recycle carts to the NW Mirador Place curb at the designated collection times.

As we understand the industry standards, a typical two or three bedroom residential unit generates approximately 0.5 cubic yards of un-compacted trash weekly. Ten percent of this volume is typically recyclables. The trash compactor is rated to reduce this volume by a factor of 4 to 5. Thus the maximum weekly volume of compacted trash from this facility will be:

(10 units x 0.5 cy/unit) ÷ 4 = 1.2 cubic yards of compacted trash per week

This quantity will easily fit in a two cubic yard rolling container.

If you are in agreement that the approach outlined above meets with Republic Waste's service expectations and requirements, please sign below, and we will forward a copy of this letter to the City.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 wibbens 01-14-2015.docx

Concurrence by: Mark Wibbens, on behalf of Republic Waste

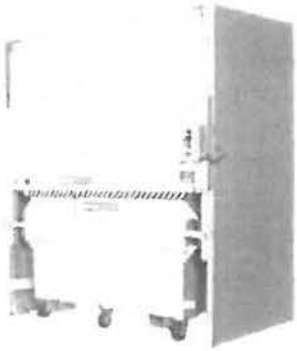
Attachments: (1) Site Plan
(1) Trash compactor product sheet

WasteCare Corporation is your source for commercial trash compactors, balers, waste equipment, recycling equipment, industrial shredders and grinders, and other waste related products and services.

[illegible]

2 YARD VERTICAL OUTDOOR COMPACTORS

Two Yard Steel Container Holds roughly 8 - 10 yards of Compacted Trash



Helpful Info for Deciding on 2 Yd Vertical Compactors:

[illegible]

2-VOC - 2 YARD VERTICAL COMPACTORS

[illegible]

2 Yard Vertical Outdoor Compactor - Standard Features

115V-Single Phase
Twin 3" Cylinders
Two Stage Pump

2 Yard Vertical Outdoor Compactor - Options

Ozone Sanitizer
3 Phase Power Unit
Through The Wall Chutes
Additional Colors Available
Right/Left Side Control Panel

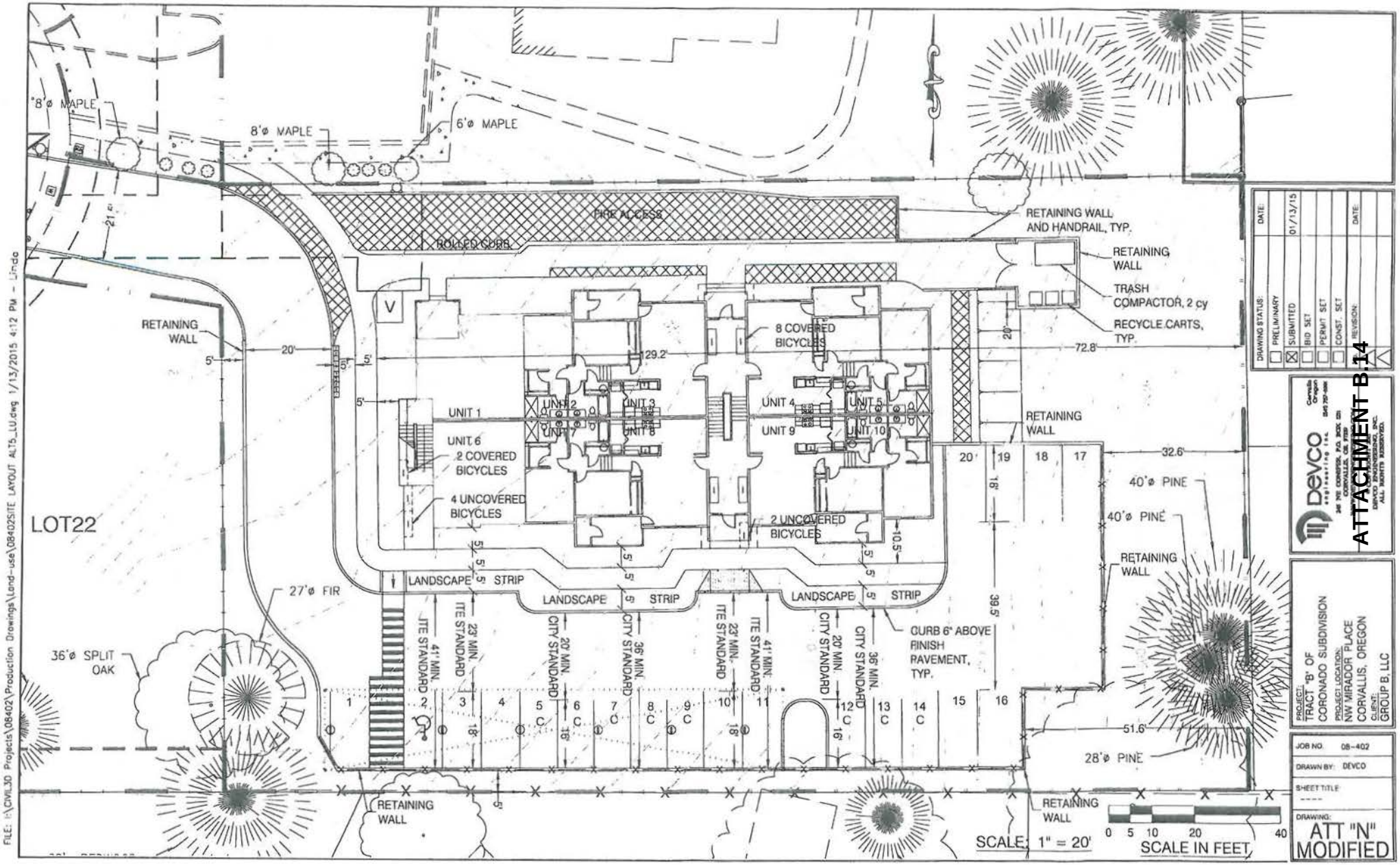
Note: Our [illegible] may be helpful

Great for Parking Garage Applications where the Compactor can be positioned in the garage and the containers rolled out to the hauler area for tipping.

COMPACTOR SPECIFICATIONS

2VOC - Specifications		
Container Capacity	2VOC-CAP	2 Cubic Yard
Ram Face	2VOC-RFC	27" x 48" (69cm x 122cm)
Ram Pressure @ 2000	2VOC-RPR	28,300 lbs.
Cycle Time	2VOC-CTI	28 seconds
Twin Cylinders	2VOC-CYL	7" Bore, 37.5" Stroke, 1.5" Rod
Motor	2VOC-MTR	2 hp
Pump	2VOC-PMP	Two Stage
Electric Power	2VOC-PWR	115/230V-1Ph-60Hz.
Oil Capacity	2VOC-OIL	6 Gallons
2VOC - Dimensions		
Loading Door Opening	2VOC-LDO	85"x 24"
Overall Height	2VOC-OHT	102"
Overall Depth	2VOC-ODP	58"
Overall Width	2VOC-OWD	95"
Shipping Weight -Compactor	2VOC-WTC	3,250 lbs.
Shipping Weight -Container	2VOC-WTB	740 lbs.

ATTACHMENT B.13


8'ø MAPLE
8'ø MAPLE
6'ø MAPLE
FIRE ACCESS
ROLLED CURB
RETAINING WALL AND HANDRAIL, TYP.
RETAINING WALL
TRASH COMPACTOR, 2 cy
RECYCLE CARTS, TYP.
RETAINING WALL
20'
5'
5'
5'
5'
129.2'
72.8'
20'
8 COVERED BICYCLES
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 10
2 COVERED BICYCLES
4 UNCOVERED BICYCLES
2 UNCOVERED BICYCLES
RETAINING WALL
20
19
18
17
32.6'
18'
39.5'
10.5'
40'ø PINE
40'ø PINE
RETAINING WALL
LOT22
27'ø FIR
36'ø SPLIT OAK
LANDSCAPE STRIP
LANDSCAPE STRIP
LANDSCAPE STRIP
ITE STANDARD 41' MIN.
ITE STANDARD 23' MIN.
CITY STANDARD 20' MIN.
CITY STANDARD 36' MIN.
ITE STANDARD 23' MIN.
ITE STANDARD 41' MIN.
CITY STANDARD 20' MIN.
CITY STANDARD 36' MIN.
CURB 6" ABOVE FINISH PAVEMENT, TYP.
1
2
3
4
5 C
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10
11
12 C
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15
16
18'
16'
18'
16'
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28'ø PINE
RETAINING WALL
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SCALE: 1" = 20'
0 5 10 20 40
SCALE IN FEET
FILE: I:\CIVIL3D Projects\08402\Production Drawings\Land-use\084025ITE LAYOUT ALT5_LU.dwg 1/13/2015 4:12 PM - Linda
DRAWING STATUS:
PRELIMINARY
SUBMITTED
BID SET
PERMIT SET
CONST. SET
REVISION:
DATE:
01/13/15
DATE:
DEVCO
Corvallis, Oregon
541 752-6000
PROJECT: TRACT "B" OF CORONADO SUBDIVISION
PROJECT LOCATION: NW MIRADOR PLACE CORVALLIS, OREGON
CLIENT: GROUP B, LLC
JOB NO. 08-402
DRAWN BY: DEVCO
SHEET TITLE: ----
DRAWING: ATT "N" MODIFIED
ATTACHMENT B.14

Applicant's Recommended Motion and Supplemental Findings:

I move to approve the proposed Major Planned Development Modification (PL14-00005) for Coronado Tract B. My motion is based on the analysis and finding in the January 14, 2015, Staff Report to the Planning Commission, with respect to all standards for which the Staff Report found compliance. With respect to the several bases suggested in the Staff Report for possible denial of this application, and with respect to specific issues raised in the Staff Report, the Commission makes the following additional findings:

Developability of the Site: The Staff Report suggests the Commission should consider whether the site is developable at all. Staff Report at 48. This site may be developed if applicable code standards are met. The findings approving the Coronado Subdivision stated that Tract B is developable under the Planned Development standards. See ZDC05-00009/SUB05-00005, Staff Report Findings at 5, 27 (Jan. 25, 2006). Consistent with this determination of development potential, sanitary and water services were extended to Tract B as part of the Coronado Subdivision development. Most importantly, Tract B is shown in the Comprehensive plan as being on the inventory of vacant land intended for residential development during the 20-year planning period. Tract B is developable; it has not been regulated by the City to remain vacant land.

Maximum front yard setback and minimum street frontage building coverage: This property cannot be developed if it must comply with the 25-foot maximum building setback in the current code at LDC 3.6.30. That is because Tract B was platted in 2005 as a flag lot when there was no maximum building setback. (1) The Staff Report justifies a variation from this standard due to compensating benefits. Staff Report at 15, 49, 53. The Commission concurs with that finding. (2) In addition, state law protects this development proposal from application of the current standards. ORS 92.040(2) entitles the applicant to develop under the standards in effect at the time that Tract B was platted, that is, when there was no maximum building setback. Therefore, no variation is needed because the current standard may not be applied. (3) Furthermore, Tract B is a Nonconforming Lot of Record, because the flag lot configuration does not meet the current code standards for Minimum Lot Width. Notwithstanding this nonconformity, LDC 1.4.50.05 guarantees that the "lot may be occupied by a Use permitted in the zone." The proposed use is, therefore, allowed despite the setback conflict created by the flag lot configuration.

Minimum building coverage on frontage: This property cannot be developed if it must comply with the standard in the curre4.10.60.01.b that requires at least 40% of the street frontage be occupied by buildings. That is because Tract B was platted in 2005 as a flag lot when there was no minimum standard for how much of the street frontage must be occupied by buildings. (1) The Staff Report justifies a variation from this standard due to compensating benefits. Staff Report at 15, 31. The Commission concurs with that finding. (2) In addition, state law protects this development proposal from application of the current standards. ORS 92.040(2) entitles the applicant to develop under the standards in effect at the time that Tract B was platted, that is, when there was no minimum building required on the street frontage. Therefore, no variation is needed because the current standard may not be applied. (3) Furthermore, Tract B is a Nonconforming Lot of Record, as defined in LDC 1.6, because the flag lot configuration does not meet the current code standards for Minimum Lot Width. Notwithstanding this nonconformity, LDC 1.4.50.05 guarantees that the "lot may be occupied by a Use permitted in the zone." The proposed use is, therefore, allowed despite building coverage on the frontage conflict created by the flag lot configuration.

Cul-de-Sac standard: The Staff Report recommends denial based on the standard for cul-de-sac in LDC 4.0.60.c.2., which says: "Cul-de-sacs should not exceed 600 ft. nor serve more than 18 dwelling units." Staff Report at 27. This code language is not a basis for denial. (1) This cul-de-sac was approved by the city at its current length to serve the minimum number of units required on this tract of land at the time the Coronado Subdivision was initially approved in 2005. No new decision is being made here about cul-de-sac length or number of units to be served. (2) This language is not a mandatory standard because it is a "consideration" and it is further qualified by the word "should." (3) Finally, because this language at best allows the City to say yes or no, it affords the City a degree of discretion that is prohibited by the Needed Housing Statute, ORS 197.307(4), which requires only clear and objective standards.

Width of access on north side of building: The Staff Report explains that if garbage trucks access the north side of the building then the driveway must be wider, a landscape buffer is required, a curb is required, and the sidewalk must be wider. See Staff Report at 17 Findings 15-18. Staff recommended Condition 18, which will require these improvements at the expense of shrinking the building. In response, the Applicant has amended its proposal to substitute a trash compacter for the garbage truck access. This change obviates the need for the additional improvements addressed in Condition 18. The compacter option will also be quieter for the residents and neighbors. Based on this change to the proposal the code standards are met without Condition 18.

APPLICANT RESPONSE TO STAFF RECOMMENDED CONDITIONS OF APPROVAL FOR PLD14-00005 (CORONADO TRACT B)

The staff report to the Planning Commission contains a list recommended Conditions of Approval. Applicant comments are summarized below.

Page #	Cond. #	Planning Staff Recommended Conditions	Applicant Response
All	1	Consistency with Plans and Previous Approvals: This approval modifies the 1981 Detailed Development Plan site plan approval, and construction shall occur consistent with the site plan, floor plans, architectural building elevations, and applicant's narrative, as described in Attachment B. Unless specifically modified below, all applicable conditions from cases PD-81-1 and PLD07-00010 shall continue to apply. The site shall be developed according to the site plan as depicted on the applicant's Attachment N (Attachment B, Page 3).	Ok – Condition #1 is acceptable Please amend to clarify what conditions from PD-81-1 and PLD07-0010 will continue to apply.
14-15	2	Adherence to Land Development Code Standards: As illustrated on the proposed Detailed Development Plan (Attachment 8), this approval authorizes variations to the following LDC standards: A. Maximum front yard setback per LDC Section 3.6.30.e.1. and B. Percentage of building within front yard setback per LDC Section 4.10.60.01.b. Other than those variations listed above, all development shall comply with applicable Land Development Code standards. Compliance shall be demonstrated at time of submittal for Excavation and Grading, site development, and building permits.	Ok – Condition #2 is acceptable. To clarify, no variations to code standards are needed since revised site plan complies with all applicable LDC standards. Due to the effective date of LDC standards creating a maximum front yard setback and limiting percent of building allowed within a required front yard setback, these standards do not apply to Tract B.
20	3	Exterior Lighting: All exterior lighting shall comply with LDC Section 4.2.80 and the lighting plan submitted as part of this application (applicant's Attachment "Z-A"). All light fixtures shall be designed, and supplemented with shielding, where necessary to comply with LDC Section 4.2.80.	Ok – Condition #3 is acceptable.
16, 18	4	Private Pedestrian / Bicycle Access Easement - The existing private access easement located on the Regent site, and intended to benefit residents of the apartments who will walk or bike along the connection between the new sidewalk on the Tract B site and the public sidewalk on NW Mirador Place will need to be modified to account for the exact location at which the new sidewalk near the northwest corner of the apartment building and existing sidewalk along the south property line of the Regent property meet, or the proposed new sidewalk will need to be re-aligned so that it connects to the location where the existing easement abuts Tract B. Prior to issuance of any site development permits, the applicant shall provide a copy of the new, recorded easement to Development Services staff, to verify that access permissions have been granted to residents of the apartments, or shall modify the new sidewalk alignment according to the existing easement location.	Ok- Condition #4 is acceptable. The sidewalk will be re-aligned so that it connects to the location where the existing easement abuts Tract B.
9	5	Required Fence - With submittal of the site construction permit applications, the applicant shall include an opaque fence along the top of the retaining wall or adjacent to the curb,	Delete Condition #5. It is redundant. Applicant's landscape plan shows a six foot

ATTACHMENT C.3

		abutting the entire south and east sides of the parking lot to help minimize noise and light trespass across the property lines. The fence shall run from the southwest corner of parking space # 1 to the northeast corner of parking space # 17. The top of the fence shall be a minimum of four feet above the finished surface of the parking lot (so that the combined height of the retaining wall and fence above the finished surface of the parking lot is at least four feet).	wooden fence along the top of the retaining wall.
18, 19	6	Accessory Structure (Carport) - The proposed carport is subject to the height and setback requirements specified in LDC Section 4.3.30. As proposed, the structure meets the minimum setback requirement of 3 feet to the adjacent property line. With submittal of building permit applications, the applicant shall demonstrate that the carport complies with all applicable standards in LDC Section 4.3.30. Additionally, the structure shall use materials that are compatible with the apartment building and surrounding residential development.	Delete Condition #6. Applicant's plans include elevations of the proposed carports that comply with height and setback standards. Imposing a condition that materials are "compatible" with the apartment building and surrounding residential development is discretionary and thus not allowed with Needed Housing applications.
16, 30, 31,52, 53	7	Sidewalk and Southern Landscaping Strip - The width of the proposed sidewalk and planter strip located on the south side of the building shall be a minimum of five feet to comply with LDC Sections 4.10.60.06 (d) and (f). To comply with these standards, the applicant may reduce the width of the proposed building at the time of building permits, provided that the development standards established through this Planned Development Modification and the applicable standards of the Land Development Code (e.g. Pedestrian Oriented Design Standards and RS-12 zone standards such as building height, setbacks, lot coverage, and Green Area) are satisfied.	Delete Condition #7. It is redundant. Applicant increased the width of the sidewalk and planter strip to meet the code standards.
30, 31, 45, 47	8	Private Water Quality and Detention Facilities- Site drainage will be collected through a private storm drainage system consisting of catch basins and pipes and will be detained and treated for water quality per LDC section 4.0.130. Projects that cumulatively create more than 5,000 square feet of pollution generating impervious surface (pavement accessible to motor vehicles) are required to provide water quality facilities. The Planned Development shows detention facilities to mitigate impacts from site development. As part of the building plans the developer shall provide engineered calculations for applicable storm water quality and detention facilities, consistent with the proposed utility plan in the application, demonstrating compliance with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Due to existing slopes on-site and downstream property drainage concerns, infiltration facilities are not recommended.	Ok – Condition #8 is acceptable.

ATTACHMENT C.4

38, 39, 44, 45, 46	9	Public Improvements - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Public improvements include but are not limited to a new hydrant lateral and water services. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80.	Ok – Condition #9 is acceptable.
39, 44	10	Setback Sidewalks - In accordance with LDC section 4.0.30, setback sidewalks shall be installed with development of the site.	Ok – Condition #10 is acceptable.
29	11	Parking Lot Improvements - The applicant will be required to obtain necessary building permits and install the parking lot consistent with the City's Off-Street Parking and Access Standards. All parking spaces and drive aisles shall be dimensioned to be consistent with the City's Off-Street Parking and Access Standards or ITE dimensions where shown on the applicant's Site Plan (Attachment "N"), except that the ADA accessible space shall meet City standards. Further reduction of the dimensions of parking spaces meeting ITE dimensions would be inconsistent with the City's Off-Street Parking and Access Standards.	Ok – Condition #11 is acceptable.
38, 45	12	Sanitary Sewer Service - With development of the site and building permits, the applicant will need to design a private sanitary sewer lift station for the site and provide verification of the existing service lateral sizing.	Ok – Condition #12 is acceptable.
23, 24, 33	13	Significant Tree Protection: With submittal of the building and site work permit applications, the applicant shall demonstrate that existing significant trees in the vicinity of construction will be preserved, as described in the applicant's Tree Management Plan (Attachment M) and per the arborist's report submitted with this application. Prior to issuance of building and site work permits, the applicant shall install tree protection fencing consistent with the standards in LDC Section 4.2.20.d and 4.12.60.f, and consistent with the arborist's recommendations.	Ok – Condition #13 is acceptable.

ATTACHMENT C.5

All	14	<u>Landscaping Construction and Maintenance</u>: The following landscaping provisions shall apply to overall development of the site: Landscape and Irrigation Plans - Prior to issuance of building permits, and concurrent with site improvements (excavation, grading, utilities, and PIPC plans, as applicable), the applicant shall submit landscape construction documents for this site to the Development Services Division, which contain a specific planting plan (including correct Latin and common plant names), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site. Required landscaping shall be consistent with the Conceptual Landscape Plan submitted with this application (applicant's Attachment W), except that additional canopy trees shall be provided along both sides of the driveway up to the parking lot every 40 linear feet to comply with LDC Section 4.2.40.c, and additional landscaping in accordance with LDC Section 4.2.40.a shall be provided within the minimum five-foot wide landscaping buffer required between the fire and garbage truck accessway and the northern property line (see **Condition #18** below). Significant Trees to be preserved, as discussed in **Condition # 13** above, and methods of protection shall be indicated on the detailed planting plan submitted for approval. Where a particular plant or irrigation standard is not specifically mentioned below, the plans shall comply with LDC Chapter 4.2. Installation - All required landscaping and related improvements shall be installed as illustrated on the approved Landscape and Irrigation Permit, and shall be completed prior to issuance of a final Certificate of Occupancy. The installation will be inspected and approved by the Development Services Division, and shall occur prior to or concurrent with final inspections for site construction permits. Three-Year Maintenance Guarantee - Prior to final acceptance of the installation, the developer shall provide a financial guarantee to the City, as specified in LDC 4.2.20. Coverage within Three Years - All required landscaping shall provide a minimum 90 percent ground coverage within three years. Three-Year Maintenance Guarantee Release - The developer shall provide a report to the Development Services Division just prior to the end of the three year maintenance period, as prescribed in Section 4.2.20.a.3 of the LDC. The report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.	**Condition #14 is acceptable if modified.** Applicant revised site plan to replace garbage dumpster with a compactor eliminating need for a garbage truck to use the fire accessway. Condition #14 should be modified since the code only requires a landscape buffer along the perimeter of parking lots. At the end of the first paragraph, delete the following text: "and additional landscaping in accordance with LDC Section 4.2.40.a shall be provided within the minimum five-foot wide landscaping buffer required between the fire and garbage truck accessway and the northern property line (see Condition #18 below)."

ATTACHMENT C.6

20, 21, 55, 56	15	Signs - This condition modifies condition# 3 from case PD-81-1, and is specific to the Tract B portion of the original 1981 DDP. All signs located on Tract B shall comply with the standards in LDC Chapter 4.7, and shall be approved by the Development Services Division as part of a sign permit application. Planning Commission approval for signs located on Tract B is not required.	Ok – Condition #15 is acceptable.
41	16	Fire Sprinklers for Building - The apartment building is required to have a fire suppression / sprinkler system. Plans submitted for building permit applications shall comply with the City's adopted Fire Code.	Ok – Condition #16 is acceptable.
17	17	Bicycle Signage - Required "unassigned" (LDC 4.1.20.k) bicycle parking spaces may be located within a common room, provided entry or directional signage is provided in accordance with LDC 4.1.70.a.4. The Dbicycle parking shown within the apartment building to meet the required minimum bicycle parking spaces (LDC 4.1.20.k) shall be located and maintained in common areas. Entry and directional signage shall be provided to direct bicyclists to parking within common areas of the building to comply with LDC Section 4.1.70.a.4.	Ok – Condition #17 is acceptable.
All	18	Changes to Access, Buffering, and Sidewalk on North Side of Building - The driveway to the north side of the building providing access for garbage collection vehicles shall be at least 20 feet in width, consistent with the City's Off-Street Parking and Access Standards. The proposed paving materials will need to be reviewed at the time of building permit. Where sidewalk located to the north of the apartment building parallels the vehicle circulation area, it shall be separated from the adjacent driveway by a six-inch raised sidewalk to comply with LDC Section 4.10.60.06.f. Additionally, all internal private sidewalks shall be at least five feet wide to comply with LDC Section 4.10.60.06.d. A landscape buffer along the northern property line between the driveway access and the northern property line shall be provided to comply with LDC Section 4.2.40.a. This area shall be landscaped as described in Condition #14. To accomplish these requirements, the apartment building dimensions may be modified, provided that the development standards established through this Planned Development Modification and the applicable standards of the Land Development Code (e.g. Pedestrian Oriented Design Standards and RS-12 zone standards such as building height, setbacks, lot coverage, and Green Area) are satisfied.	Delete Condition #18. It appears limited use of the fire accessway for garbage collection vehicles triggered a code requirement for a five-foot landscape buffer. Due to site constraints, it was not practicable to provide this buffer so the Applicant has replaced the trash dumpster with a compactor that will moved without a motor vehicle by maintenance staff thus eliminating the use of the fire access by garbage trucks and the needs for Condition #18.

ATTACHMENT C.7

55-56	19 optional	**Modification to PD-81-1 1 Condition 12** - The Regent Retirement Residence building shall be setback at a minimum of 27 feet from its southern property line. The Coronado Tract B apartment building shall be setback at a minimum of 56.5 feet to the southern property line and 25 feet from the northern property line.	**Delete Condition #19.** The Tract B apartment does not change the setback requirement for The Regent Retirement Residence and thus the Optional Condition #19 prepared by staff is unnecessary. The apartment building significantly exceeds the required setback along the southern property line and there is no basis for modifying the original Condition 12 in PD-18-11.
17	20	**Accessibility** - Compliance with Building Code accessibility requirements shall be satisfied with building permit(s). If compliance with accessibility requirements necessitates modifications to aspects of the Detailed Development Plan, a Planned Development Modification application may be required in accordance with LDC Chapter 2.5.	**Delete Condition #20.** This condition is redundant with the code sections delineating what circumstances will trigger the need for a minor or major Planned Development Modification.

ATTACHMENT C.8

Janene and Joshua Hall

3126 NW Autumn Street•Corvallis, OR 97330• Janene: 541-760-1553 • Joshua 541-758-8195
E-Mail : jmjdhall@yahoo.com

1/21/2015

Date: January 20, 2015

Corvallis Planning Commission:
Re: PLD14-00005

Dear Commission,

We have lived in our home for going on 12 years and are heavily invested in this home and land. We purchased it with the understanding that the lot being discussed was a designated set-back and would not have development. To then ignore this and make modifications would only benefit a select few and would negatively impact an entire community (At least three neighborhoods to be exact.) For whom does the City Council serve? Is it for public or individual private gains? Our neighborhood does not need at its heart a concentration of high-density living. Currently putting a complex just below us on the main thoroughfare of 9th Street makes sense. Putting apartment complexes en mass down by campus (although difficult to say goodbye to open space) makes sense. Putting one at the end of a narrow cul-de-sac is neither smart nor safe, and does not make sense. Furthermore, it is not needed in light of tremendous building that has gone on in Corvallis over the past year.

To build on the property that lies directly behind and above us would impact our family tremendously. We would have a tower looking down on us blocking a lot of our solar access. The foundation of the property would *begin* at the crest of the hill as visible from our large back windows. It would wreck our sense of privacy and safety, as we would have no capability to put up any barrier to that height! This is why the City of Corvallis denied the build when the (what is now The Regent) Retirement center wanted to build on this property, it is a strong reason why they denied it in 2013, and it is *still* the reason why we should continue to deny it. It was wrong back then, and it's ***still*** wrong.

Our property would depreciate with obvious detriment to our property. We would have our windows invaded with apartment light. Even at only 4 feet off the ground light would shine right down on us or block ***all*** solar access past 1pm in the Winter by the tremendous wall/fence proposed combination. Our yard and house foundation would very likely be negatively impacted by water run-off. The engineers can do their best, but we will not ***know*** for sure which way the waters will run until a mound of cement is placed directly above us. Since Mirador went in there has been increased water run-off despite the "fix" and our own attempts to corral it. We would not know who our neighbors are. For a Public Servant and Nurse of Benton County this is very concerning! We chose to purchased in a mature, developed part of town for this reason and have invested our future and fortune into this home.

Please help protect us. Please see there is no compelling reason to grant the requested variances and please block building on this property. We firmly state that the space ***is*** a set-back protected space, and should remain as such.

Sincerely,

Janene Hall
Joshua Hall

ATTACHMENT C.9

Rec'd @ PC mtg
Date 1/21/2015
City of Corvallis

Date: 1/20/15

To: Corvallis Planning Commission

From: Curtis Hubele, 688 NW Mirador Place, Corvallis OR 97330

Re: Testimony in Opposition to Tract B Apartment Application (PLD14-00005)

The applicant has applied for a Major Modification to the Regent Planned Development (PD-81-1). I am writing to the Planning Commission in opposition to the application because the proposed action is inconsistent with previous and current Corvallis Land Development Codes, previous relevant land use decisions, ORS Chapters 92 and 94, and is generally incompatible with the surrounding neighborhood and uses.

Incomplete Application

The application for the above land use decision is incomplete and should be rejected under Corvallis LDC 2.0.50.01 as an incomplete application because it does not contain the signed consent of all property owners in the planned development.

> ***2.0.50.01 - Acceptance of Application***
>
> *a. ...The applicant also shall be advised that the hearing authority will be unable to approve an incomplete application....*

This application seeks to add a new use type to the site (multi-family residential), increases noise, traffic, parking and other nuisances, reduces the available open space from 98,776 sq. ft. to 80,461 sq. ft. (reduction of 19%), reduces the future developable footprint of The Regent by 18,315 sq. ft., and would have the effect of reducing the Regent building setback from adjacent developed property to the south from 201 feet to 56.5 feet (a reduction of 72%). The above listed reasons combined with the fact that The Regent property consists of 76% of the total property within the subject Planned Development Modification, The Regent has a vested interest in this application

Corvallis LDC 2.5.60.03, 2.5.50.01 and 2.5.40.01 *(relevant sections included below for ease of review)* requires that the application be submitted and reviewed using the same requirements as a Conceptual Plan submission. This includes the requirement that the application include the signed consent of all owners of property contained within the Planned Development. While the owners of The Regent were provided public notice and apparently have not yet submitted testimony objecting to the proposal, their lack of testimony in opposition does satisfy the requirement that their signed consent is necessary to validate the application.

> ***2.5.40.01 - Application Requirements***
>
> *Applications shall be made on forms provided by the Director and shall be accompanied by:*
>
> *b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s)...*

In 2008, the applicant appealed the Major Modification of The Regent Conceptual and Detailed Development Plan to expand parking for The Regent (PLD07-00010) on the grounds that the appellant was requesting that the Planned Development also be modified to remove Tract B from the Regent Planned Development. That request was denied by the Planning Commission, then appealed and upheld by the City Council. In the letter of appeal, the applicant argues that a Detailed Development Plan cannot be changed without the consent of all owners of property under the Development Plan, stating that, "*if our property is part of the Detailed Development Plan, as the decision suggests, that plan cannot be changed without our consent*" *(see below).*

WILLAMETTE VALLEY PLANNING

June 17, 2008

RECEIVED
JUN 17 2008
Community Development
Planning Division

RECEIVED
JUN 17 2008
CITY MANAGERS
OFFICE

Ms. Kathy Louie, City Recorder
Corvallis City Managers Office
501 SW Madison Avenue
Corvallis, OR 97333

Subject: Appeal of The Regent Parking Addition (PLD07-00010, CDP07-00006, MRP07-00006)

Dear Ms. Louie:

We wish to appeal the Planning Commission's June 4th decision on the The Regent Parking Addition referenced above. Having submitted written testimony on behalf of Safe Equities LLC, we are considered an affected party with standing. On its face, the Planning Commission's decision affects Safe Equities LLC's interests and, if our property is part of the Detailed Development Plan as the decision suggests, that plan cannot be changed without our consent.

Due to its ownership of property contained within the Regent Planned Development, the applicant was given legal standing and appealed PLD07-00010 to request the removal of their property from the Planned Development. On July 21, 2008, the City Council denied the appellants request to remove Tract B from the Regent Planned Development boundary. As a part of that decision the City Council affirmed the Planning Commission's development related concern "H", which reads...

> **Tract B - Coronado Subdivision and Case PD-81-1** - The approval of case PLD07-00010 in no way alters the original boundary of case PD-81-1, except to the extent that Tract C of the Coronado subdivision is added. A major portion of Tract B of the Coronado subdivision is still located within the original Planned Development boundary as shown on the Official Zoning Map - Planned Development Overlay, and is subject to the 1981 Planned Development site plan and conditions.

As required in LDC 2.5.40.01, and as argued by the current applicant in their 2008 appeal of PLD07-00010, The Regent Detailed Development Plan cannot be changed without the consent of all owners of property within the Planned Development.

This application for a Major Modification of the Regent Planned Development does not include the signed consent of The Regent, the owner of the majority of the property contained within the Planned Development. Therefore, the application does not meet the application submission requirements of LDC 2.5.40.01 and must be **denied**.

Not a Lawfully Established Lot or Parcel

The current application narrative, page 1, paragraph 1, reads as follows:

> *"This is an application to develop ten multi-family units on a subdivided tract of land that is planned and zoned for that use..."*

However, Tract B has never been the subject of any subdivision, partition or other land use action establishing it as a lawfully established unit of land in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations, as required by the ORS Chapter 92 and Chapter 215. Tract B is a unit of land created solely to establish a separate tax account, or a "tax lot".

> *As used in ORS 92.010 to 92.192, unless the context requires otherwise:*
> *(3) "Lot" means a single unit of land that is created by a subdivision of land.* 2005 ORS 92.010

> *Under Corvallis LDC active at the time of the approval of the Coronado Subdivision (LDC 07/19/93, amended 12/02/02) a Lot is a unit of land created by a subdivision of land and intended as a unit for the purpose, whether immediate or future, or transfer of ownership and/or for development.*

In the narrative section on page 1 of the application for the Coronado Subdivision (ZDC05-00009/SUB05-00005) the applicant states that Tract B is not a subject of the application for subdivision, and is not proposed to be subdivided.

> *"The PD (RS12) portion appears to have been established when the Regent Retirement Residence was approved. Because this portion of the site appears to have a previously approved Detailed Development Plan, the applicant is proposing to leave this portion of the property in a separate tract that is not proposed to be subdivided."*

Under the Coronado Subdivision, the applicant never applied for a land use action for Tract B other than "to leave this portion of the property in a separate tract that is not proposed to be subdivided". Tract B is tax lot under 2005 ORS 215.010(d) as it is a "unit of land created solely to establish a separate tax account", but it is not a "lot" or "parcel" in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations as required by 2005 ORS 215.010(B). Tract B was excluded from the land use approvals for the Coronado Subdivision other than the requirement to preserve Significant Trees.

The owner's intent that Tract B not be considered a lot or other legally conforming parcel subject to the plat approval of the Coronado Subdivision is confirmed just 97 days after the recording of the Coronado Subdivision final plat when the owner applied for a Zone Change (ZDC07-00005) for Tract B. In that application, the applicant affirms that Tract B was not intended to be created as a legal lot with the recording Coronado Subdivision final plat (SUB05-00005) or subject to any subdivision approvals. On page 2 of the application in the section titled "Background" the applicant states,

> *"2007 – Benton County recorded the Coronado Subdivision which included Tract B as the subject property, but not as a lot within the subdivision".*

Page 4, of the same application (ZDC07-00005) reads,

> ***"There must be no active Detailed Development Plan on any part of the site. An active Detailed Development Plan includes one which has a final Subdivision or Partition plat filed and recorded;***
>
> > *"The land division performed under the Coronado Subdivision Plat has no impact upon this request, as the subject site was established as a tract and not a lot through the subdivision process, to meet the state's needed housing." (applicants response).*

As demonstrated above, Tract B was excluded from the subdivision application, review and approval at the request of the applicant. As a result the separate tax lot or "tract" was created, but not a legally conforming "lot". The applicant affirms that intent in application for ZDC07-00005. Tract B is not a "lot", rather, it is a separate tax lot created in its current configuration by the subdivision declarant after the subdivision of all other property able to be developed outside the Regent Planned Development.

- Tract B was excluded from the Satinwood Subdivision application and approval, except as a landscape maintenance and tree preservation tract, its use under the Regent Planned Development approval.

- There has never been any other land use application, such as a Minor Replat or other land use application to establish Tract B a legally conforming unit of land.

- Under Oregon land use law ORS Chapter 92 and Chapter 215, Tract B is not a "Lot", "Parcel", or "unit of land created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations".

- Tract B is a "tax lot" created to allow the applicant to retain ownership and to establish a separate tax account for that portion of the original property excluded by the applicant from the Coronado Subdivision application due to its inclusion in the Regent Conceptual and Detailed Development Plan.

As Tract B is a "tax lot" and not a lawfully established unit of land, the proposed development of this tract must be **denied.**

Required Open Space/Setback Area

The subject area identified as Tract B of the Coronado subdivision is also identified as **both** a required minimum 135 foot open space/building setback from the southern property line and a 100 foot required setback from the eastern property line in the Regent Conceptual and Detailed Development Plan.

Tract B has been confirmed multiple times throughout the past 33 years as both an historic and currently defined open space/building setback area which was required as a condition of approval for the Regent Planned Development (DC-81-2/PD-81-1) for which the applicant is now requesting a Major Modification of the Detailed Development Plan.

Original Intent

This land use application would change the approved use of the Tract B portion of the Regent Planned Development from the original approval as a required open space/building setback area to a 10-unit multi-family apartment complex. A Major Modification to a Planned Development Detailed Development Plan cannot change the intent of the original conditions of approval.

> ***Planned Development Modification (Major):*** *Land use process that provides an opportunity to allow flexibility with regard to site planning and architectural design for previously approved Conceptual or Detailed Development Plans. Such flexibility is in excess of the thresholds that define a Minor Planned Development Modification and provides benefits within the development site that compensate for requested variations from the approved Conceptual or Detailed Development Plan such that the intent of the original approval is still met. (2005 LDC 1.6.30)*
>
> ***2.5.60.01 - Purposes of a Planned Development Modification***
>
> *a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conceptual or Detailed Development Plans; and*
>
> *b. Provide elements within the development site that compensate for requested variations from approved Conceptual or Detailed Development Plans such that the intent of the original approvals is still met. (2005 LDC 2.5.60.01)*

Required Permanent Open Space

The intent of the 135 foot and 100 foot setback requirements is to provide adequate permanent open space as a buffer or transition zone between the large congregate care facility and the abutting single family residential use to the south.

The original 1980 Congregate Care Center application (PD80-9) was denied by the Planning Commission because:

> III. Due to the scale of the proposed structure, in conjunction with nearby development (Elks Club Lodge, Good Samaritan Hospital and adjacent facility approved through the Planned Development Modification for the Novare Planned Development), a suitable balance between the proposed structure and open space was not provided. The proposed development would be disproportionate to the overall site area.

A second application was then filed in 1981with adjustments having been to the building scale, required setbacks, and increased permanent open space around the building.

In the revised 1981 application for Zone Change and Detailed Planned Development designated as DC-81-2/PD-81-1, the applicants state that they selected the site layout and overall design because:

- "...the large amount of open space that can be maintained around the building"
- "...the Elks (Regent) congregate care building has been designed so that it works well with the surrounding single family use"
- "Over the course of the past several months, this design has gone through a substantial amount of public review and input that has resulted in the current proposal"
- "The design for the site has been carefully reviewed and amended so that the surrounding facilities and structures to be created blend well into the surrounding area and are not incompatible with single family housing to the east or south"

City planning staff then recommended and the planning commission ordered (PC Order 81-23) under condition of approval #12, "The building shall be set back... no less than 135 feet from the south property line... Other applicable setbacks are included on the site plan". The Planning Commission also adopted the Staff Finding of Facts which states, "...the applicant has substantially improved the appearance of the structure and its relationship to the site and surrounding uses..., and the applicant has provided more open space surrounding the structure, decreasing visual impact".

Under the 1980 Corvallis LDC active at the time of the original 1981 Planned Development application and approval, the term "Open Space" was defined as:

> *"**Open Space** - Areas intended for common use...designed for outdoor living and recreation or the retention of an area in its natural state."*

Our current LDC definitions define "Open Space" as:

> *"**Open Space** - Undeveloped or predominately undeveloped land, including waterways, in and around an urban area. Open Space lands are reserved for general community use, and include parks, preserves... and <u>other areas permanently precluded from development.</u>"*

Under both the 1980 Corvallis LDC and the current codes, the required open area/setback is required to be maintained as a <u>permanent</u> open area.

> Per 1980 LDC 204.04.08 – Open Area, Landscaping and Screening (RS-12)
> *"A minimum of 40 percent of the gross lot area shall be developed as <u>permanent</u> open area. Landscaping shall consist of ground cover, ferns, trees, shrubs...*

In the 6/22/88 Letter from Elizabeth Papadopoulos - Engineering Services to Joseph Kasper – Assistant Planner regarding MLP88-2 (Corvallis Archives "Dispositions" for MLP88-2), there are two significant findings of fact. The first is that ***"in 1986 and 1988 additional tax lots were created without minor land partition approval. One of these tax lots (Regent) has now been sold, in effect, making it a separate parcel."***

> The Elks BPOE is proposing to create three parcels on the site currently containing the Elks Lodge and the Regency, a congregate care facility. The site originally consisted of two parcels (and two tax lots) but in 1986 and 1988 additional taxlots were created without minor land partition approval. One of these taxlots has since been sold, in effect, making it a separate parcel. The conditions for this proposed partition include items that will meet our concerns regarding the the earlier parcel creation.

The second, finding is that ***"the land to the south of the regency parcel was intended to serve as open space for the Regency. Thus the southern boundary of parcel 2 (Regent) should be extended to the south to include the open space".***

> Proposed parcel 2, which would contain the Regency is already a single tax lot (tax lot 1101). However, the land to the south of the regency parcel was intended to serve as open space for the Regency. Thus the southern boundary of parcel 2 should be extended to the south to include the open space. In addition easements for the extension of public sewer and water to parcel 3 are needed.

Planned Development/Permanent Open Space Requirement Still Applies to Tract B

Various Planning Commission, City Council and City Planning Staff decisions over the years have repeatedly affirmed the original intent of the building setbacks across Tract B to be preserved as permanent open area.

In the staff report during the July 21, 2008 City Council PLD07-00010 appeal hearing Assistant Planner Yaich states the following:

- From the approved drawings, the Conditions of Approval, and the 1981 staff findings, it is apparent that Tract B was part of the 1981 DDP, as evidenced by the PDO boundary on the Zoning Map reflecting the 1981 boundary.
- The final 1981 Planning Commission approval included the property south of the Regent building as part of the open space and building set-back for the approval. A 1981 Condition of Approval indicated a 135-foot distance between the Regent building and the southern property line. The southern property line referenced in 1981 is the current southern property line of Tract B.

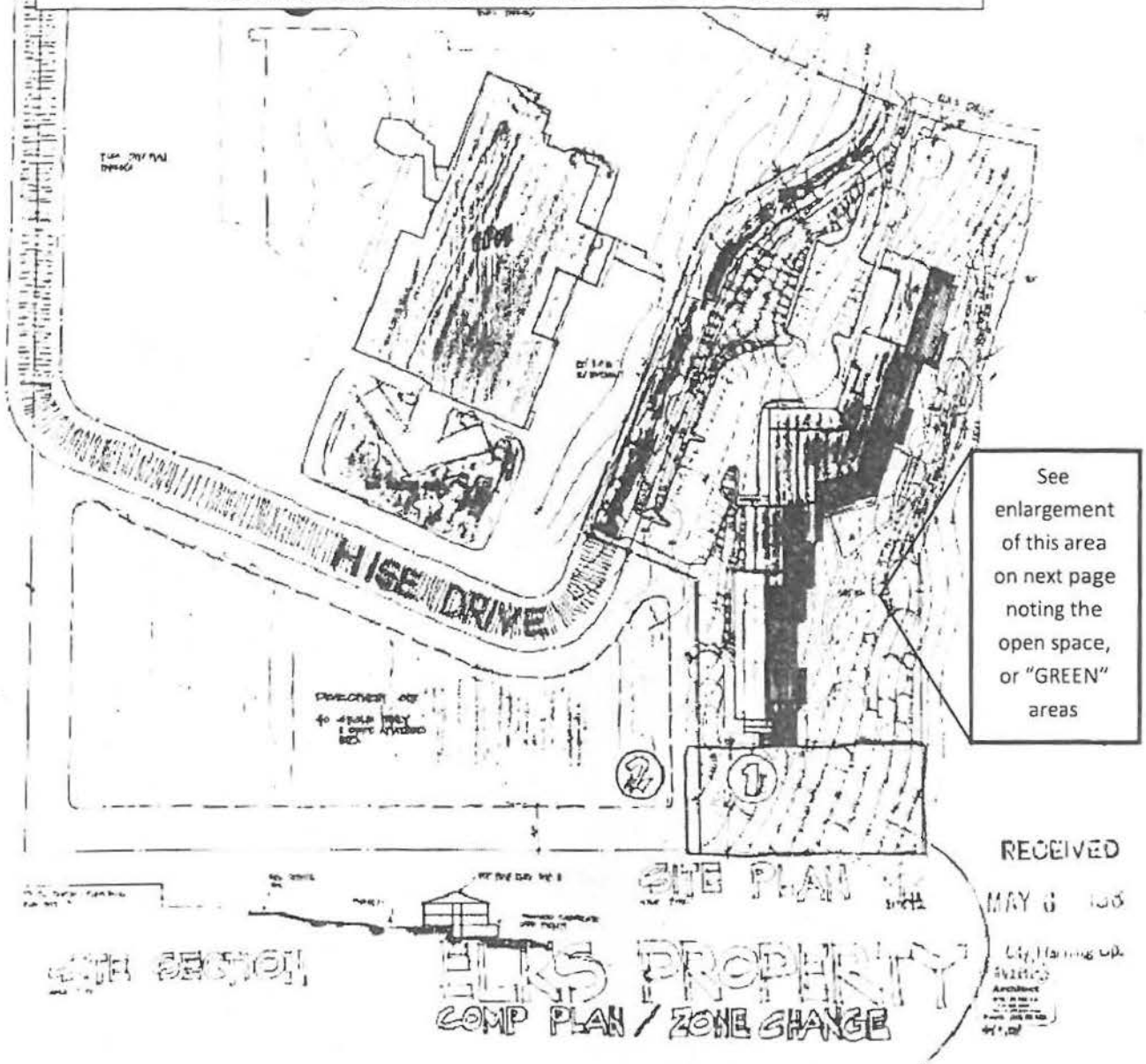
During the May 21, 2008 Planning Commission hearing for PLD07-00010

> Commissioner Hann said he remembers that there was a lot of discussion about Tract B by the neighborhood at the time of consideration of Coronado Subdivision, related to assertions made during the 1981 approval process. Planner Yaich said that any applicant for developing Tract B would have to address the 1981 Condition of Approval that assumed an open space area between the Regent building and the south property line.

8/1/83 BUILDING PERMIT

Green Area and Landscaping to be installed with Construction

Source: Corvallis Archives MLP88-00002 Map Site Section

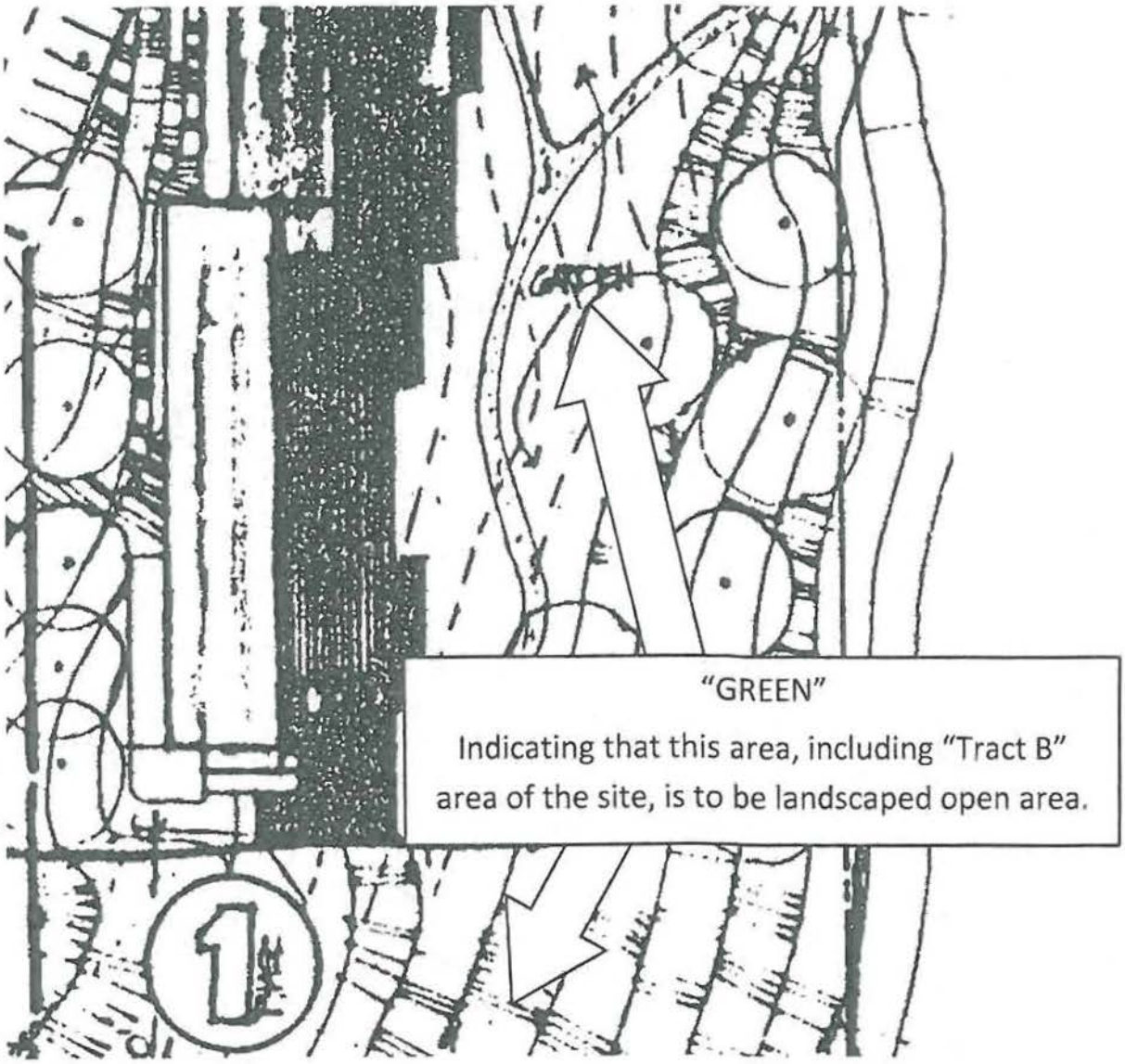


PART 1 8/1/83 building permit
IS TO 1. ROUGH GRADE THIS AREA
2. PLANT A TALL FESCUE TURF TO BE MAINTAINED BY CONGREGATE CARE
3. PLANT A FEW ASPEN IN AREA TO MAKE TRANSITION FROM CARE FACILITY TO UNIMPROVED AREA

Part 1 8/1/83 Building Permit
is to 1. Rough grade this area
2. Plant to a tall fescue turf to be maintained by Congregate Care (non-irrigated)
3. Plant a few aspen in area to make transition from care facility to unimproved area.

Permanent open space was required at the time the Regent Planned Development was approved in 1981, was still valid in 1988, and continues to be valid today. Tract B is a portion of the required permanent open space and was developed and landscaped along with the construction of the Regent Building in 1985. A careful review of the Regent Approved Site plan required for the 8/1/1983 Building Permit (previous page) reveals the original intent that these open areas to the east and south (now Tract B) of the Regent building were required to be landscaped open space or "Green" areas.

8/1/83 Building Permit landscape plan showing "GREEN" open areas to be planted with construction of the building.



The required setback/permanent open areas (including Tract B) were fully developed and landscaped as required by Condition #12 of PLD81-1 and the necessary building permits (see photos on next 2 pages).

1985 Photo of Regent Planned Development Area

Tract B area (photo right) has been fully developed, graded and landscaped, as required.

1985 Photo of Regent Planned Development Area

Tract B area (photo right) is fully developed, graded and landscaped, as required.

Note the large Douglas fir tree just south of the Regent building (#122 on Arborist's Report) and the large trees along the south property line (right). These trees have been on the site for more than 50 years and are now proposed to be removed for the Tract B Apartments.

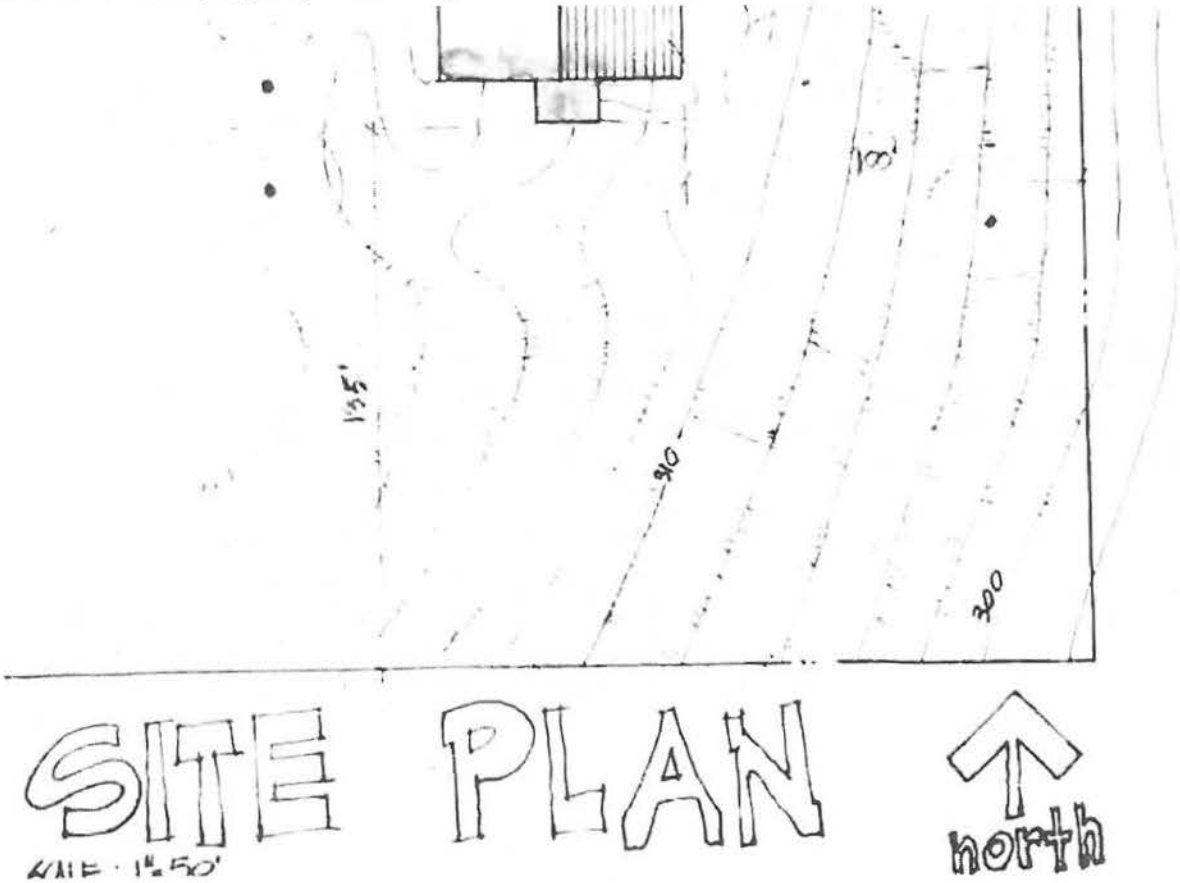
The applicant now proposes to modify the original condition of approval requiring that the Tract B remain as permanent open space and change it to a multifamily apartment complex. As this clearly does not meet previous code and current code requirements for permanent open space, and does not meet the original intent of the planned development approval, this application must be **denied** under LDC 2.5.60.01.

Site Setback Requirements

While the status of the property now defined as Tract B is clearly dedicated as a required permanent open space for the Regent Planned Development, and a dedicated landscape and tree preservation tract for the Coronado Subdivision, it is also within two required building setback lines areas for the Planned Development in which no building may occur.

Condition of Approval #12 has more than one effect upon the site. It required the placement of the Regent building a specific minimum distance from the property line, but it also states that, "Other applicable setbacks are included on the site plan". Under the definition of a setback in the applicable 1980 LDC Section 1.6, a setback is the minimum allowable horizontal distance from a property line to the nearest vertical wall of a building or structure, that is any building or structure, not just the original Regent building. These other setbacks are not specific to the Regent building, but apply to any building on the site.

A careful review of the approved site plan (below) shows that there are at least two "other applicable" site development setbacks noted on the plan in the area of Tract B. One is the 135 foot setback from the southern property boundary and the other is a 100 foot setback from the eastern property boundary of future Tract B.



The staff report during the June 4, 2008 Planning Commission meeting concluded that the setbacks across Tract B are still valid and *"compatibility was a major issue with property owners to the south, and that is where the setback condition came from."*

> Planner Yaich said staff feels that, while the property ownership is separate due to the 1985 land partition, the scope of the 1981 Planned Development approval and the Detailed Development Plan would still incorporate Tract B, because it falls within the Planned Development boundary and because there is a specific Condition of Approval that spells out a setback for that area.
>
> In response to inquiries from Commissioner Howell, Planner Yaich drew attention to the area of Tract B in Attachment F of the staff report, and to Condition of Approval 12 in Attachment E, which has wording related to building setback from the south property line. This condition, coupled with the site plan approval, would lock in that area of the site as part of the original Planned Development. When the 1985 land partition was approved, there was no physical change to the development site. Staff interprets Condition 12 as referring to the south property line of the Planned Development without respect to property ownership. A Major Modification to the original Planned Development would be necessary to remove that part of the site from the original Planned Development boundary. It is clear from the record of the 1981 approval that compatibility was a major issue with property owners to the south, and that is where the setback condition came from.

Condition #12 from the 1981 Planned Development approval which refers to the 135-foot and 100-foot open space/site setbacks from the southern and eastern planned development boundary have been contested by the applicant several times over the past several years and has been affirmed each time; most recently by the Corvallis Planning Commission under land use case PLD 12-00005 and PLD07-00010. PLD07-00010 was then appealed and the Planning Commission decision was upheld by the Corvallis City Council on July 21, 2008. In order 2008-072, the City Council affirmed that Tract B is subject to the original "site plan and conditions".

The scale of the Regent Building in relation to the residences to the south and east, the compatibility of the site with the adjacent uses, and the need to maintain an appropriate residential density in compliance with the Comprehensive Plan policies and applicable zoning is what led to the required site setbacks and open space requirements in the original Regent Conceptual Plan.

The requested Major Modification of the Detailed Development Plan can only be approved if it is found to be in compliance with the Conceptual Plan and the intent of the original approvals is still met. The applicant's request to change the original approved use of this area from an open space/building and site setback area to a 10-unit multi-family apartment complex violates the intent of the original intent of the original approval. Therefore, under LDC 1.6.30 and LDC 2.5.60.01, the application for a Major Planned Development Modification **must be denied**.

Maximum Allowable Zoning Density

A review of the 1981 land use decisions (PD81-1/DC 81-2) shows that the Regent Planned Development was zoned RS-12 to allow for the Group Residential use, but assigned a Medium Density designation to limit the density of development on the site to maintain compatibility with adjacent uses. The subsequent land partitions and Comprehensive Plan amendments have served to maintain site compliance with density requirements of the zoning (RS-12) applicable to the Regent Planned Development site.

The current RS-12 zoning allows a maximum of 20 dwelling units per acre. The Regent apartment building has 82 individual dwelling units, as defined under previous and current codes. The entire Regent Planned Development site as it is currently configured, including Tract B, has a land area of just over 4.02 acres. The 82 dwelling units sited on a 4.02 acre planned development site results in a site density of 20.4 dwelling units per acre, or 20 units per acre when rounded to the nearest unit. The Regent Planned Development currently complies with the maximum allowed density under the Comprehensive Plan.

Removal of the Tract B from the Regent Planned Development site would result in a site density for the remaining Regent portion of 27 dwelling units per acre, exceeding the allowable site density by 36%. Retaining Tract B in the Regent Planned Development and allowing the current application for 10 additional dwelling units would result in a overall site density of 23 units (rounded) per acre, or exceeding the maximum site density by 14%. Any Planned Development Modification to either reduce the size of the Planned Development or to add additional units would exceed the maximum allowed density for the site zoning under the Comprehensive Plan and **must be denied.**

Significant Vegetation/Trees

Corvallis LDC 4.2.20(d)(1) requires that Significant Trees should *"be preserved to the greatest extent practicable and integrated into the design of a development"*. The current proposal would remove 15 of the 26 Significant Trees on the proposed apartment site. Removal of 58% of the Significant Trees cannot be interpreted as preserving "to the greatest extent practicable" the existing Significant Trees. The site design has not been configured in manner allow integration of the existing Significant Trees into the site plan.

There are many alternative ways in which the site could have been designed to preserve the existing Significant Vegetation, such as possibly using the site topography to locate vehicle parking underneath the units, or proposing to develop fewer units on the site consistent with the Medium Density designation of the site. For example, a proposal to build four assisted-living units would be more consistent with the site's current Planned Development and would require far fewer parking spaces and lot coverage, allowing preservation and integration of the Significant Trees (and probably far fewer neighborhood objections to the proposed Modification)..

On page 24 of the Planning Commission Staff Report for this proposal (PLD14-00005), staff error in determining that two Significant Trees on Tract B are not intended to be preserved as a part of the Coronado subdivision approval. Item 9 from page 24 of the Staff Report reads as follows:

> *"Staff note that the Coronado subdivision approval contains a discrepancy between the condition of approval requiring protection of 13 trees on the subject Coronado site, and the drawing referred to as "Attachment G-46", which appears to illustrate two additional existing Significant Trees on Tract B and identifies in the legend those trees as "Existing Trees To Be Saved". It is not clear in looking at Attachment G-46, whether the additional two trees are intended to be preserved,* ***other than their illustration appears to match the legend item.*** *After a detailed review of the record for the Coronado subdivision approval including discussion in the staff report and application materials for that approval (Attachment C, page 126), Staff believe that it was intended that only two of the four Significant Trees identified on Tract B are affected by the condition of approval.* ***This is primarily based on a description in the staff report that states "...a total of 13 significant trees will be preserved, all of which are located along the boundaries of the site.***
>
> *Staff find that the two additional trees located in the north side of Tract B (Trees # 119 (Plum) and 122 (Douglas Fir) in this application) and illustrated on Attachment G-46 are not intended to be preserved.*

I have bolded two statements in the staff report that are particularly flawed and will address those below.

> *"It is not clear in looking at Attachment G-46, whether the additional two trees are intended to be preserved, other* ***than their illustration appears to match the legend item.***"

If the illustration of the trees matches the legend item for "Existing Trees To Be Saved" on the map legend for the final approved landscaping plan for the subdivision, then by definition they are to be saved. The two trees are also identified as "Existing Trees To Be Saved" on both the final approved Coronado Landscape Plan and the Coronado Grading and Tree Preservation Plan (available as APPROVED PLANS FOR ORDER #2006-025 under ZDC05-00009 on the city archive website).

The two trees in question, noted on the arborists report at #119 and #122, are also shown on the final approved Landscape Plan approved for the Coronado Subdivision in 2007 (LND07-00001) on as "Existing Deciduous Tree to be Preserved" (#119 – Plum on current arborist report) and "Existing Evergreen Tree to be Preserved" (#122 – Douglas Fir on current arborist report).

As evidenced by the approved Coronado Landscape Plan and the approved Grading and Tree Preservation Plan as a part of the approval of Coronado Subdivision (SUB05-00005) in 2005, and the final Landscape Plan approval for the subdivision in 2007 (LND07-00001), the two Significant Trees in question were intended to be protected and Preserved

> *"After a detailed review of the record for the Coronado subdivision approval...Staff believe that it was intended that only two of the four Significant Trees identified on Tract B are affected by the condition of approval.* ***This is primarily based on a description in the staff report that states "...a total of 13 significant trees will be preserved, all of which are located along the boundaries of the site.***

These two trees are located along the boundaries of the site. The Douglas Fir #122 is within 10 feet of the boundary and the Plum #119 is located less than 20 feet from the site boundary.

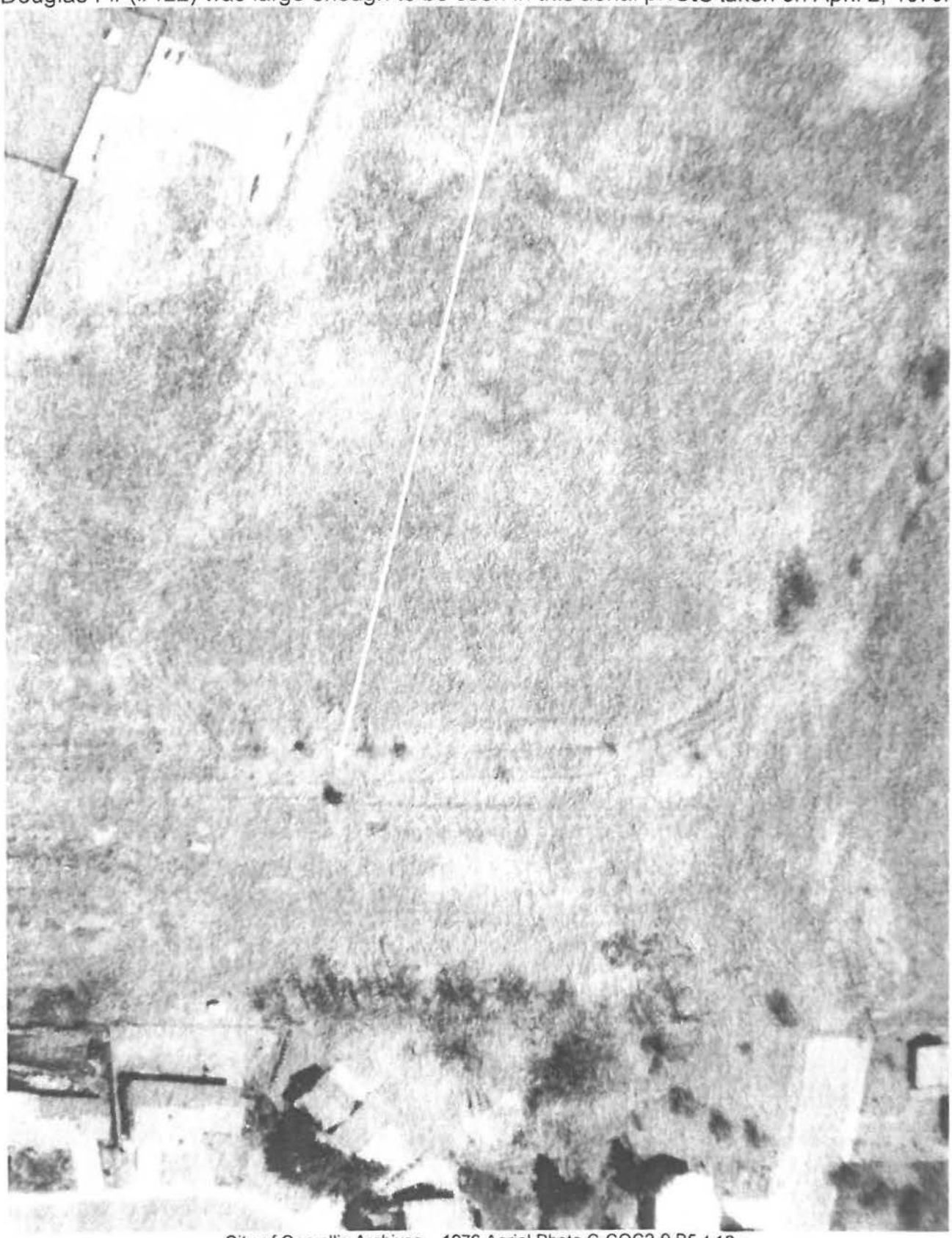
Douglas Fir (Tree #122 on Arborist Report)

It is particularly concerning that the applicant and staff find that the large Douglas Fir identified as tree #122 on the arborist report is not a Significant Tree to be preserved. This tree is over 65 feet tall, 40 feet wide, and is more than 50 years old. It can be seen throughout the surrounding neighborhoods and visually screens the south side of the Regent building from surrounding areas.

This tree predates the construction of the Regent Retirement Residence in 1983 and was a tall, large diameter tree protected during construction of the Regent from 1983 to 1985. This tree can be seen in the aerial photo taken in 1985 (Page 10 and 11 of this written testimony), shortly after the completion of the Regent. It is observed to be a large, tall tree creating a long shadow on the ground just to the south of the southwest corner of the Regent building.

City of Corvallis Archives – 1985 Aerial Photo, Flight Line 6, Image #7

Douglas Fir (#122) was large enough to be seen in this aerial photo taken on April 2, 1976.

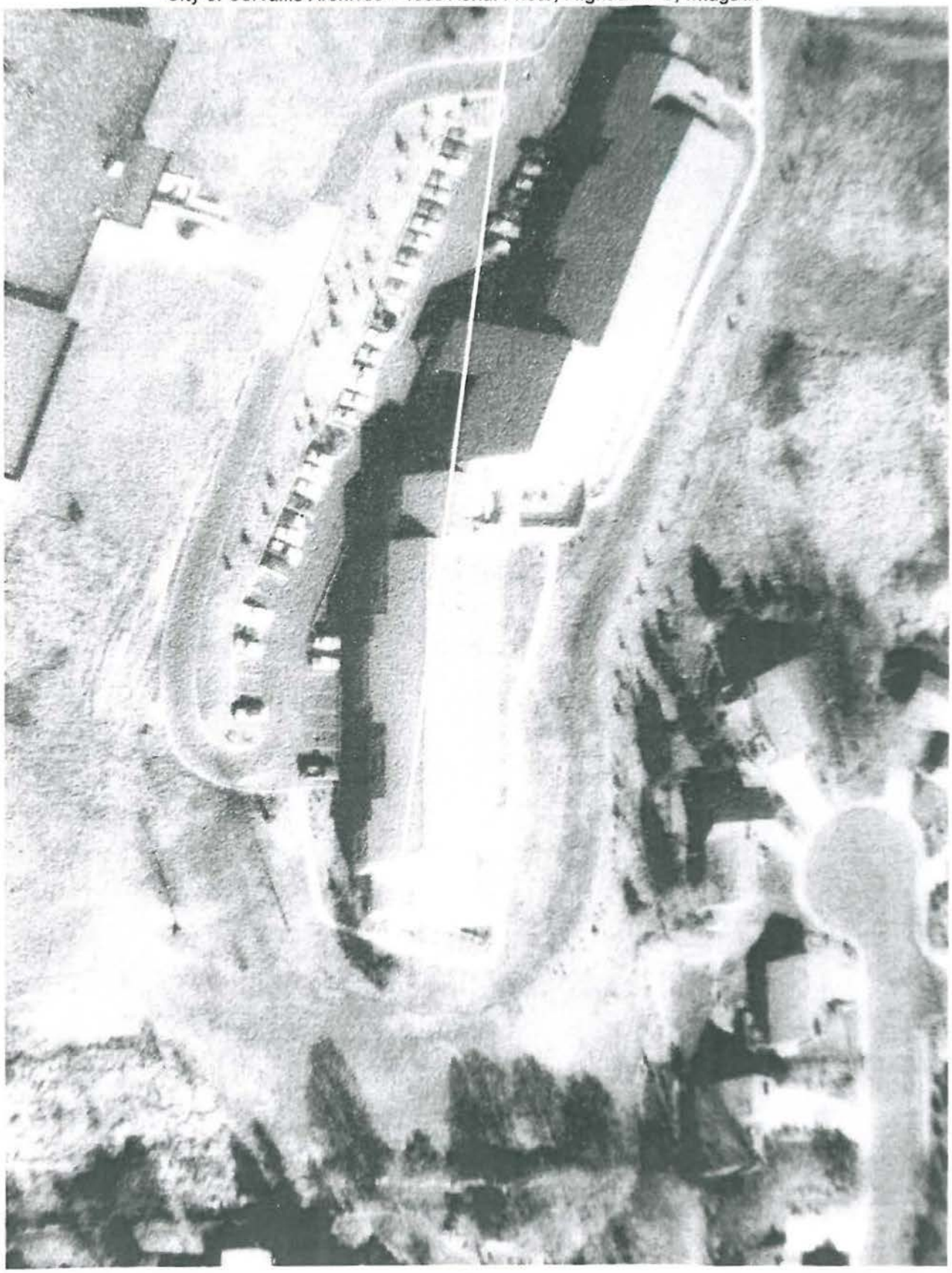


City of Corvallis Archives – 1976 Aerial Photo C-COC2-9 B5-4-10

Douglas Fir (#122) as seen in the aerial photo taken in 1982.

Aerial Photography by WAC Corp. T11S, R5W, Sec. 23 1982-83

Douglas Fir (#122) as seen in aerial photo taken in 1985.
City of Corvallis Archives – 1985 Aerial Photo, Flight Line 6, Image #7



Photos of Douglas Fir (#122) as it appears today.

It is important to note that this Douglas fir:

- Is over 65 feet tall, 40 feet wide, and is more than 50 years old,
- Was on the site in 1976, prior to construction of the Regent, and was protected throughout the construction process,
- Was designated as a Significant Tree to be preserved as a condition of approval under for the Coronado Subdivision (SUB05-0009),
- Was designated as a Significant Tree to be preserved on the approved Landscape Plan for Coronado Subdivision (LND07-00001),
- Was identified as a Significant Tree and required to be in the Arborist report required for BLD08-01196 and PLD07-00010 the previous Major Modification of the Regent Planned Development to expand parking, and
- Is identified a tree #122, to be removed, in the current arborists report for the proposed Tract B Apartments.

The current Arborist Report and Tree Management Plan (attachment "M" of the subject application) identifies tree #122 (the Douglas Fir) as a 32 foot tall tree, to be removed, in only "fair" condition. However, the casual observer can see that the identified tree is far taller than 32 feet and appears to be quite healthy. The Arborist Report required under PLD07-00010 Regent Parking Expansion identifies the same tree as being greater than 65 feet tall and in "good condition" (see attached Arborist Report for BLD08-01196). These inconsistencies call into question the validity of the entire proposed Tree Management Plan, as it seems to be significantly skewed in favor of tree minimization and favors tree removal over integration into the site development plan, as required

Corvallis LDC 4.2.20(d)(1) requires that Significant Trees should *"be preserved to the greatest extent practicable and integrated into the design of a development"*.

Corvallis LDC 4.2.20(d)(2)(b) requires that *"Where the preservation of Significant Trees or Significant Shrubs is required by this Code, by a particular proposal, and/or by Conditions of Approval, no development permits shall be issued until a preservation plan has been reviewed and approved by the Director. The preservation plan shall be developed by a certified arborist and shall comply with the purposes clause and specific standards in this Chapter and any proposal(s) and/or Conditions of Approval that apply to the particular project."*

The proposed project does not make any reasonable effort preserve the majority of the existing Significant Trees on the site "to the greatest extent practical", and the proposed site design does not effectively integrate the existing trees into the design of the development. The proposed project does not comply with LDC 4.2.20(d)(1) or LDC 4.2.20(d)(2)(b) as required under LDC 2.5.40.04(a)(14) Compatibility Factors - Preservation and/or protection of Significant Natural Features, and must be **denied.**.

Variances and Pedestrian Oriented Design Standards

The applicant has requested two variances from code requirements for the proposed development. The requested variances are for conditions which are the result of site conditions which the owner/developer created when the Tract B was originally platted. It is a fundamental tenant of planning that variances from development standards cannot be granted for self-created conditions. These are self-created conditions which should prevent the granting of any variances.

Tract B was created by the applicant or his predecessor in its current configuration with the recording of the Coronado Subdivision Plat. If the configuration of Tract B now renders it an undevelopable tract, then this condition was created by the original subdivision developer, for whom the applicant is a successor. The applicant is requesting a variance from a self-created condition which should prevent the granting of any variations. Therefore, the application should be denied.

Pedestrian Oriented Design Code Violation **(No Variance Requested)**

The applicant has proposed to place the too narrow "accessway" between the proposed building and the street (NW Mirador Place) to which the buildings are primarily oriented. This is in direct violation of LDC 4.10.60.01(a)3, which states,

> *"Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented."*

The proposed development does not comply with applicable code and no variance has been requested.

Tract B was created by the applicant or his predecessor in its current configuration with the recording of the Coronado Subdivision Plat. If the configuration of Tract B now renders it a difficult to develop tract, then this condition was created by the original subdivision developer, for whom the applicant is a successor. The applicant is requesting a variance from a self-created condition which should prevent the granting of any variations. Therefore, the application should be **denied**.

Coronado Subdivision Approval and Home Owners' Association

Tract B is a tract noted on the Coronado Subdivision Plat. This subdivision was approved under Planning Commission Order #2006-025 as ZDC05-00009/SUB05-00005. The associated Conditions of Approval designate Tract B as a Tree Preservation and Landscape Maintenance Tract to be perpetually maintained by the Coronado Home Owners' Association.

The Coronado Home Owners' Association CC&Rs and Association Bylaws were originally recorded in Benton County as document number 2007-423440, subsequently replaced by document recorded as 2010-468791. A review of these documents reveals the intent of the original approval and the declarants to designate Tract B as a permanent Tree Preservation and Landscape Maintenance Tract to be maintained as a Common Maintenance area by the Coronado Home Owners' Association.

Condition of Approval #2

Tree Preservation and Replanting – As proposed by the applicant and shown on Attachment G-46, 13 existing significant trees will be preserved on the subject site.

Condition of Approval #3d Landscape Installation and Maintenance

Home Owners' Association Landscape Maintenance Responsibilities – "The Home Owners' Association created for this subdivision will be responsible for the perpetual maintenance of landscaping within the following areas:

5. Tract 'A', Tract 'B', and Tract 'C'."

Condition of Approval #4 Review of Home Owners' Association CC&Rs

"A Home Owners' Association shall be established to help assure appropriate maintenance of… the landscaped areas within the subdivision… The Homeowners' Association's CC&Rs or bylaws shall include language from each of the following Conditions of Approval:

Condition of Approval No.2 – Tree Preservation and Replanting

Condition of Approval No. 3, Part d – Home Owners' Association Landscape Maintenance Responsibilities"

From the above references, it is clear that the maintenance of Tract B as Tree Preservation and Landscape Maintenance tract was an important consideration of the Planning Commission in approving the Coronado Subdivision in 2006.

Coronado Subdivision CC&Rs

The original approved Coronado CC&Rs were recorded in Benton County as document 2007-423440 (Attachment H). The Coronado Subdivision was originally intended to be exclusively single-family residences. The first sentence of the CC&Rs which were required as a condition of approval to be reviewed and approved by the City prior to recording states the intent of the subdivision:

"Now, therefore, Declarant hereby declares that the purpose of these covenants and restrictions is to insure the use of the property for attractive single-family residential purposes only…"

The next paragraph reads…

"No lot shall be used except for single family residential purposes… No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling…"

The original approved CC&Rs were subsequently amended in 2010 and the new document recorded in Benton County as document 2010-468791.

"Residential Use – All Lots and Units shall be kept and maintained primarily for single family residential purposes."

The 2010 amended CC&Rs supersede and revise statements made on the plat map and make several important changes relating to the status of Tract B as a Common Maintenance Area.

*"**Common Maintenance Areas" shall mean any** areas within public rights-of-way, **Tracts**, easements (public or private) **or other property that the board is required to maintain...for the common benefit of the members**" (Page 3, Section 1.5)*

*"The Association shall establish a Maintenance Fund composed of annual maintenance assessments and shall use the proceeds of such fund in providing for normal, recurring maintenance charges for **Common Maintenance Areas for the use and benefit of all members of the Association.**" (Page 8, Section 3.4)*

*"**From the date of responsibility for any Common Maintenance Area vests in the Association**, the Association may purchase and carry a general public liability insurance policy for the benefit of the Association and its members." (Page 11, Section 5.1)*

*"Without limitation to the Association's overall maintenance and other obligations, **the Association will permanently maintain and repair the Common Maintenance Areas depicted on the plat**..." (Page 11, Section 5.2)*

The 2006 Corvallis Land Development Code applicable in 2010 at the time of the recording of the amended CC&Rs defines a "tract" as follows:

*"**Tract** - A piece of land created and designated as part of a land division that is not a lot, lot of record, or parcel. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private access tracts, private street or alley tracts, tree preservation tracts, landscaping or common area tracts, environmental resource tracts, and open space tracts, etc." (underline emphasis added)*

Taken together, it is clear that Tract B is defined as a Common Maintenance Area in the amended CC&R's, as well as a "Tract" under the Corvallis LDC in effect at the time the revised CC&Rs were recorded. As such, it is "not a lot, lot of record, or parcel"; rather, it is a "tree preservation tract", "landscaping or common area tract", "and open space tract" dedicated for that purpose as a condition of approval under the Coronado Subdivision approval and its previous designation as a building setback/open area under PD-81-1.

Tract B cannot be developed as proposed due to its status as a tract (not a lot, lot of record, or parcel) under the management and control of the Coronado Home Owners' Association as a Common Maintenance Area, as defined by the CC&Rs and required by the Conditions of Approval for the Coronado Subdivision, as well as it being a required building setback/open area required for the Corvallis Congregate Care (Regent) Center PD-81-1. For these reasons, application 2012-00005 must be denied.

Oregon Revised Statutes

ORS Chapter 92

Tract B was not intended to be a legal lot or parcel at the time of the creation of the tract when the Coronado subdivision was recorded. If the original developer had intended to designate the tract as a legal lot or parcel he would have numbered the tract on the plat map, as require by ORS 92.050

> ***"92.050 Requirements of survey and plat of subdivision and partition.*** *(1) A person shall not submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.*
>
> ***(b) Each lot or parcel is numbered consecutively"***

Tract B was not designated by the developer as a lot or parcel, instead it was labeled as a tract with specific purpose as stated in the Conditions of Approval and CC&Rs.

ORS Chapter 94

The Coronado Subdivision was declared in both CC&Rs and Association Bylaws to be for single-family residential uses only (see ORS 94.580(m) below).

> ***94.580 Declaration; recordation; contents.*** *(1) A declarant shall record, in accordance with ORS 94.565, the declaration for a planned community in the office of the recording officer of each county in which the planned community is located.*
>
> *(2) The declaration shall include:*
>
> *(e) A legal description, as required under ORS 93.600, of the real property included in the planned community;*
>
> *(f) A legal description, as required under ORS 93.600, of any real property included in the planned community which is or must become a common property;*
>
> ***(m) A statement of the use, residential or otherwise, for which each lot is intended;***

(n) A statement as to whether or not the association pursuant to ORS 94.665 may sell, convey or subject to a security interest any portion of the common property and any limitation on such authority;

The Common Maintenance Area by definition in the CC&Rs includes Tract B, and there is no conversion plan to convert or annex Tract B from common property to become a lot within the subdivision, nor does the declarant reserve such rights as would be required to do so as described under ORS 94.580(3) or ORS 94.580(4). Relevant sections of ORS Chapter 94 are included below for reference:

(3) ***If the declarant reserves the right to expand the planned community by annexing lots or common property or by creating additional lots or common property by developing existing property in the planned community, the declaration shall contain,*** *in addition to the provisions required under subsections (1) and (2) of this section,* ***a general description of the plan of development including:***

(a) The procedure by which the planned community will be expanded;

(b) The maximum number of lots and units to be included in the planned community or a statement that there is no limitation on the number of lots or units which the declarant may create or annex to the planned community;

(c) A general description of the nature and proposed use of any common property which the declarant agrees to create or annex to the planned community or a statement that there is no limitation on the right of the declarant to create or annex common property;

(d) The method of allocation of votes if additional lots are to be created or annexed to the planned community; and

(e) The formula to be used for reallocating the common expenses if additional lots are to be created or annexed to the planned community, and the manner of reapportioning the common expenses if lots are created or annexed during the fiscal year.

(4) If the declarant may withdraw property from the planned community, the declaration shall include in addition to the provisions required under subsections (1), (2) and (3) of this section:

(a) The procedure by which property will be withdrawn;

(b) A general description of the property which may be withdrawn from the planned community;

(c) The method of allocation of votes if lots are withdrawn from the planned community;

(d) The formula to be used for reallocating the common expenses if the property to be withdrawn has been assessed for common expenses prior to withdrawal; and

(e) The date after which the right to withdraw property from the planned community shall expire or a statement that such a right shall not expire.

In order to comply with the requirements of ORS 95.580, in order to convert Tract B from a Common Maintenance Area to a developable "lot", the original decalarant (and by extension his successor, the current applicant) would have had to reserve such a right under section 3 above. The declarant did not do so and therefore does not have the right to develop Tract B as a lot.

Conclusion

The application for a Major Modification to the Planned Development (PD-81-1) Detailed Development Plan for the Corvallis Congregate Care Center (The Regent) must be denied as it does not comply with applicable Land Development Code. As proposed, the Major Modification would develop Tract B in violation of the intent and letter of the following Corvallis Land Development Code Sections, Previous Land Use Decisions, Oregon Revised Statues, and the Federal Fair Housing Act:

1980 LDC 101.03	Definition of Open Space
1980 LDC 204.04.08	Open Area, Landscaping and Screening
2006 LDC 1.6.30	Definition of a Planned Development Modification (Major)
2006 LDC 1.6.30	Definition of an Open Space and Tract
2006 LDC 2.5.60.01	Purpose of a Planned Development Modification
2006 LDC 2.5.40.01	Conceptual Development Plan Application Requirements
2006 LDC 2.5.50.01	Detailed Development Plan Application Requirements
2006 LDC 2.5.60.03	Procedures for a Major Planned Development Modification
2006 LDC 4.4.30.01(a)3	Accessway Width Requirements
2006 LDC 4.10.60.01(a)1	PODS – Maximum Building Setback (variance requested)
2006 LDC 4.10.50.01(a)2	PODS – Building Orientation (variance requested)
2006 LDC 4.10.60.01(a)3	PODS – Vehicle Circulation (No variance requested)
Planning Commission Order #81-23	Regent Planned Dev. Conditions of Approval
Planning Commission Order #2006-25	Coronado Subdivision Conditions of Approval
Planning Commission Order #2008-72	Regent Planned Dev. Major Modification Appeal
Oregon Revised Statute 92.050(1)(b)	Requirements of survey and plat of subdivision
Oregon Revised Statute 94.580(m)	Declaration, Statement of use - Residential
Oregon Revised Statute 94.580(3)	Annexing lots, creating lots, converting property
Oregon Revised Statute 94.580(4)	Withdrawal of property from planned development

07-430

SANDROCK
Sustainable Landscapes for the Pacific Northwest
3045 NW Johnson Ave.
Corvallis, OR 97330
541-207-6399
dsandrock@sandrockscapes.com

LCB# 8707 CCB# 182497 ISA# PN-6575A

TREE PRESERVATION REPORT

CLIENT: Devco Engineering Inc.
245 NE Conifer Blvd.
P.O. Box 1211
Corvallis, OR 97339

TO BE MICROFILMED

ATTENTION: Patricia Weber

PROJECT: The Regent Access and Parking Lot Extension
440 NW Elks Dr.
Corvallis, OR

DATE OF ASSESSMENT: December 15, 2008 ARBORIST: David Sandrock

HISTORY AND STATEMENT OF UNDERSTANDING:
I have been asked by Patricia Weber, of Devco Engineering Inc., to provide an arborist report concerning two trees at the project site. The purpose of this report is to provide a tree preservation plan and recommendations regarding the two trees affected by the proposed development.

I have been advised by Ms. Weber that the project site is scheduled for construction that includes a parking lot extension and additional access to the Regent per the i) Clearing and Grubbing and Erosion Control Plan and ii) Grading and Storm Drainage Plan provided by Devco Engineering Inc.

I understand that my service is to:

1. Assess the two trees affected by the proposed project, evaluate their condition and determine if they are suitable for preservation
2. Determine the extent of interaction between the trees and the proposed development
3. Provide guidelines and recommendations for tree preservation
4. If necessary, be available as the Project Consulting Arborist (PCA) for additional guidance beyond this report (consulting fees apply)

TO BE SCANNED

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DEC 19 2008
DEVELOPMENT SERVICES

FILE COPY
BLD08-01196

TREE ASSESSMENT SUMMARY (See Appendix A for original field notes):

TREE #1

Taxon: *Pseudotsuga menziesii* (Douglasfir)

DBH: 30 inches Crown spread: 40 feet Height: ~65 feet

Habit: Generally symmetrical, single leader with an 85% live crown ratio

General notes: As of this report, the tree is a semi-mature specimen in good condition with no obvious abnormalities except that the lowest branch on the north side of the tree was headed back with an improper pruning cut in recent years. This should be corrected by i) an appropriate drop-crotch cut or ii) removing the limb entirely with a proper cut at the trunk. The site allows for adequate root extension and growth. The tree is a suitable candidate for preservation.

Interaction with proposed construction: The proposed sidewalk on the Southeast corner of the parking lot will intrude into the dripline of the tree 3 to 4 feet. While this is not desirable, careful planning and diligent adherence to protection recommendations will minimize the intrusion and long-term impact on the tree.

SCANNED

TREE PRESERVATION RECOMMENDATIONS:

Given the location and the condition of the above noted trees, and that they are suitable for preservation, the following recommendations will help eliminate or significantly reduce construction injury.

1. Interactions between equipment and trees shall be anticipated. A plan for tying/roping any branches that might be hit by equipment will be established and communicated to all construction personnel. If necessary, the tying of branches for clearance will be conducted by the PCA (Sandrock).

2. Trees are to be irrigated prior to and during construction as required by the season and weather conditions.

3. Establish and build a tree protection zone (TPZ)
   a. Tree roots commonly extend 2 to 3 times the radius created by the dripline of the tree. Therefore, the larger the TPZ, the easier it is to preserve the tree.
   b. The purpose of the TPZ is to:
      i. prevent cutting or damaging roots,
      ii. prevent damage to the trunk, branches and foliage
      iii. avoid soil compaction
      iv. avoid soil contamination
      v. prevent grade changes in the trees root zone
   c. Fencing for the tree protection zone will be constructed as follows:
      i. Diameter and placement – The minimum diameter of the TPZ will be the greater of i) the dripline or ii) 1.5 feet for every inch of DBH.
         1. **The minimum diameter of the TPZ for the Douglasfir will be 45 feet (1.5' x 30"DBH = 45').**
         2. **The minimum diameter of the TPZ for the Red Maple will be 24 feet (follows the dripline).**
         3. The TPZ fence will be placed so that the circumference of the TPZ is equidistant from the subject tree trunk on all sides (see Appendix B for diagram).
      ii. Height
         1. The TPZ fence will be a minimum of 5 feet high.
      iii. Material
         1. The TPZ fence will be constructed of galvanized welded wire (with 2" x 4" openings) or chainlink attached to 6' minimum "T"- steel posts, driven at least 18" into the ground at 10 foot intervals or equivalent. Where posts cannot be driven into the ground, they may be held upright by suitable metal or concrete weights and standards. Brightly colored flagging shall be attached to

TO BE SCANNED

top of fence to ensure visibility. Snow fence, plastic flexible fence, erosion fence or the like is not adequate for the TPZ.

iv. Signage

1. Signs shall be laminated or otherwise weatherproof and printed in bold text so as to be easily read from a distance of 20 feet. Wording on signage shall be provided in both English and Spanish.
2. Signs will be a minimum of 12 x 18 inches and read, "TREE PROTECTION ZONE - No grade change, trenching, excavation, storage of materials or equipment is permitted within this area." Signs should be in English and Spanish.
3. Signs are to be attached to the TPZ fence every 20 feet with a minimum of four signs per tree.

4. TPZ guidelines
   a. Tree protection barriers are to be erected prior to the commencement of any grubbing, grading or construction activities on the site and are to remain in place in good condition for the duration of the project.
   b. The project manager will notify the PCA (Sandrock) prior to commencement of any construction activities to confirm that the tree protection barriers are in place.
   c. No fill, equipment or supplies are to be stored within the tree protection zone.
   d. No driving or parking in the TPZ.
   e. Access is not permitted within the TPZ.
   f. No objects may be attached to tree(s) in any way.
   g. All underground utilities, downspouts or irrigation lines and landscape lighting shall be routed outside the tree protection zone. If utility lines must cross through the protection area, they shall be tunneled or bored under the tree.

5. Excavation and construction in and near the TPZ (This will apply to the removal of the crosstie wall near the Red Maple, excavation for the parking south of the Red Maple and excavation for the sidewalk inside the TPZ of the Douglasfir). If necessary, the PCA will be available to oversee this phase of construction and perform the root pruning (sufficient notice for scheduling is required and consulting fees will apply).
   a. Hand dig areas where excavation intrudes on the TPZ to prevent any unnecessary tearing or pulling of roots.
   b. Roots that are severed, exposed, dead or diseased shall be pruned as follows:

i. Preserve the root bark ridge (similar in structure to the branch bark ridge).
ii. Objectionable and severely injured roots shall be exposed to sound tissue and pruned cleanly (preferably cut to a lateral root that is growing downward or in a favorable direction).
iii. All roots needing to be pruned or removed shall be cut cleanly with sharp hand tools.
    1. Large or small loppers
    2. Hand pruners
    3. Small pruning hand saws
iv. No wound dressings or pruning paint shall be used to cover the ends of each cut.

c. Avoid prolonged exposure of tree roots during construction - keep exposed roots moist and dampened with mulching materials, irrigation or wrap in burlap if exposed for longer than 4 hours.

6. Any damage to trees due to construction activities shall be reported to the PCA or a Certified Arborist within 6 hours so that remedial action can be taken. Timeliness is critical to tree health.

NOTE ON POST-CONSTUCTION LANDSCAPING

Any landscaping within the tree preservation zones after construction is completed and the TPZ fence has been removed cannot cause damage to any of the trees or their roots. The trees must be protected for the same reasons listed above but without using TPZ fencing.

ASSUMPTIONS AND LIMITING CONDITIONS

1. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however Sandrock can neither guarantee nor be responsible for the accuracy of information provided by others.

2. Unless otherwise required by law, possession of this report or a copy thereof does not imply right of publication or use for any purpose in whole or in part by any other than the person to whom it is addressed, without the prior expressly written or verbal consent of the author or his company.

3. Excerpts or alterations to the report, without the authorization of the author or his company invalidates its intent and/or implied conclusions. This report may not be used for any expressed purpose other than its intended purpose and alteration of any part of this report invalidates the report.

4. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflect the condition of those items at the time of inspection; and 2) the inspection was made using accepted arboricultural techniques and is limited to visual examination of accessible items

TO BE SCANNED

without climbing, dissection, probing or coring and detailed root examination involving excavation. While reasonable efforts have been made to assess trees outlined in this report, there is no warranty or guarantee, expressed or implied, that problems or deficiencies with the tree(s) or any part(s) of them may not arise in the future. All trees should be inspected and re-assessed periodically.

5. The determination of ownership of any subject tree(s) is the responsibility of the owner and any legal issues which may exist between property owners with respect to trees must be resolved by the owner. A recommendation to remove or maintain tree(s) does not grant authority to encroach in any manner onto adjacent private properties.

CLOSING

I trust this report meets your needs. If you have any questions or require further information, please do not hesitate to contact me directly at 541-207-6399 or dsandrock@sandrockscapes.com.

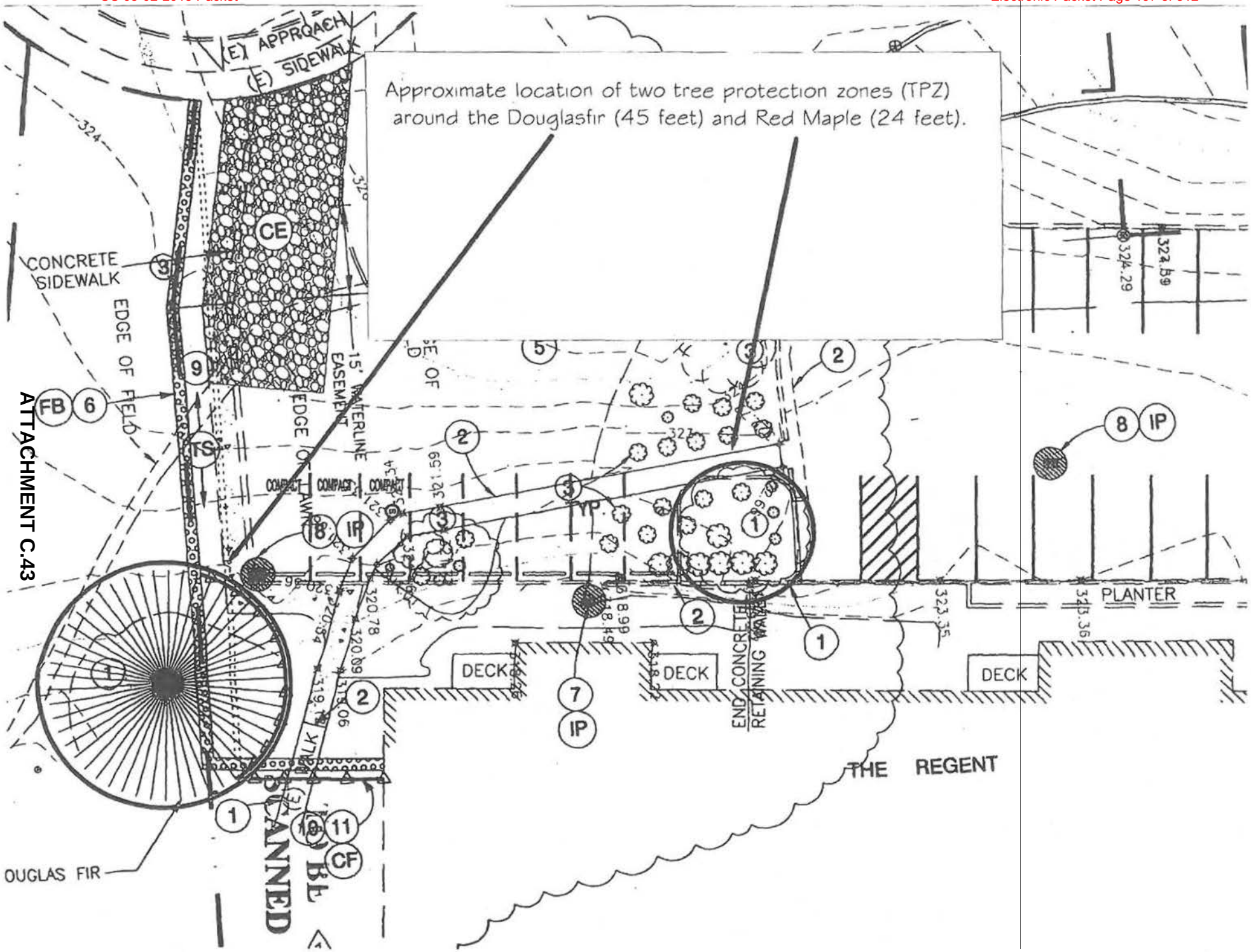
Sincerely,

Dave Sandrock December 16, 2008

David Sandrock Date

ISA Certified Arborist # PN-6575A

TO BE SCANNED



ATTACHMENT C.43

Rec'd @ PC mtg
Date 1/21/2015
City of Corvallis
43

My name is George Pearson and we have lived at 477 NW Survista Ave for 41 years. We also own a lot at 520 Mirador Place Both of these properties abut Tract B on which the proposed Coronado Apartments would be built. The property which became the Coronado subdivision contained more than 1400 trees before it was developed. Only 13 of these trees, 0.1% of the total, and none of the other vegetation were preserved, resulting in a complete denuding of the Coronado property. Replacement trees were very small and many of them have not survived.

In 2013, several of these same Coronado developers proposed to build a 10 unit apartment building on Tract B next to the Coronado development. This property contained 24 significant trees defined in the Land Development Code as located outside any area inventoried by the Natural Features Inventory and having a trunk size that is eight in. or greater in caliper at four feet above existing grade. Condition of Approval #2 of the Coronado development stated that significant trees shown on Attachment G-46 from that approval were to be saved as part of the subdivision plat approval. The trees located on Tract B are identified as Nos. 100, 119, and 122. In the applicants' proposal for Tract B, trees 119 and 122 were to be removed while trees Nos 100 and 101 (on lot 22 of the Coronado Development) were to be retained. This meant that only 16% of the significant trees were to be preserved and in fact the largest of these trees, an oak, was removed in early spring of that year. This proposal was denied by the Planning Commission in part because of a "Failure to protect significant trees on the site 'to the greatest extent practicable' and to integrate said trees into the design of the development per LDC Section 4.2.20.d.

In the current proposal, which appears to be almost identical to the previous one, once again no attempt has been made by these developers to save and integrate significant trees into the design of the development described in the proposal. In fact a letter to the developers from Planning Division Staff dated February 2, 2013 states: "Based on compatibility review criteria, there may be some benefits to considering preservation of additional existing significant trees on the site". Instead the developers are proposing to provide dense plantings and a 6 foot fence to buffer the south portion of the development from the existing neighborhood. Such a solution hardly replaces the significant trees that will be removed to provide the parking for this development.

At a neighborhood meeting held in 2013 concerning the first proposal for Tract B (the developers did <u>not</u> meet with the neighborhood regarding this most recent application), the neighbors unanimously agreed that preservation of existing trees on the perimeter of the property is required for preserving both the privacy and appearance of the surrounding homes. In fact the intent of the 135 foot/55 foot setbacks from the properties south and east of the Regent Retirement Center as required by Condition of Approval #12 was to provide a buffer or transition zone between the RS-12 Regent Retirement Center and the surrounding low density residential neighborhoods. The current proposal for a 10 unit apartment building on Tract B with 20 parking spaces surrounding it subverts the intent of Condition of Approval # 12 and is not compatible with the surrounding neighborhoods as defined by LDC 2.5.40.04. For all of the above reasons this proposal to build apartments on Tract B should be denied.

PETITION

Rec'd @ PC mtg
Date 1/21/2015
City of Corvallis

TO: THE CITY OF CORVALLIS PLANNING COMMISSION

SUBJECT: TRACT "B" OF CORONADO SUBDIVISION – MAJOR MODIFICATION (TAX LOT6400)

WE THE UNDERSIGNED RESIDENYS OF THE REGENT RETIREMENT COMMUNITY LOCATED AT 440 NW ELKS DRIVE, CORVALLIS, OREGON, 97330, STRONGLY URGE THAT THE PLANNING COMMISSION REJECT THE BUILDING OF ANY STRUCTURE ON THIS BLIND LOT. PLEASE DENY THE OWNER/APPLICANTS REQUEST.

WE ARE ASKING THIS REJECTION BECAUSE OF THE FOLLOWING;

THERE WILL BE AN INCREASE OF TRAFFIC.
THERE WILL BE A RISE IN NOISE.
THERE WILL BE ADDITIONAL LIGHT CAST ON OUR APARTMENTS.
THERE WILL BE A HIGHER DANGER TO PEDESTRIANS WHO ENJOY THIS CULDESAC.
THERE WILL BE A DECLINE IN THE HABITAT FOR OUR LOCAL DEER POPULATION.

SIGNATURE	SPELLING OF NAME
Eleanor Kidd	ELEANOR KIDD
P.M. de Laubenfels	P.M. de LAUBENFELS
Joy E Bautz	Joy E Bautz
Dorothy J. Shaw	Dorothy J. Shaw
William R. Muir	William R. Muir
Herman R. Stalberg	HERMAN R. STALBERG
Theodore R Hart	Arthur W Anderson
Aileen G. Gellatly	Aileen G. Gellatly
Joanne P. Anderson	Joanne P. Anderson
Sue Mason	Sue Mason
Joan M. Pelto	JOAN M. PELTO
Betty Wallace	BETTY WALLACE
Jeanne E. Anderson	Jeanne E ANDERSON
Celia Roberts	Celia Roberts
Margaret Robinson	

Sally Payne	SALLY PAYNE
Dorothy VanBergen	DOROTHY VAN BERGEN
Eleanor Otley	Ref [illegible]
Helen F Miller	Virginia Yates
Eileen M Fulle	Elaine Smith
Pat Ayers	Patricia G Phillips
Grace Richardson	Patricia G Phillips
Wanda Walter	
Paula I Dengler	PAULA DENGLER
[illegible]	Louise H Wang
James A. Vomocil	James A. Vomocil
Cynthia C Sentek	Cynthia C Sentek
Edna H Mary	Adrian Vasquez
James Ehong	E M M.
Barbara Watkins	Thelma Clapp
Annabell Jensen	Patricia R. Fry
Irma Seitz	
Miriam D. Wicks	MIRIAM D. WICKS
Pamela Hawkes	PAMELA HAWKES
Stephanie Mengle	
Thomas L. Yates	THOMAS L. YATES
Unita VanXlear	Eleanore M. Parowski
[illegible]	
Gordon [illegible]	
[illegible]	JAMES QUINTANA

ATTACHMENT C.46

Geneva Regele

Dorothy M Chambers

Geneva Regele

Dorothy M. Chambers

Hello, my name is Nathan Smith. I live at 662 NW Mirador Pl with my wife Kara and two young daughters.

The current Coronado Tract B Major Modification (PLD14-00005) is the same proposal that was denied by the Planning Commission less than 2 years ago. It was denied based on 4 findings as listed by the Planning Commission involving inconsistencies and failures regarding cul-de-sac standards, significant trees, compensating benefits for variations, and lack of compatibility. The new application has not shown any changes to meet these standards rather has tried to use word play to muddy the waters and make these failures look insignificant. In fact the only major change I see in Group B, LLC's application is a threat and another attempt to bully the public and the city of Corvallis. Group B, LLC used scare tactics like this in their first go around by stating that "if they (Group B, LLC) didn't build this complex someone else would purchase the tract and would build on it without asking us for our input". The Coronado Tract B Major Modification (PLD14-00005) is only a repeated attempt to bully property owners and the City into moving forward with their agenda rather than playing by the rules and doing business in an ethical and moral manner.

Please seriously consider denying this proposal.

Thank you,
Nathan Smith

Rec'd @ PC mtg
Date 1/21/2015
City of Corvallis

TRACT B

Rec'd @ PC mtg + 1/21/2015
Date 6/5/2013
City of Corvallis

REGENT

SHOW STEEP SLOPE 15% - 25%

3098 NW AUTUMN

PLAN IS TO GRADE OVER 75% OF SITE

STEEP WALLS TO BE BUILT TO LEVEL SITE FOR CONSTRUCTION

REGENT SENIOR RESIDENCE

APARTMENTS - 10, 2-BEDROOM UNITS WILL BE ON LEFT SIDE OF PHOTO - TREES CUT DOWN

AUTUMN STREET HOMES

PARKING LOT FOR 20 CARS WILL BE BUILT ON THIS SIDE

TREES WILL BE CUT DOWN

REGENT

TREES WILL ALL BE CUT

VIEW TOWARD EAST

HOMES ON AUTUMN ST.

TREE TO BE CUT

TREES TO BE CUT

3098 NW AUTUMN

SOUTH BOUNDARY ON TRACT B - MOST TREES WILL BE CUT DOWN FOR A PARKING LOT IN UPPER AREA
THIS AREA IS ON HAZARDOUS SLOPE
APT. BUILDING WILL BE ON LOWER RIGHT OF PHOTO

CORVALLIS CLINIC REGENT HOME HOMES ON AUTUMN STREET

James Kline
3098 NW Autumn St
Corvallis OR 97330
541-754-3075

FILE COPY

DEVCO engineering inc.

245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

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JAN - 7 2015

Community Development
Planning Division

06 January 2015

Ms. Amber Bell, Assistant Planner
Community Development
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

SUBJECT: Coronado Tract B Apartments
(PLD14-00005)

Dear Ms. Bell:

Accompanying this letter per your January 2nd, 2015 email request and as supplemental information to the application is a site plan drawing which shows one of the possible ways the site design could meet the parking standards as proposed by the Applicant and meet City Staff's interpretation of LDC 4.10.60.06(d) and (f). The parking dimensions shown on this drawing are consistent with the supplemental information provide in our December 31st, 2014 letter, concerning ITE and City compact space parking dimension standards.

We have also attached hereto, as requested, the project Architect's review of the building code standards relative to accessibility.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 abell 01-06-2015.docx

Enclosures

RDG

REITER DESIGN GROUP
ARCHITECTS, INC.

MEMORANDUM

To: Lyle Hutchens
DEVCO Engineering, Inc.

From: Scott A. Reiter
President
Reiter Design Group Architects, Inc.

Subject: Tract B Planned Development Apartments
ADA Accessible Requirements

Date: January 05, 2015

The following is a clarification and explanation as to the ADA Compliance requirements for the proposed Tract B Planned Development Apartments.

Building and Living Unit Accessibility:

Type 'A' dwelling units: Per OSSC 1107.6.2.1, in Group R-2 occupancies, Type 'A' dwelling units are required in projects containing more than 20 dwelling units. This project contains only 10 dwelling units, therefore no Type 'A' units are required.

Type 'B' dwelling units: Per OSSC 1107.7.2 Multistory dwelling units are not required to be Type 'B' dwelling units. All of the living units in the proposed design are multistory or multi-level units. OSSC 1102 defines "multistory units" to have habitable space located on more than one story. OSSC 202 defines story as "that portion of a building included between the upper surface of a floor and the upper surface of a floor above". The end Type A unit is clearly a multistory unit and is exempt. The Type B units are also multi level and they are "multistory" and exempt.

Site Access, Accessible Route, Accessible Parking:
The proposed design provides an accessible route from the public way to the primary building entrances and provides an accessible parking space with an accessible route to the secondary building entrances. As noted above, the building is exempt and the living units are not required to be accessible or adaptable.

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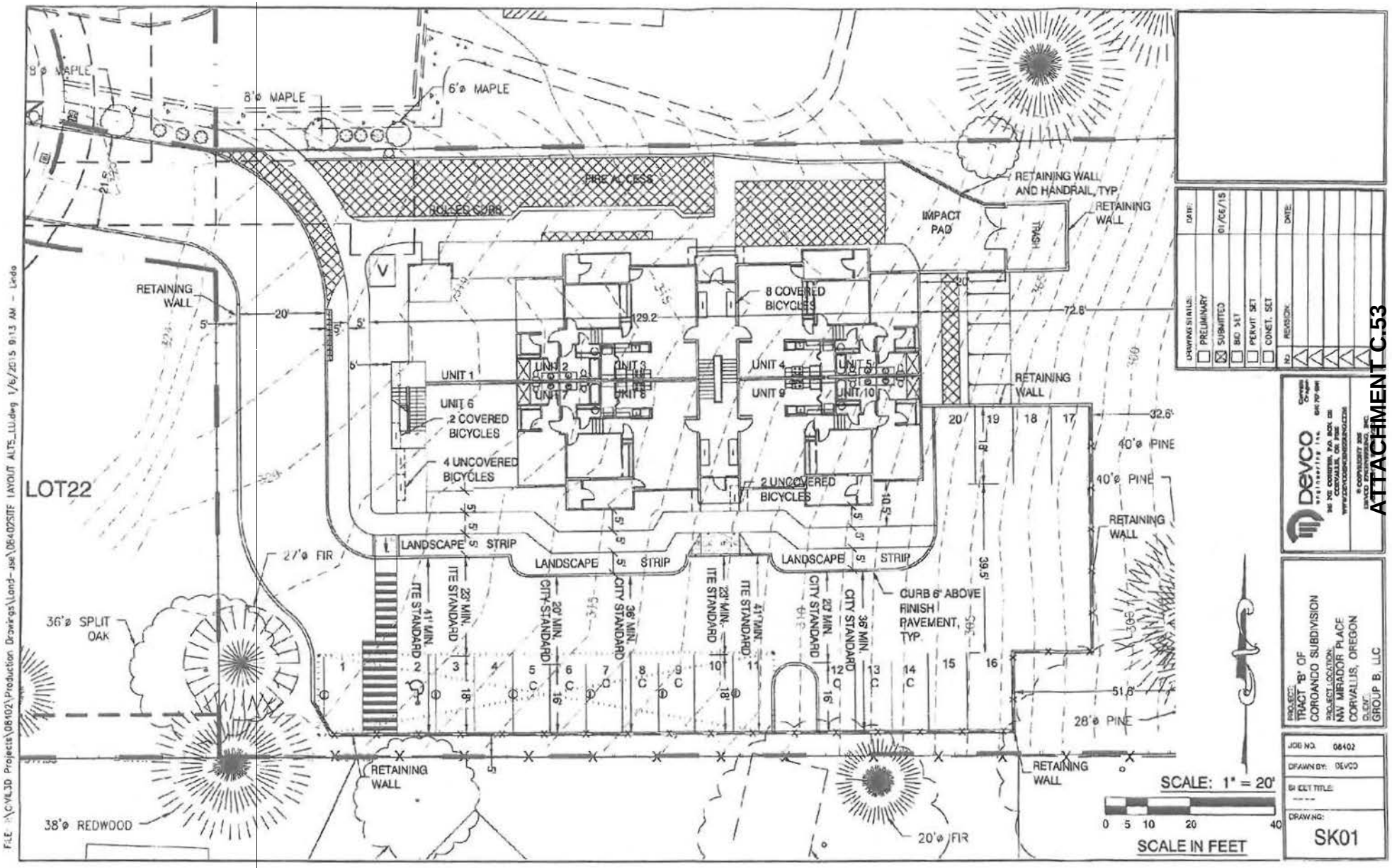
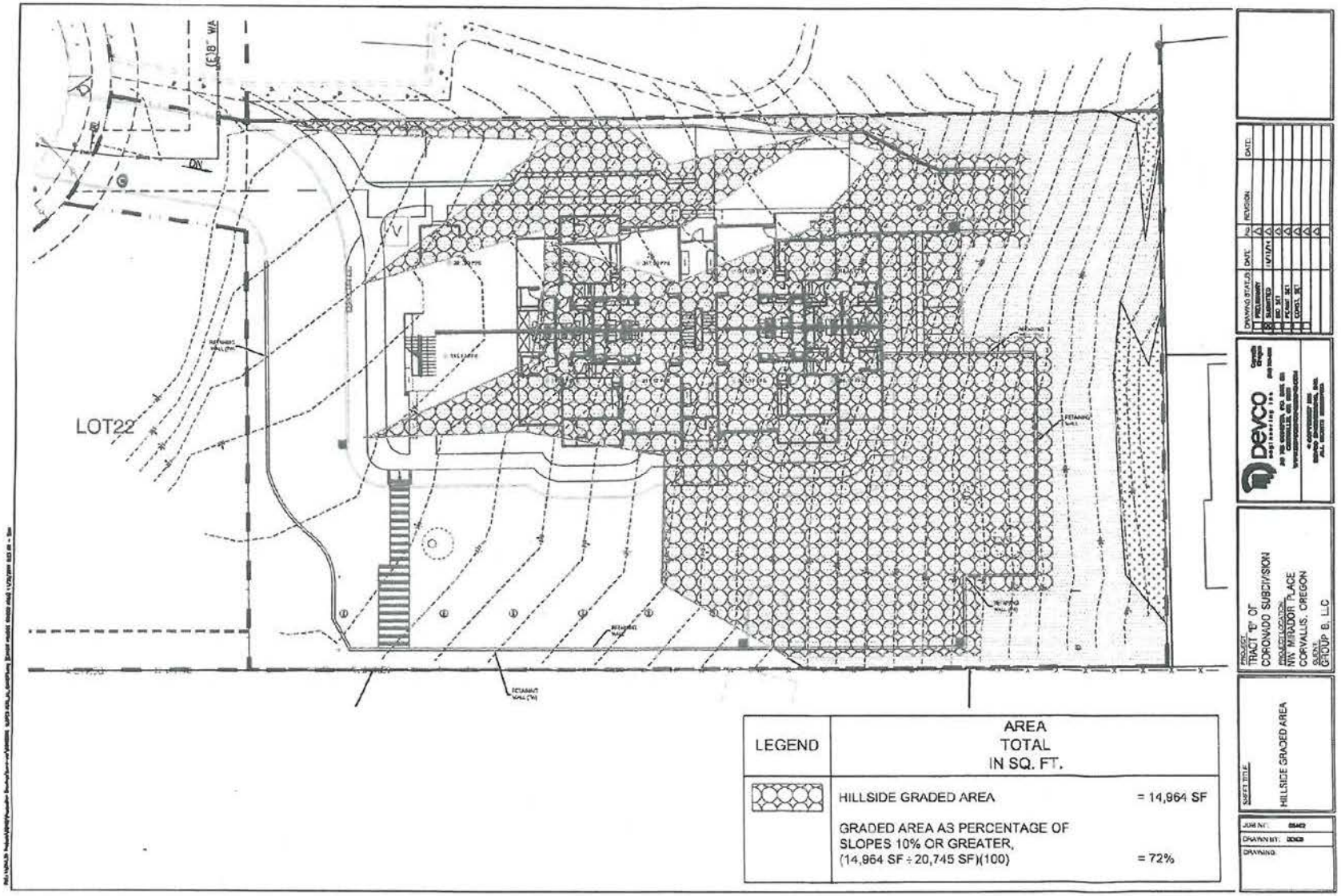
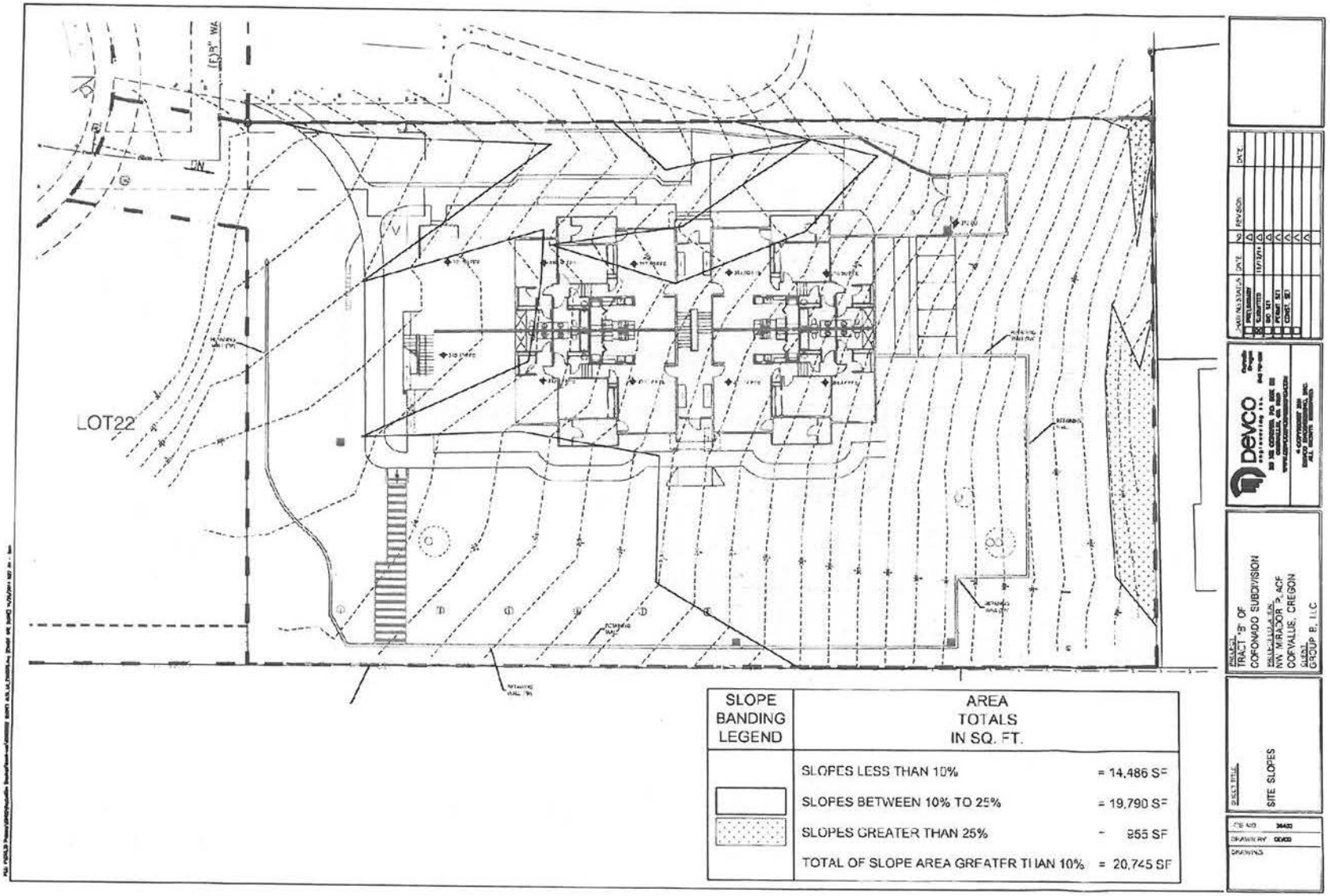


ATTACHMENT C.53



ATTACHMENT C.54



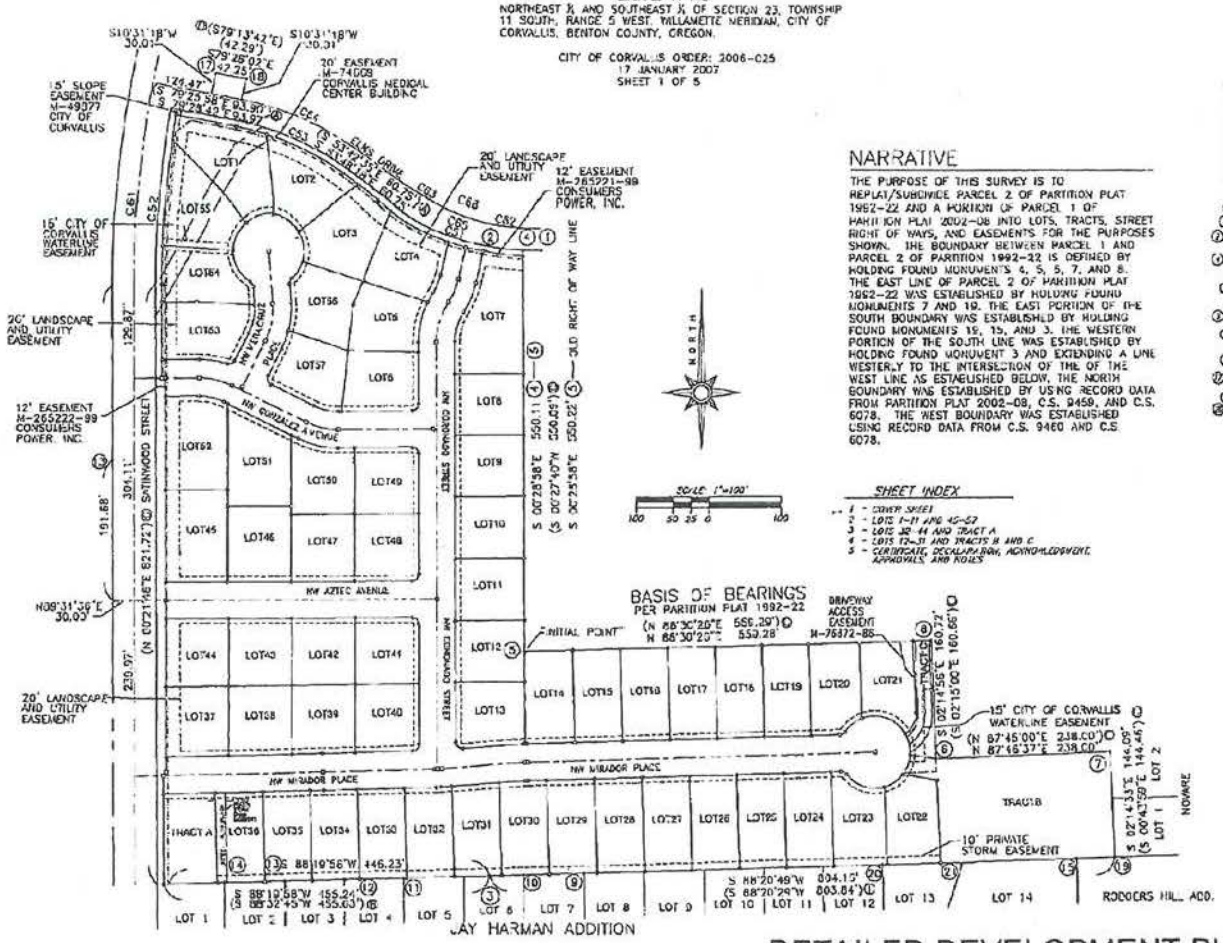
ATTACHMENT C.55

ATTACHMENT C.56

CORONADO

BEING A REPLAT OF PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08 LOCATED IN THE NORTHEAST ¼ AND SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, CITY OF CORVALLIS, BENTON COUNTY, OREGON.

CITY OF CORVALLIS ORDER: 2006-025
17 JANUARY 2007
SHEET 1 OF 5



NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO REPLAT/SUBDIVIDE PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08 INTO LOTS, TRACTS, STREET RIGHT OF WAYS, AND EASEMENTS FOR THE PURPOSES SHOWN. THE BOUNDARY BETWEEN PARCEL 1 AND PARCEL 2 OF PARTITION 1992-22 IS DEFINED BY HOLDING FOUND MONUMENTS 4, 5, 6, 7, AND 8. THE EAST LINE OF PARCEL 2 OF PARTITION PLAT 1992-22 WAS ESTABLISHED BY HOLDING FOUND MONUMENTS 7 AND 10. THE EAST PORTION OF THE SOUTH BOUNDARY WAS ESTABLISHED BY HOLDING FOUND MONUMENTS 15, 16, AND 3. THE WESTERN PORTION OF THE SOUTH LINE WAS ESTABLISHED BY HOLDING FOUND MONUMENT 3 AND EXTENDING A LINE WESTERLY TO THE INTERSECTION OF THE OF THE WEST LINE AS ESTABLISHED BELOW. THE NORTH BOUNDARY WAS ESTABLISHED BY USING RECORD DATA FROM PARTITION PLAT 2002-08, C.S. 9459, AND C.S. 6078. THE WEST BOUNDARY WAS ESTABLISHED USING RECORD DATA FROM C.S. 9460 AND C.S. 6078.

SHEET INDEX

1 - COVER SHEET
2 - LOTS 1-11 AND 45-57
3 - LOTS 12-44 AND TRACT A
4 - LOTS 12-31 AND TRACTS B AND C
5 - CERTIFICATE, DECLARATION, ACKNOWLEDGEMENT, APPROVALS, AND NOTES

RECORD DATA TABLE

- RECORD DATA PER C.S. 6078
- RECORD DATA PER C.S. 9459
- RECORD DATA PER PARTITION PLAT 1992-22
- RECORD DATA PER PARTITION PLAT 2002-08
- RECORD DATA PER JAY HARMAN ADDITION
- RECORD DATA PER C.S. 2438
- RECORD DATA PER C.S. 9460
- RECORD DATA PER C.S. 3012
- RECORD DATA PER ELKS ADDITION
- RECORD DATA PER C.S. 10099

FOUND MONUMENT TABLE

- 5/8" IRON ROD PER C.S. 6078. HELD AS FOUND.
- 5/8" IRON ROD PER ELKS ADDITION. HELD AS FOUND. FOUND MONUMENT (2) WAS REMOVED DURING CONSTRUCTION
- 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TACCINO P.L.S. 2267" PER PARTITION PLAT 1992-22. HELD AS FOUND.
- WAX WITH BRASS WASHER MARKED "P.L.S. 2267" IN ASPHALT PER PARTITION PLAT 1992-22. HELD AS FOUND.
- 1/2" IRON ROD PER THE JAY HARMON ADDITION. HELD AS FOUND.
- 1" IRON ROD. JAY HARMON ADDITION CALLS A 2" PIPE BUT SUBSEQUENT SURVEYS CALL 1" IRON PIPE. HELD AS FOUND.
- 5/8" IRON ROD PER THE JOHN HARMON PLAT. HELD AS FOUND.
- 5/8" IRON ROD WITH THE YELLOW PLASTIC CAP MARKED "DEVCO" PER PARTITION PLAT 2002-8. HELD AS FOUND.
- 5/8" IRON ROD PER ELKS ADDITION. HELD AS FOUND.
- 5/8" IRON ROD WITH RED PLASTIC CAP MARKED "NORTHSTAR PLS 1823" PER C.S. 10099. HELD AS FOUND. FOUND MONUMENT (2) IS 0.04' SOUTH OF LINE.

LEGEND

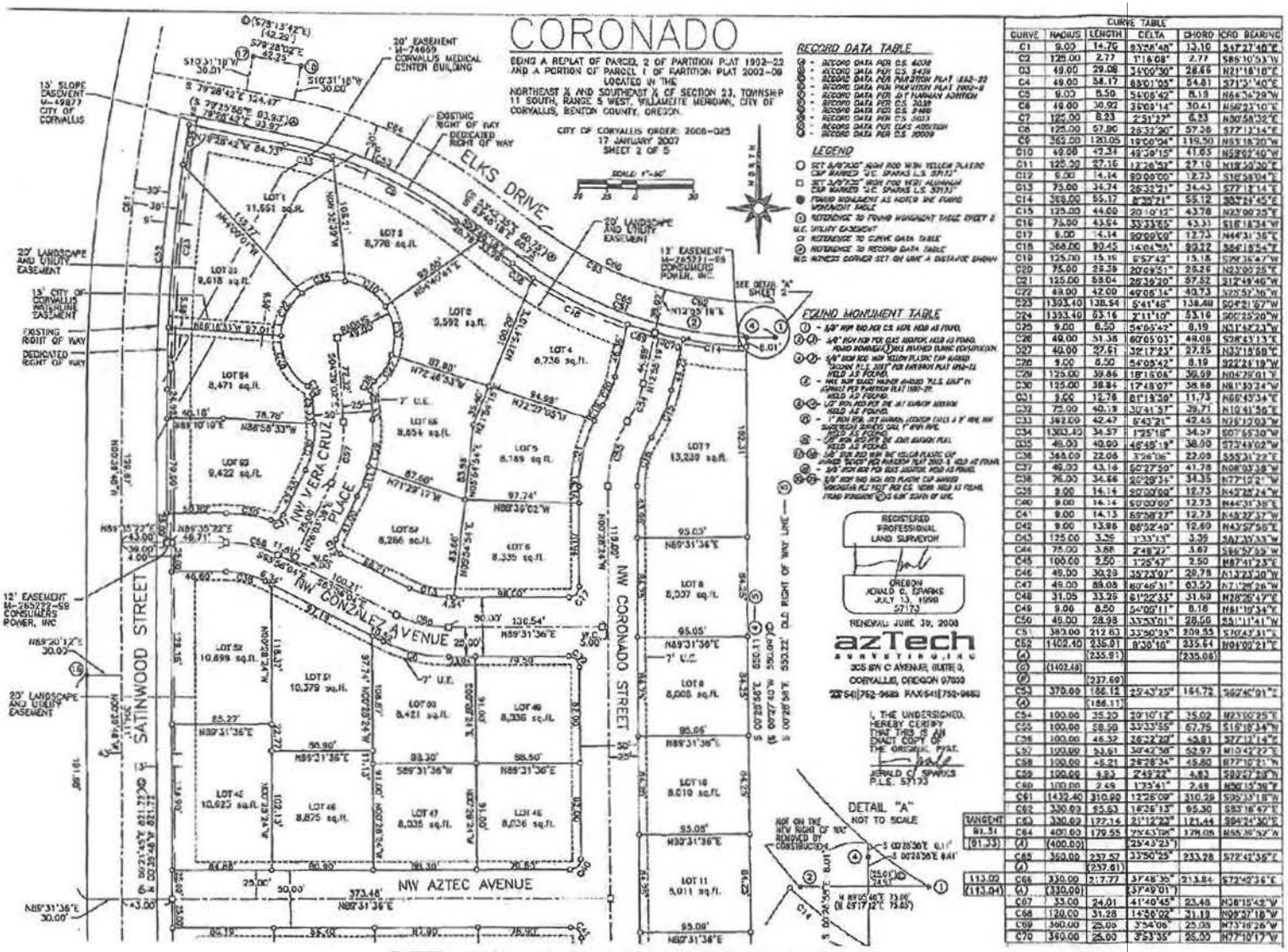
- SET 5/8"X30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "J.C. SPARKS L.S. 57173"
- SET 3/4"X30" IRON ROD WITH ALUMINUM CAP MARKED "J.C. SPARKS L.S. 57173"
- FOUND MONUMENT AS NOTED THE FOUND MONUMENT TABLE
- REFERENCE TO FOUND MONUMENT TABLE SHEET 2
- U.E. UTILITY EASEMENT
- C1 REFERENCE TO CURVE DATA TABLE
- (4) REFERENCE TO RECORD DATA TABLE
- W.C. WITNESS CORNER SET ON LINE AT DISTANCE SHOWN

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JERALD C. SPARKS
JULY 13, 1999
57173
RENEWAL JUNE 30, 2008

azTech SURVEYING, INC
305 SW C AVENUE, SUITE 3
CORVALLIS, OREGON 97333
☎ 541|752-9683 FAX 541|752-9683

I, THE UNDERSIGNED HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
JERALD C. SPARKS
P.L.S. 57173

DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CRD BEARING
C1	9.00	14.76	93°56'48"	13.16	S47°27'48"E
C2	125.00	2.77	1°16'08"	2.77	S85°10'53"W
C3	49.00	29.08	34°00'30"	28.66	N21°18'18"E
C4	49.00	58.17	68°01'05"	54.81	S71°54'40"E
C5	9.00	8.50	54°08'42"	8.18	N66°36'28"W
C6	49.00	30.92	35°08'14"	30.41	N50°23'10"E
C7	125.00	8.23	2°31'27"	8.23	N30°58'32"E
C8	125.00	57.90	26°32'20"	57.38	S77°13'14"E
C9	362.00	120.05	19°00'04"	119.50	N53°18'20"W
C10	49.00	42.34	49°30'15"	41.03	N52°02'40"W
C11	125.00	27.16	12°26'52"	27.10	N18°50'20"E
C12	9.00	14.14	90°00'00"	12.73	S16°58'04"E
C13	75.00	34.74	26°32'21"	34.43	S77°13'14"E
C14	369.00	55.17	8°35'21"	55.12	S80°29'45"E
C15	125.00	44.69	20°10'12"	43.78	N23°00'25"E
C16	75.00	43.54	33°33'55"	43.31	S16°18'34"W
C17	8.00	14.14	90°00'00"	12.73	N44°31'36"E
C18	368.00	90.45	14°04'38"	90.22	S84°18'54"E
C19	125.00	15.16	6°57'42"	15.18	S78°36'47"W
C20	75.00	29.39	20°49'51"	29.25	N23°00'25"E
C21	125.00	58.04	26°38'20"	57.52	S12°49'46"W
C22	49.00	42.00	49°05'14"	40.73	S25°51'36"W
C23	1393.40	138.54	5°41'46"	138.48	S04°21'07"W
C24	1393.40	53.16	2°11'10"	53.16	S00°25'20"W
C25	9.00	8.50	54°05'42"	8.18	N31°45'23"W
C26	49.00	51.36	60°05'03"	49.08	S24°43'13"E
C27	49.00	27.61	32°17'23"	27.25	N32°18'58"E
C28	9.00	8.50	54°05'42"	8.18	S22°26'19"W
C29	125.00	39.86	18°15'04"	39.69	N04°29'01"E
C30	125.00	38.84	17°48'07"	38.68	N11°53'24"W
C31	9.00	12.78	81°19'39"	11.73	N66°43'34"E
C32	75.00	40.19	30°41'57"	39.71	N10°41'56"E
C33	362.00	42.47	6°43'21"	42.45	N25°12'03"W
C34	1393.40	34.57	1°25'18"	34.57	S07°55'30"W
C35	49.00	40.00	46°45'19"	38.90	S72°49'02"W
C36	368.00	22.06	3°26'06"	22.09	S55°31'22"E
C37	49.00	43.16	50°27'50"	41.78	N08°03'38"W
C38	75.00	34.66	26°29'34"	34.35	N77°10'21"W
C39	9.00	14.14	90°00'00"	12.73	N43°28'24"W
C40	9.00	14.14	90°00'00"	12.73	N44°31'36"E
C41	9.00	14.13	89°58'27"	12.73	N45°27'37"W
C42	9.00	13.86	88°52'40"	12.69	N43°52'58"E
C43	125.00	3.36	1°33'13"	3.36	S82°35'33"W
C44	75.00	3.68	2°48'22"	3.67	S86°57'55"W
C45	100.00	2.50	1°26'42"	2.50	N87°41'23"E
C46	49.00	30.39	35°23'07"	29.78	N13°23'30"W
C47	49.00	89.03	80°46'31"	83.52	N71°28'26"W
C48	31.05	33.25	61°22'33"	31.69	N28°25'47"E
C49	9.00	8.50	54°05'11"	8.18	N61°10'34"E
C50	49.00	28.98	33°53'01"	28.56	S51°11'41"W
C51	369.00	212.83	33°30'35"	209.55	S70°43'31"E
C52	1402.40	235.91	9°39'10"	235.64	N04°00'21"E
(A)		(235.91)		(235.06)	
(C)	(1402.40)				
(F)		(237.69)			
C53	370.00	186.12	29°43'25"	184.72	S82°40'01"E
(A)		(186.11)			
C54	100.00	35.20	20°10'12"	35.02	N23°00'25"E
C55	100.00	58.59	33°33'55"	57.75	S16°18'34"W
C56	100.00	46.32	26°32'20"	45.91	S77°13'14"E
C57	100.00	53.91	30°42'56"	52.97	N10°42'27"E
C58	100.00	45.21	26°28'34"	45.80	S77°10'21"W
C59	100.00	4.83	2°49'22"	4.83	S02°27'28"W
C60	100.00	2.49	1°25'41"	2.49	N00°13'38"E
C61	1432.40	310.99	12°26'09"	310.39	S05°33'18"W
C62	330.00	95.53	16°36'13"	95.30	S83°18'47"E
TANGENT	C63	330.00	177.16	21°12'22"	121.44	S94°24'30"E
91.31	C64	401.00	179.55	25°43'08"	178.05	N85°30'52"W
(91.33)	(A)	(400.00)		(25°43'23")		
C65	360.00	237.57	33°50'25"	233.28	S72°42'36"E
(A)		(237.81)			
113.02	C66	330.00	217.77	37°48'35"	213.84	S72°42'36"E
(113.04)	(A)	(330.00)		(37°49'01")		
C67	33.00	24.01	41°40'45"	23.48	N08°15'42"W
C68	120.00	31.28	14°56'02"	31.19	N08°57'18"W
C69	360.00	25.08	3°54'06"	25.08	N73°18'26"W
C70	360.00	25.00	3°53'35"	25.00	N77°10'17"W

DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION

CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT C.57

CORONADO

BEING A REPLAT OF PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08 LOCATED IN THE NORTHEAST ¼ AND SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, CITY OF CORVALLIS, BENTON COUNTY, OREGON.

CITY OF CORVALLIS ORDER: 2006-025
17 JANUARY 2007
SHEET 3 OF 5

RECORD DATA TABLE

- RECORD DATA PER C.S. 6278
- RECORD DATA PER C.S. 6459
- RECORD DATA PER PARTITION PLAT 1992-22
- RECORD DATA PER PARTITION PLAT 2002-8
- RECORD DATA PER JAY HARMAN ADDITION
- RECORD DATA PER C.S. 7038
- RECORD DATA PER C.S. 5983
- RECORD DATA PER C.S. 5013
- RECORD DATA PER CORS ADDITION
- RECORD DATA PER C.S. 10088

LEGEND

- SET 5/8"X30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "J.C. SPARKS L.S. 57173"
- SET 5/8"X30" IRON ROD WITH ALUMINUM CAP MARKED "J.C. SPARKS L.S. 57173"
- FOUND MONUMENT AS NOTED THE FOUND MONUMENT TABLE
- (1) REFERENCE TO FOUND MONUMENT TABLE SHEET 2
- U.E. UTILITY EASEMENT
- (a) REFERENCE TO DRIVE DATA TABLE
- (2) REFERENCE TO RECORD DATA TABLE
- W.C. WITNESS CORNER SET ON LINE AT DISTANCE SHOWN

FOUND MONUMENT TABLE

(1) – 5/8" IRON ROD PER C.S. 6459. HELD AS FOUND.

(2)-(4) – 5/8" IRON ROD PER CLAY ADDITION. HELD AS FOUND. FOUND MONUMENT (2) CORS REVISED DURING CONSTRUCTION.

(6)-(7) – 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "JACOBSEN P.L.S. 2261" PER PARTITION PLAT 1992-22. HELD AS FOUND.

(8) – 1/2" IRON ROD WITH YELLOW PLASTIC CAP MARKED "J.C. SPARKS" IN ASPHALT PER PARTITION PLAT 2002-22. HELD AS FOUND.

(9)-(11) – 1/2" IRON ROD PER JAY HARMAN ADDITION. HELD AS FOUND.

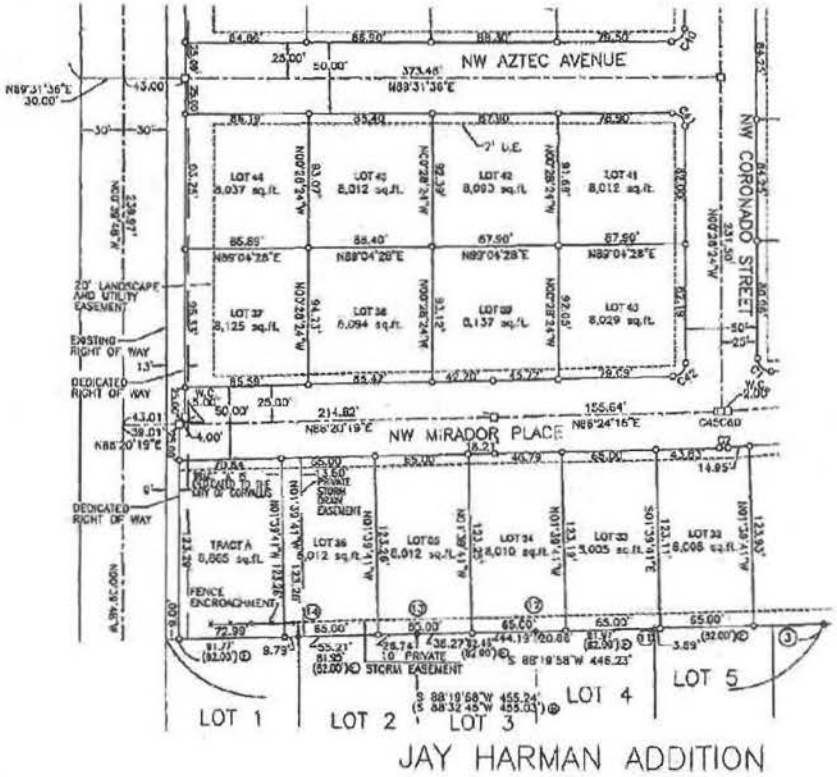
(12) – 1" IRON ROD, 1/2" IRON PIPE ADDITION CORS 6 & 8" TIPPED IN SUBSEQUENT SURVEYS CAN. 1" IRON PIPE. HELD AS FOUND.

(13) – 1/2" IRON ROD PER JAY HARMAN PLAT. HELD AS FOUND.

(14)-(16) – 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SPARKS" PER PARTITION PLAT 2002-8. HELD AS FOUND.

(17) – 5/8" IRON ROD PER CLAY ADDITION. HELD AS FOUND.

(18)-(19) – 5/8" IRON ROD WITH RED PLASTIC CAP MARKED "JACOBSEN P.L.S. 2261" PER C.S. 6459. HELD AS FOUND. FOUND MONUMENT (19) 2.31' SOUTH OF LINE.



JAY HARMAN ADDITION

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JERALD C. SPARKS
JULY 13, 1988
57173
RENEWAL: JUNE 30, 2008

azTech SURVEYING INC
305 SW C AVENUE, SUITE 3
CORVALLIS, OREGON 97333
☎ 541|752-9683 FAX:541|752-9683

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
JERALD C. SPARKS
P.L.S. 57173

DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT C.58

CORONADO

BEING A REPLAT OF PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-06 LOCATED IN THE NORTHEAST ¼ AND SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, CITY OF CORVALLIS, BENTON COUNTY, OREGON.

CITY OF CORVALLIS ORDER: 2005-025
17 JANUARY 2007
SHEET 4 OF 5

RECORD DATA TABLE

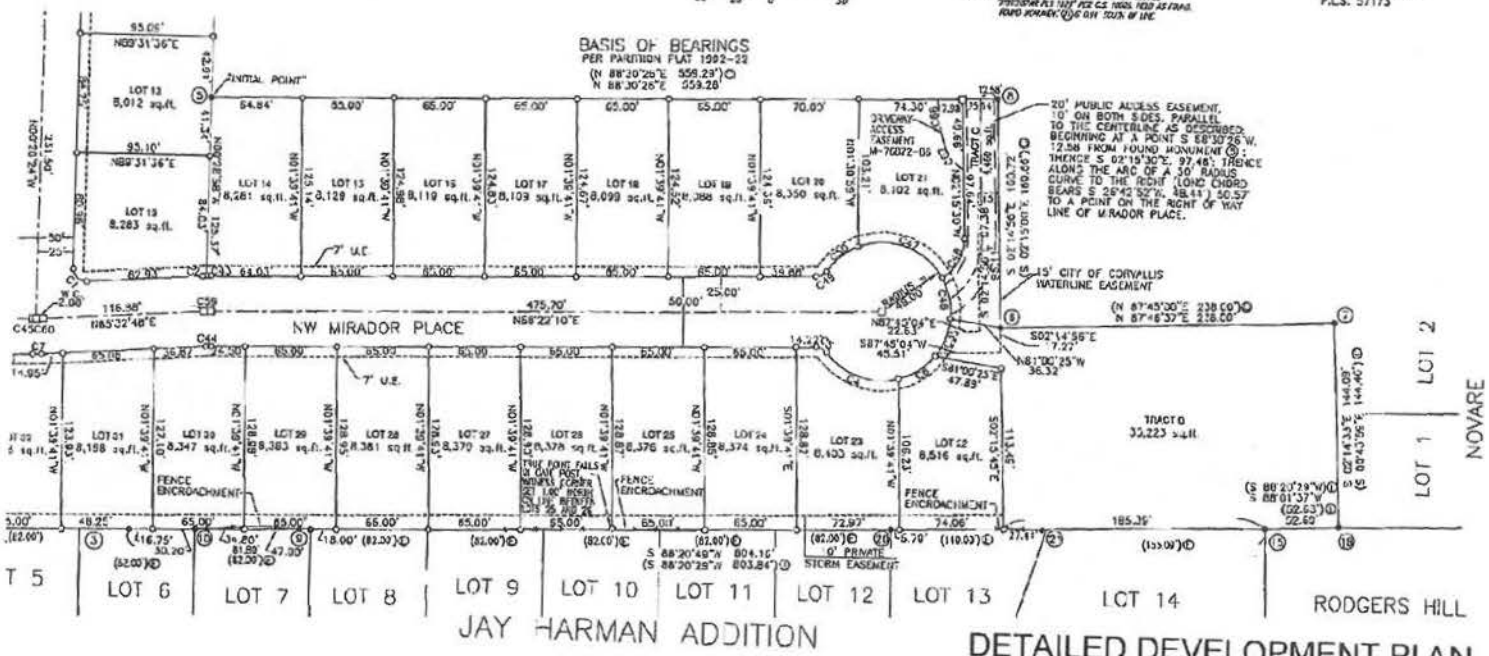
LEGEND

FOUND MONUMENT TABLE

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
GERALD C. SPARKS
JULY 13, 1993
57173
RENEWAL: JUNE 30, 2015

azTech SURVEYING, INC
305 SW C AVENUE, SUITE 3
CORVALLIS, OREGON 97333
541.752.0683 FAX 541.752.0683

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
GERALD C. SPARKS
P.L.S. 57173



DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT C.59

SURVEYOR'S CERTIFICATE

I, JERALD C. SPARKS, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THIS SUBDIVISION MAP, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08 LYING IN THE NE 1/4 AND SE 1/4 OF SECTION 23, TOWNSHIP 11 S., RANGE 5 WEST, WILLAMETTE MERIDIAN, CITY OF CORVALLIS, BENTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE "INITIAL POINT", A 5/8 INCH IRON ROD MARKING THE SOUTHWEST CORNER OF PARCEL 1 OF PARTITION PLAT 1997-72; THENCE NORTH 88°30'08" EAST, 356.00 FEET TO A NAIL WITH BRASS WASHER MARKED "P.L.S. 2667" IN ASPHALT; THENCE SOUTH 02°14'56" EAST, 160.72 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 87°46'37" EAST, 238.00 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 02°14'53" EAST, 144.09 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 88°01'37" WEST, 52.69 FEET TO A 1 INCH IRON PIPE; THENCE SOUTH 88°20'40" WEST, 804.16 FEET TO A 5/8 INCH IRON ROD, SAID ROD MARKS THE SOUTHWEST CORNER OF PARCEL 2 OF PARTITION PLAT 1992-22; THENCE SOUTH 88°19'58" WEST, 455.24 FEET TO A POINT ON THE EAST RIGHT OF WAY OF SATINWOOD STREET; THENCE ALONG SAID EAST RIGHT OF WAY NORTH 00°39'58" WEST, 821.72 FEET; THENCE ALONG THE ARC OF A 1402.40 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS NORTH 04°39'21" EAST, 235.64 FEET) 235.91 FEET; THENCE SOUTH 78°28'42" EAST, 33.07 FEET; THENCE ALONG THE ARC OF A 372.00 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS SOUTH 66°40'01" EAST, 164.77 FEET) 166.12 FEET; THENCE SOUTH 53°48'18" EAST, 49.75 FEET; THENCE ALONG THE ARC OF A 350.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS SOUTH 70°31'31" EAST, 209.65 FEET) 212.83 FEET; THENCE SOUTH 00°28'58" EAST, 350.22 FEET TO A 5/8 INCH IRON ROD, THE "INITIAL POINT" AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

NOTES

1. RIGHT OF WAY EASEMENT GRANTED TO CONSUMERS POWER, INC. BOOK 165, PAGE 378, DEED RECORDS. NOT SHOWN, INDETERMINATE.
2. RIGHT OF WAY EASEMENT GRANTED TO BENTON-LINCOLN ELECTRIC COOPERATIVE, INC. BOOK 176, PAGE 553, DEED RECORDS. NOT SHOWN, INDETERMINATE.
3. 10' UNDERGROUND EASEMENT GRANTED TO CONSUMERS POWER, INC. M-16110, MICROFILM RECORDS. NOT SHOWN, INDETERMINATE.
4. EASEMENT GRANTED TO CONSUMERS POWER, INC. U-69245, MICROFILM RECORDS. NOT SHOWN, INDETERMINATE.
5. ALL LOTS AND TRACTS ARE SUBJECT TO THE CONDITIONS, COVENANTS AND RESTRICTIONS AS RECORDED CURRENTLY OR AS AMENDED IN THE FUTURE, DOCUMENT NO. 2002-923440.
6. 10' PRIVATE STORM DRAIN EASEMENT BENEFITS LOTS 22-26.
7. EASEMENT GRANTED TO TCI CABLEVISION OF OREGON, INC., M-226507-97, MICROFILM RECORDS. NOT SHOWN, INDETERMINATE.
8. FRANCHISE UTILITY COMPANIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN AND OPERATE THEIR UTILITIES AND ALL OTHER RELATED FACILITIES WITHIN THE UTILITY EASEMENTS (U.E.) IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN SERVING THE LOTS IDENTIFIED HEREON, INCLUDING THE RIGHT TO ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE THE REMOVAL OF ANY OBSTRUCTIONS INCLUDING TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE UTILITY EASEMENT AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE UTILITY EASEMENT, WITH THE EXCEPTION TO THE PERMANENT STRUCTURES REQUIRED BY OTHER FRANCHISE UTILITY COMPANIES.
9. TRACTS "D" AND "E" SHALL BE OWNED AND MAINTAINED BY THE DECLARANTS TO THIS PLAT OR THEIR SUCCESSORS AND ASSIGNS.
10. 15.5' PRIVATE STORM DRAIN EASEMENT LOCATED ON LOT 36 BENEFITS LOTS 22-26.
11. 20' LANDSCAPE EASEMENT MAINTAINED BY DECLARANTS TO THIS PLAT OR THEIR SUCCESSORS AND ASSIGNS.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JERALD C. SPARKS
JULY 13, 1999
57173

RENEWAL: JUNE 30, 2008

azTech SURVEYING, INC
005 SW 0 AVENUE, SUITE D,
CORVALLIS, OREGON 97333
☎ 541 752-0883 FAX 541 752-0884

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.

JERALD C. SPARKS
P.L.S. 57173

CORONADO

BEING A REPLAT OF PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08
LOCATED IN THE
NORTHEAST ¼ AND SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, CITY OF CORVALLIS, BENTON COUNTY, OREGON.

CITY OF CORVALLIS ORDER: 2003-025
17 JANUARY 2007
SHEET 5 OF 5

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT SQUARE C DEVELOPMENTS, LLC, A LIMITED LIABILITY COMPANY, IS THE OWNER OF THE LANDS REPRESENTED ON THIS SUBDIVISION PLAT MAP AND BEING MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED INTO LOTS, TRACTS, STREET RIGHTS OF WAY, AND EASEMENTS AS SHOWN AND NOTED ON THIS MAP IN ACCORDANCE WITH O.R.S. CHAPTER 92 TO BE DEDICATED AS CORONADO SUBDIVISION. WE, THE UNDERSIGNED, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER ALL STREET RIGHTS OF WAY AND EASEMENTS FOR THE PURPOSES SHOWN AND NOTED ON THIS MAP.

ROBERT I. GONZALEZ, MEMBER
SQUARE C DEVELOPMENTS, LLC

CASEY GONZALEZ, MEMBER
SQUARE C DEVELOPMENTS, LLC

ACKNOWLEDGEMENT

COUNTY OF BENTON } S.S.
STATE OF OREGON

ON THIS 15 DAY OF June, 2007, BEFORE ME A NOTARY PUBLIC FOR THE STATE OF OREGON, DID PERSONALLY APPEAR ROBERT I. GONZALEZ AND CASEY GONZALEZ, IN THE CAPACITY SHOWN ABOVE, WHO BEING DULY SWORN EXECUTED THE ABOVE DECLARATION FREELY AND VOLUNTARILY.

(SIGNATURE) — Jo Ann James (PRINT NAME)

MY COMMISSION NO.: 437334S — MY COMMISSION EXPIRES: Nov 25, 2007

APPROVALS

CHAIRPERSON CITY OF CORVALLIS PLANNING COMMISSION — DATE 6/1/07

CITY OF CORVALLIS ENGINEER — DATE 6-6-07

I HEREBY CERTIFY THAT ALL ASSESSMENTS AGAINST THIS PROPERTY HAVE BEEN PAID IN FULL.

CITY OF CORVALLIS FINANCE DIRECTOR — DATE 6/20/07

CHAIRPERSON BENTON COUNTY BOARD OF COMMISSIONERS — DATE 6/22/07

BENTON COUNTY SURVEYOR — DATE 6-27-07

I HEREBY CERTIFY THAT PURSUANT TO O.R.S. 92.095, ALL AD VALOREM TAXES, FEES, AND OTHER CHARGES AS REQUIRED BY LAW TO BE PLACED ON THE 2006-2007 TAX ROLL WHICH BECAME A LIEN OR WILL BECOME A LIEN ON THIS SUBDIVISION DURING THIS TAX YEAR, BUT NOT YET CERTIFIED TO THE TAX COLLECTOR FOR COLLECTION, HAVE BEEN PAID TO ME THIS 26th DAY OF June, 2007.

DIRECTOR BENTON COUNTY DEPARTMENT OF ASSESSMENT

I HEREBY CERTIFY THAT ALL AD VALOREM TAXES AND OTHER CHARGES REQUIRED BY LAW TO BE PLACED UPON THE TAX ROLLS WHICH HAVE BECOME A LIEN ON THIS SUBDIVISION THAT ARE NOW DUE AND PAYABLE HAVE BEEN PAID AS OF June 30, 2007.

FOR: DIRECTOR BENTON COUNTY DEPT. OF FINANCE, AUDITING, AND TAX COLLECTION

STATE OF OREGON }
COUNTY OF BENTON } S.S.

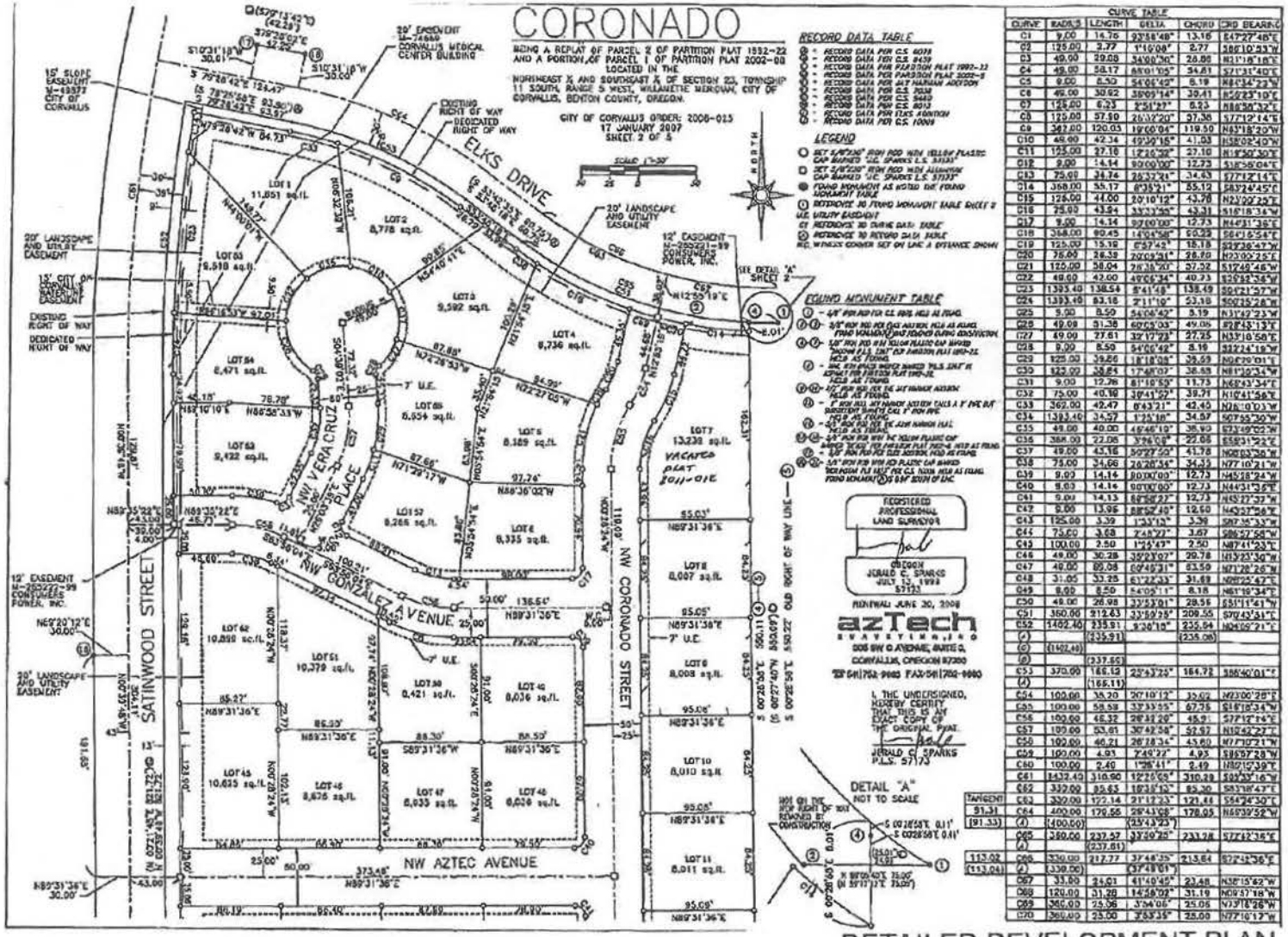
I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED AND DULY RECORDED BY ME IN THE BENTON COUNTY DEED RECORDS IN DOCUMENT NO. 2007-423338 ON THIS 30th DAY OF June, 2007 AT 10:00 O'CLOCK A.M.

BENTON COUNTY CLERK
Sr. Deputy Clerk

A SUBDIVISION AFFIDAVIT OF CONSENT FROM LINFORD HANK, BENEFICIARY OF THAT CERTAIN DEED OF TRUST RECORDED 27 MARCH 2006, 2006-401370 MICROFILM RECORDS, AS SUCH RECORDED IN INSTRUMENT NO. 2006-412336, OFFICIAL BENTON COUNTY RECORDS.

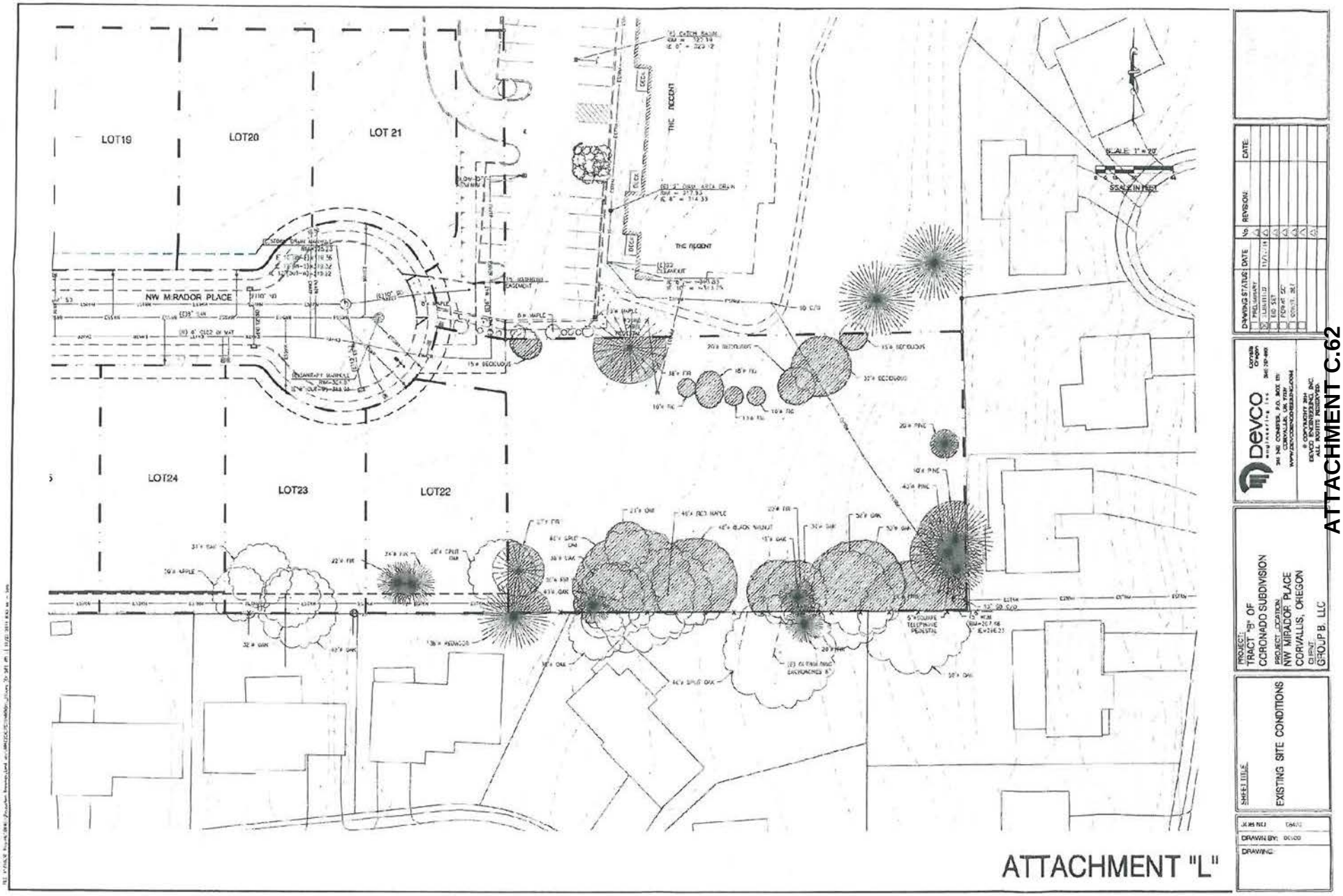
DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT C.60



DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT C.61



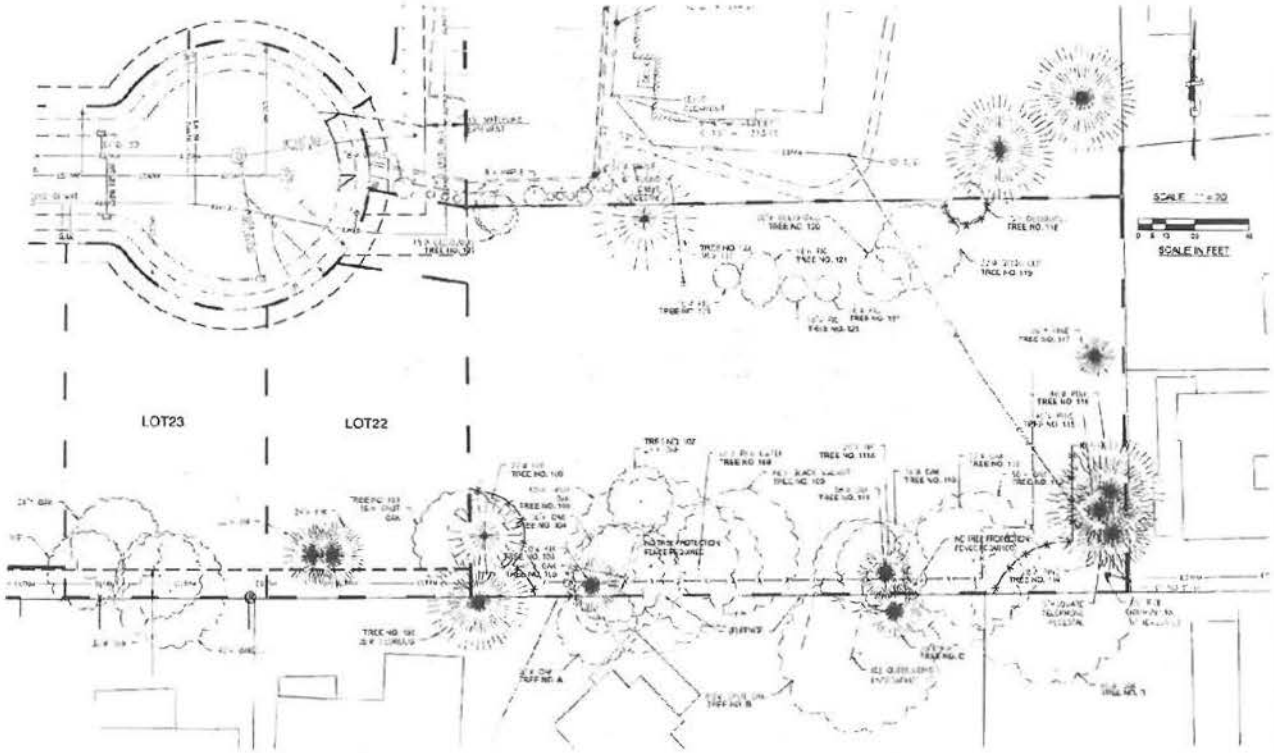
ATTACHMENT "L"

ATTACHMENT C.62

TREE IDENTIFICATION NUMBER AND SPECIES	TREE TRUNK Ø	TREE CANOPY Ø	TO BE RETAINED	TO BE REMOVED
NO. 100 DOUGLAS FIR	15"	27	X	
NO. 101 GARRY OAK	10"/6"/6" TRIPLE STEM	36	X	
NO. 102 COAST REDWOOD	32" EST.	38	X	
NO. 103 DOUGLAS FIR	13"	32		X
NO. 104 GARRY OAK	12"	33		X
NO. 105 GARRY OAK	12"	43		X
NO. 106 GARRY OAK	36" - 42" EST DOUBLE STEM	53'		X
NO. 107 GARRY OAK	12" / 10.8" DBH, X 16M	21'		X
NO. 108 RED MAPLE	12" EST	43'		X
NO. 109 BLACK WALNUT	10"	46'		X
NO. 110 GARRY OAK	22"	34'		X
NO. 111 GARRY OAK	13"/10"/6" TRIPLE STEM	18'		X
NO. 111A DOUGLAS FIR	20"	20'		X
NO. 112 GARRY OAK	36"	52'		X
NO. 113 GARRY OAK	19" EST.	50'		X
NO. 114 PINE	11.5"	28'	X	
NO. 115 PINE	18"/11" COUBLE STEM	40'	X	
NO. 116 PINE	9"	40'	X	
NO. 117 PINE	4"/6"/6" QUADRUPLE STEM	20'	X	
NO. 118 GOLDEN CHAIN	10"/10" DOUBLE STEM	15'	X	
NO. 119 PONDEROSA PINE	17"	32'		X
NO. 120 MT. ASH	9.5"	20'		X
NO. 121 FIG	ROW OF 4 SMALL TREES	10 - 18		X
NO. 122 DOUGLAS FIR	22"	24'		X
NO. 123 HAWTHORNE	MULTI-STEM	12'		X
NO. A GARRY OAK	24"	30'	X	
NO. B GARRY OAK	29"/26"	10' - 18	X	
NO. C DOUGLAS FIR	12"	30	X	
NO. D GARRY OAK	22"	19'	X	

EXISTING TREE CANOPY COVERAGE = 13,310 SQ.FT. (29.3% OF PROJECT SITE)

LEGEND



ATTACHMENT "M"

No.	REVISION	DATE

DRAWING STATUS	DATE

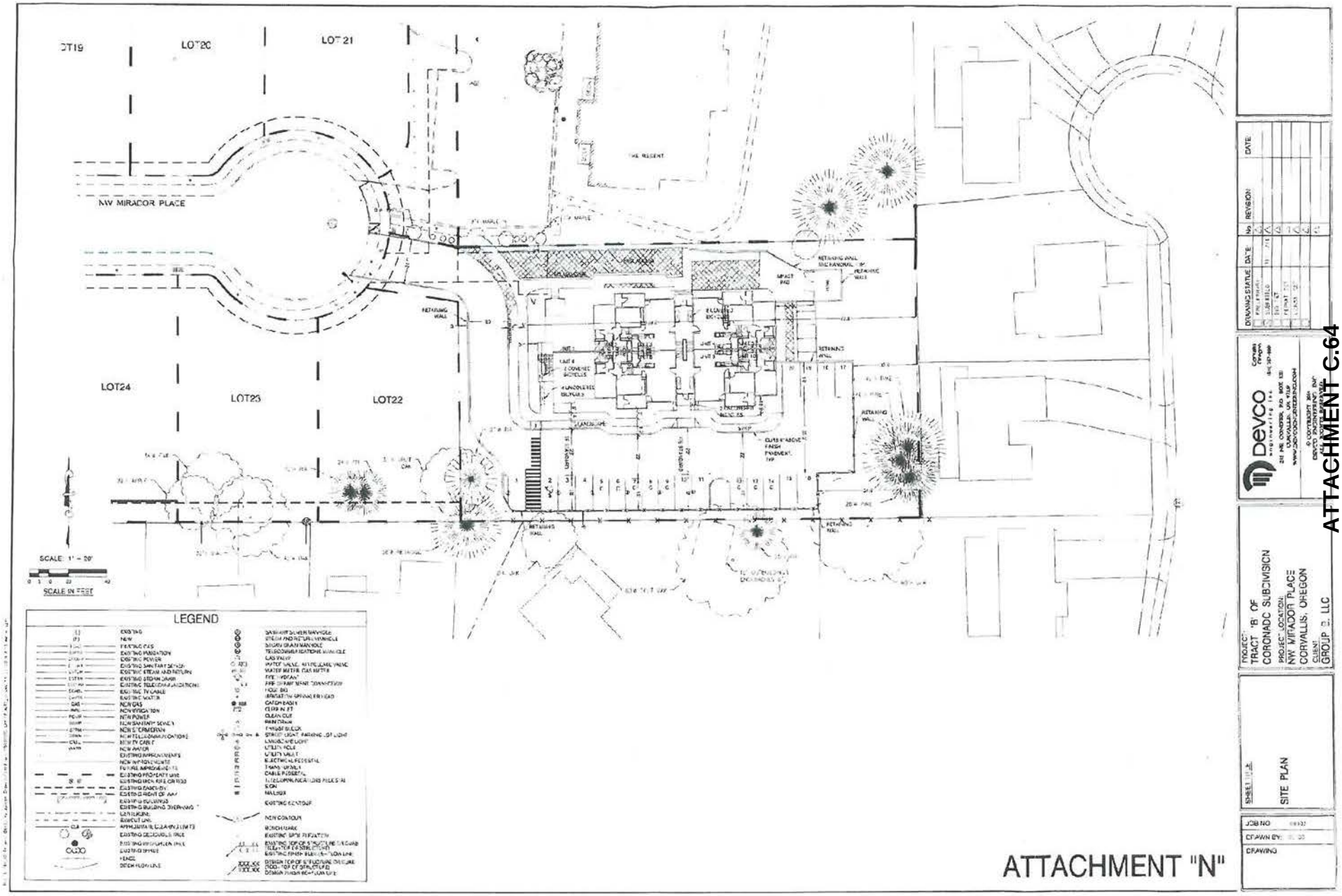
DEVCO Engineering

PROJECT: TRACT "B" OF CORONADO SUBDIVISION
PROJECT LOCATION: NW MIRADOR PLACE CORVALLIS, OREGON
CLIENT: GROUP B, LLC

SHEET TITLE: TREE MANAGEMENT PLAN

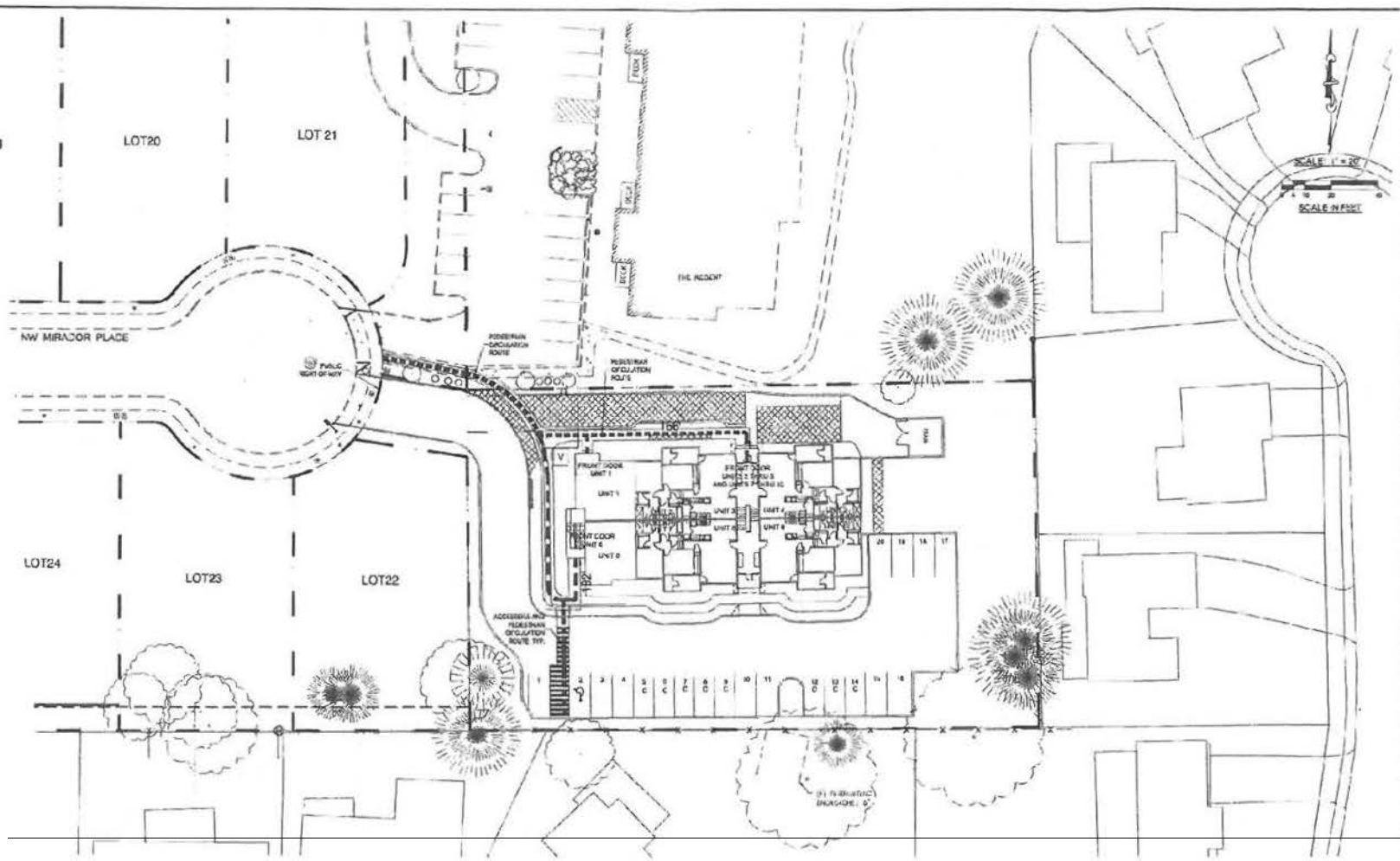
JOB NO.
DRAWN BY:
DRAWING:

ATTACHMENT C.63



ATTACHMENT "N"

ATTACHMENT C.64



DRAWING STATUS	DATE	No.	REVISION	DATE
PRELIMINARY		1		
SUBMITTED	1-27-14	2		
PRE SUB		3		
PERMIT SET		4		
CONST SET		5		

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Corvallis Oregon
541 757-7810 FAX
541 758-0333
PO BOX 2.0, BOX 33
CORVALLIS, OR 97339
www.devcoengineering.com
S:\CORPORATE 2014
DEVCO ENGINEERING, INC.
CORVALLIS, OREGON

PROJECT: TRACT "B" OF CORONADO SUBDIVISION

PROJECT LOCATION: NW MIRADOR PLACE CORVALLIS, OREGON

CLIENT: GROUP B, LLC

SHEET TITLE: CIRCULATION PLAN PEDESTRIANS

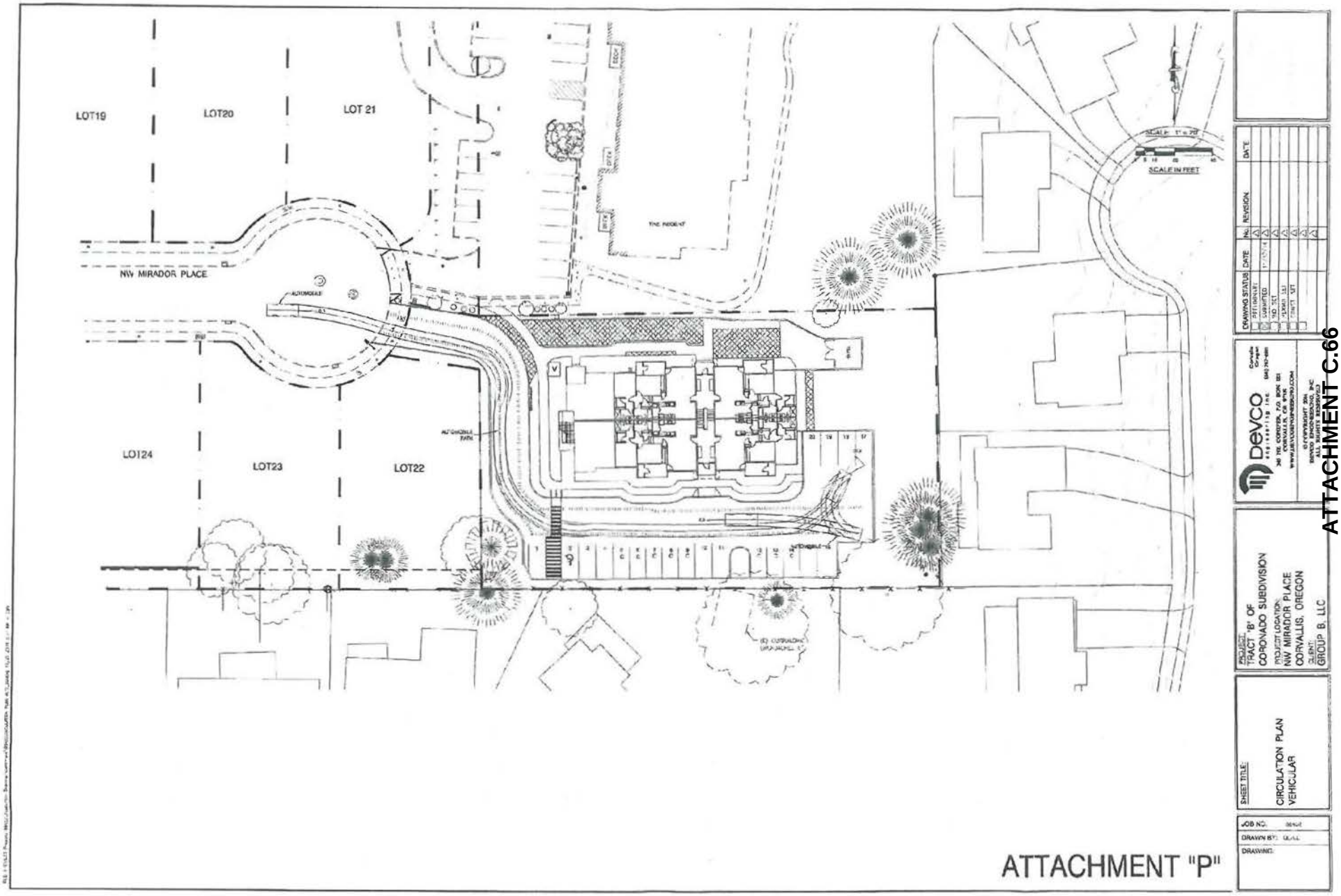
JOB NO. 10-412

DRAWN BY: DCHO

DRAWING:

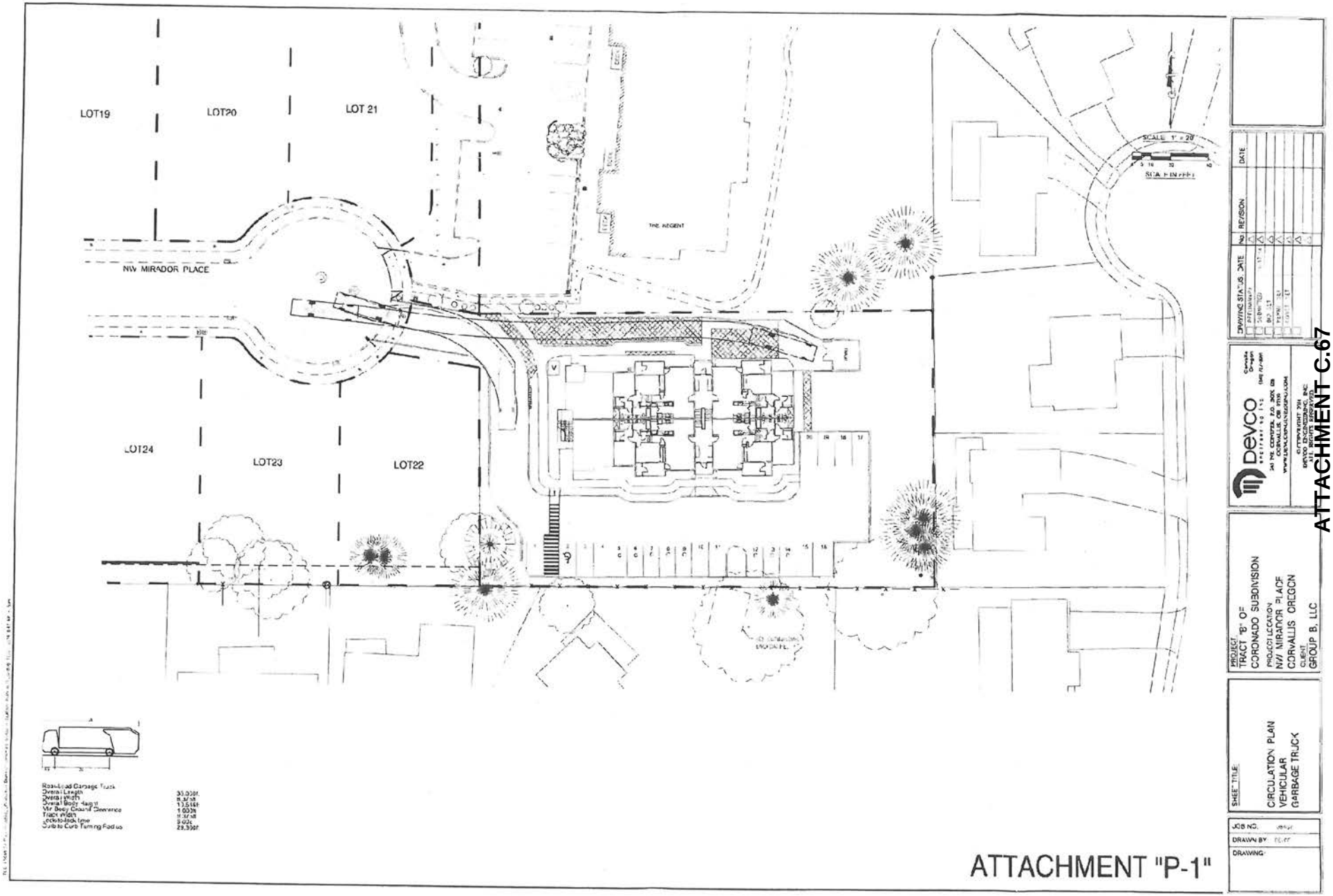
ATTACHMENT "O"

ATTACHMENT C.65



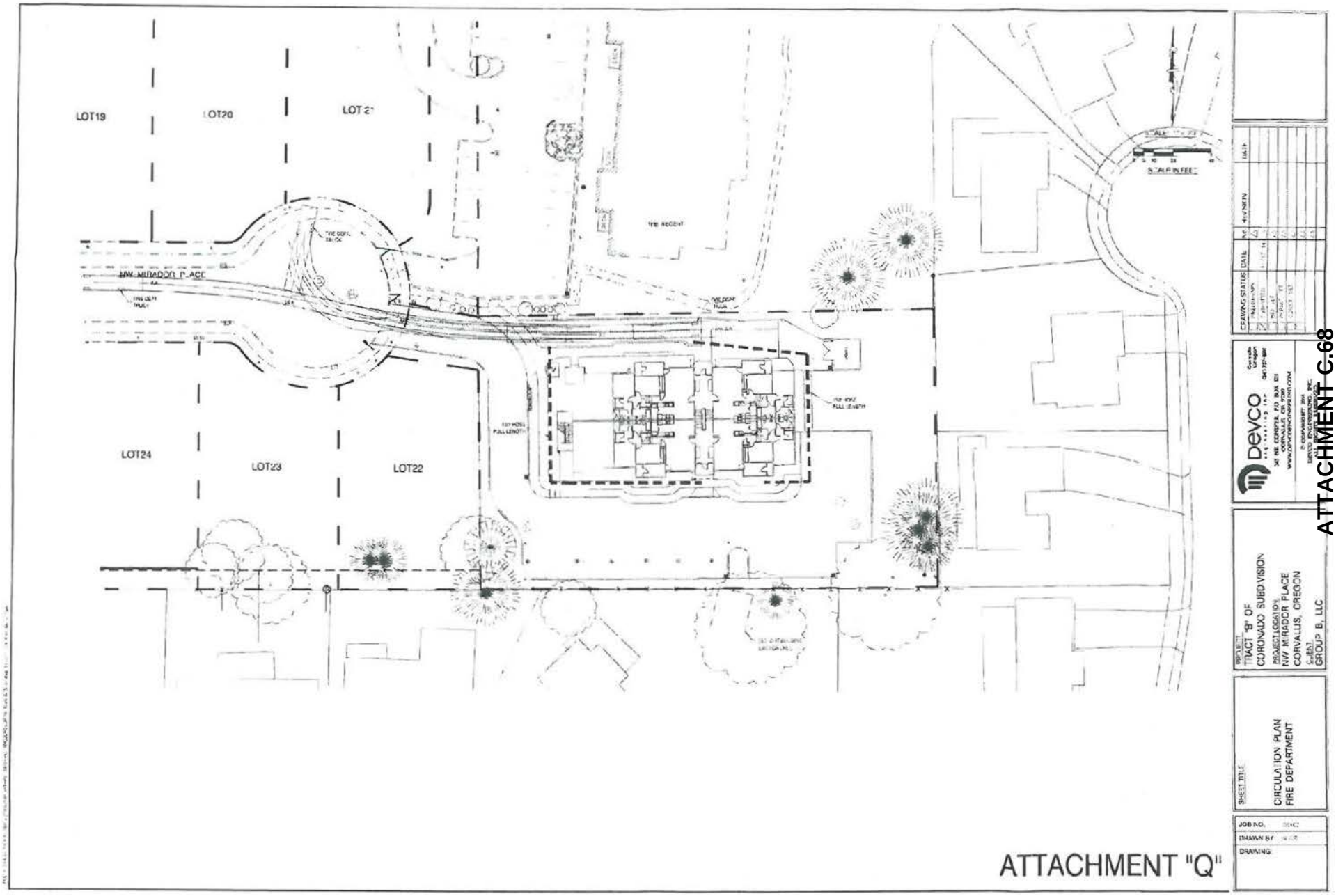
ATTACHMENT "P"

ATTACHMENT C.66

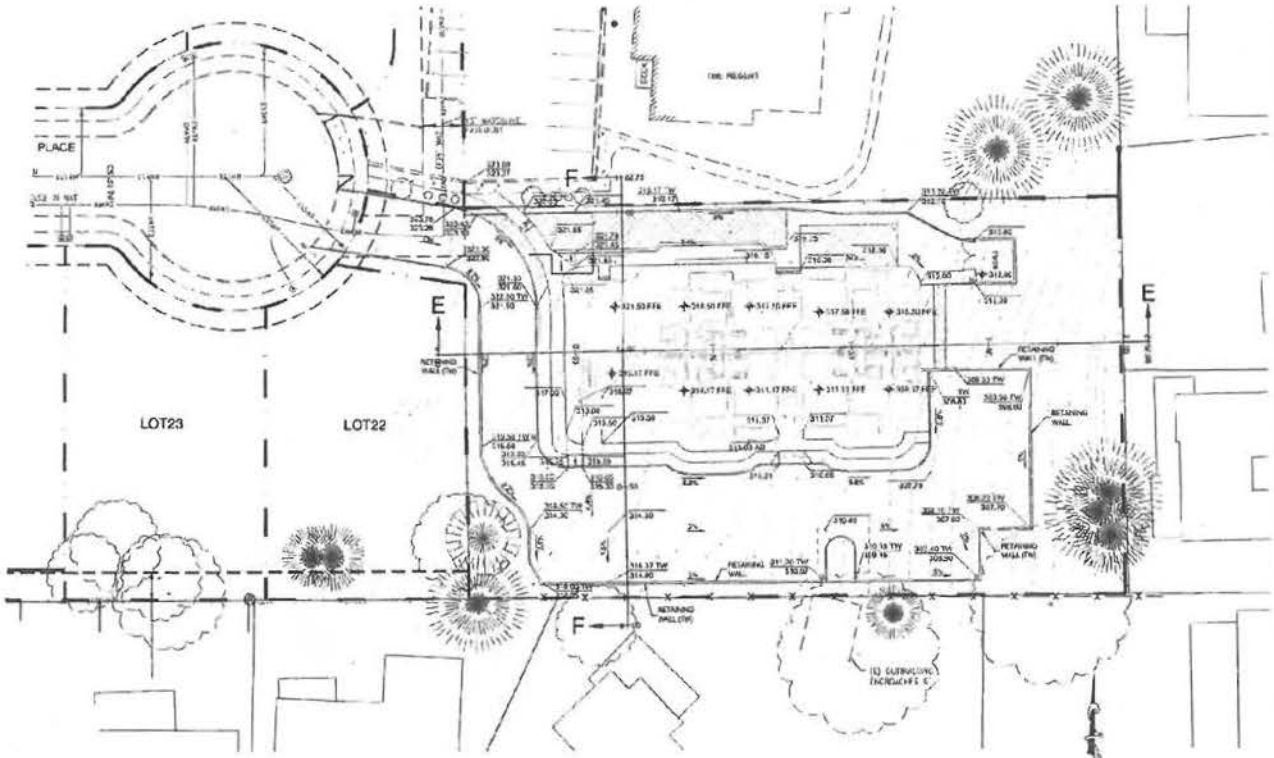


ATTACHMENT "P-1"

ATTACHMENT C.67



ATTACHMENT C.68



LEGEND

ATTACHMENT "R"

No	REVISION	DATE

DRAWING STATUS	DATE
PRELIMINARY	
SUBMITTED	
PERMIT SET	
CONST SET	

DEVCO ENGINEERING INC.

PROJECT: TRACT "B" OF CORONADO SUBDIVISION

PROJECT LOCATION: NW MIRADOR PLACE CORVALLIS, OREGON

CLIENT: GROUP B, LLC

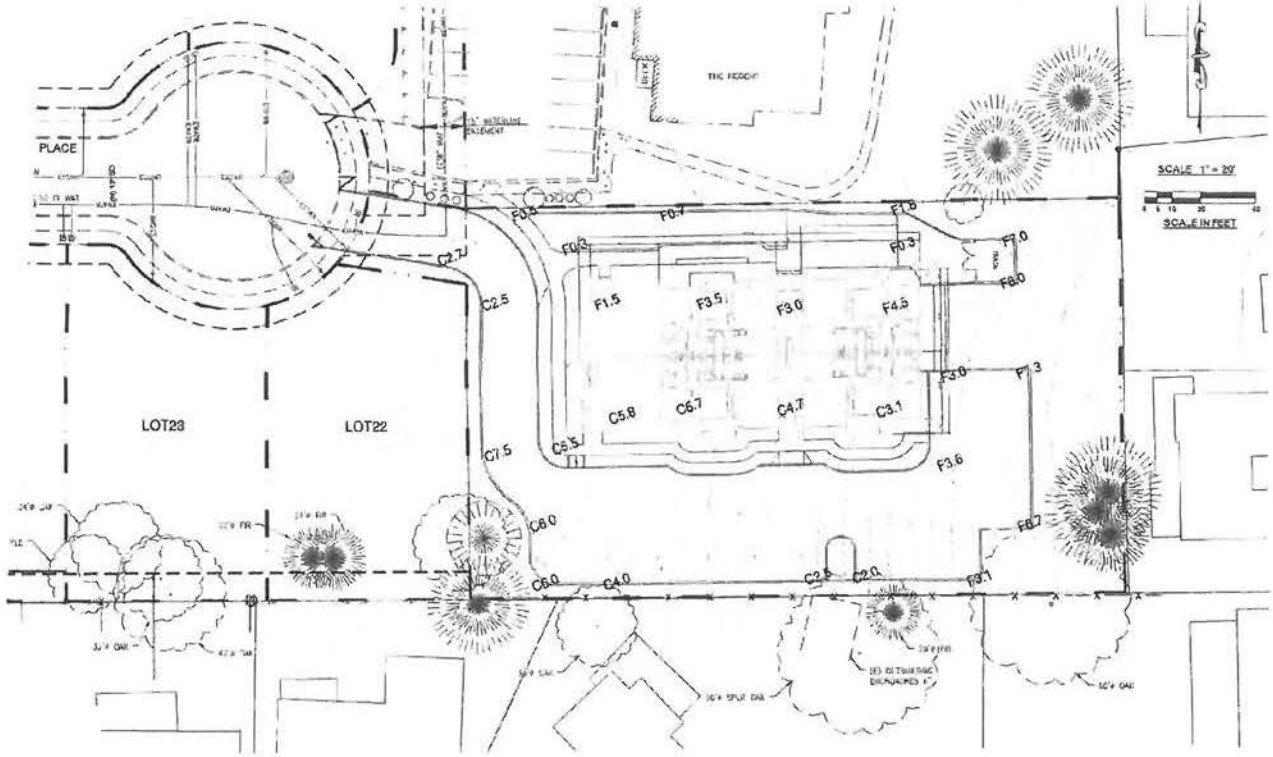
SHEET TITLE: SITE GRADING PLAN

JOB NO.

DRAWN BY:

DRAWING:

ATTACHMENT C.69



CUT / FILL GENERAL NOTES:

CX.X CUT FROM EXISTING GRADE TO BOTTOM OF STRUCTURE FOOTING

FX.X FILL FROM EXISTING GRADE TO FINISH FLOOR OR FINISH PAVEMENT GRADE

X. FEET

.X TENTHS OF FEET

LEGEND

(E)	EXISTING
(N)	NEW
EGAS	EXISTING GAS
EIRRG	EXISTING IRRIGATION
EPOWR	EXISTING POWER
ESSWR	EXISTING SANITARY SEWER
ESTRM	EXISTING STORM DRAIN
ETELE	EXISTING TELECOMMUNICATIONS
ECABL	EXISTING TV CABLE
EWATR	EXISTING WATER
NGAS	NEW GAS
NIRR	NEW IRRIGATION
NPWR	NEW POWER
NSSW	NEW SANITARY SEWER
NSTRM	NEW STORM DRAIN
NTELE	NEW TELECOMMUNICATIONS
NCABL	NEW TV CABLE
NWTR	NEW WATER
	LIGHT POLE IMPROVEMENTS
	NEW IMPROVEMENTS
	FUTURE IMPROVEMENTS
	EXISTING PROPERTY LINE
	EXISTING IRON PIPE OR ROD
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY
	EXISTING BUILDINGS
	EXISTING BUILDING OUTLINES
	CENTERLINE
	SAWCUT LINE
	APPROXIMATE CLEANING LIMITS
	EXISTING DECIDUOUS TREE
	EXISTING EVERGREEN TREE
	EXISTING SHRUB
	FENCE
	DITCH FLOW LINE
	SANITARY SEWER MANHOLE
	STORM AND SITE JBN MANHOLE
	STORM DRAIN MANHOLE
	TELECOMMUNICATIONS MANHOLE
	GAS VALVE
	WATER VALVE, AIR RELEASE VALVE
	WATER METER, GAS METER
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	HOSE BIB
	IRRIGATION SPRINKLER HEAD
	CATCH BASIN
	CURB INLET
	CLEAN OUT
	ROOF DRAIN
	TRUST BLOCK
	STREET LIGHT, PARKING LOT LIGHT
	LANDSCAPE LIGHT
	UTILITY POLE
	UTILITY VAULT
	ELECTRICAL PEDESTAL
	TRANSFORMER
	CABLE PEDESTAL
	TELECOMMUNICATIONS PEDESTAL
	SIGN
	MAILBOX
	EXISTING CONTOUR
	NEW CONTOUR
	BENCH MARK
	EXISTING SPOT ELEVATION
XXX.XX	EXISTING TOP OF STRUCTURE OR CURB (TOS=TOP OF STRUCTURE)
XXX.XX	EXISTING FINISH GRADE (EG=FLOW LINE)
XXX.XX	DESIGN TOP OF STRUCTURE OR CURB (TOS=TOP OF STRUCTURE)
XXX.XX	DESIGN FINISH (FG=FLOW LINE)

ATTACHMENT "S"

DRAWING STATUS	DATE	No	REVISION	DATE
PRELIMINARY				
SUBMITTED	11/21/14			
BID SET				
PERMIT SET				
CONST SET				

DEVCO ENGINEERING
541 767 1700 FAX 767 1687
WWW.DEVCOENGINEERING.COM

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PROJECT: TRACT "B" OF CORONADO SUBDIVISION

PROJECT LOCATION: NW MIRADOR PLACE CORVALLIS, OREGON

CLIENT: GROUP B, LLC

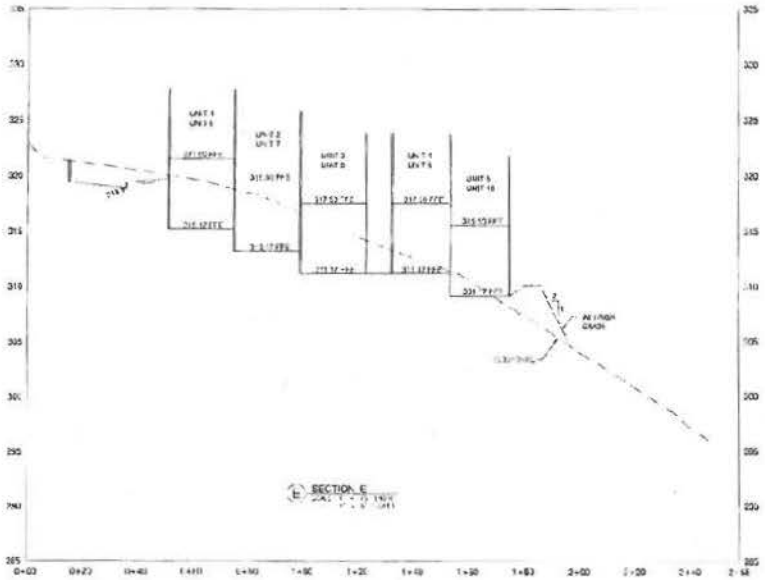
SHEET TITLE: SITE CUT / FILL PLAN

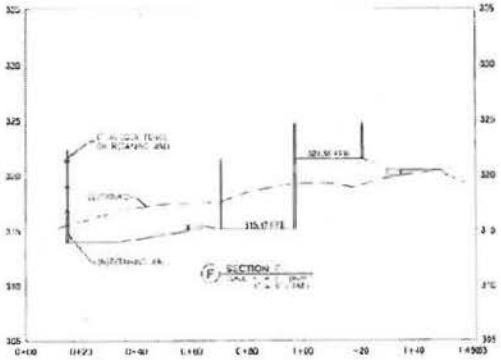
JOB NO. 0890

DRAWN BY: DLCO

DRAWING:

ATTACHMENT C.70





ATTACHMENT "T"

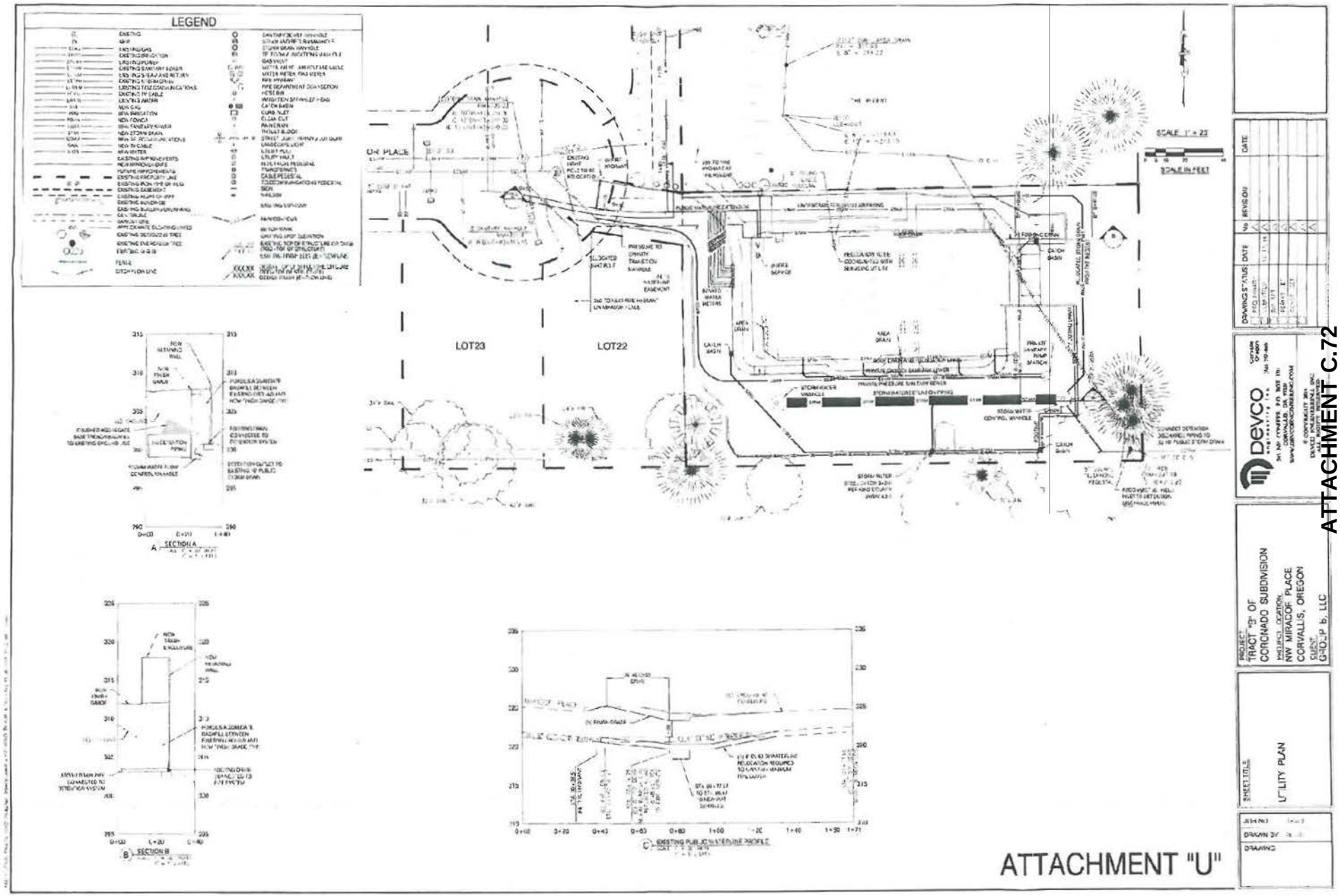
DEVCO ENGINEERING

PROJECT: TRACT "2" OF CORONADO SUBDIVISION
PROJECT LOCATION: NW MIRACOR PLACE CORVALLIS, OREGON
CLIENT: GROUP 5, LLC

SHEET TITLE: SITE SECTIONS

JOB NO.
DRAWN BY:
DRAWING

ATTACHMENT C.71



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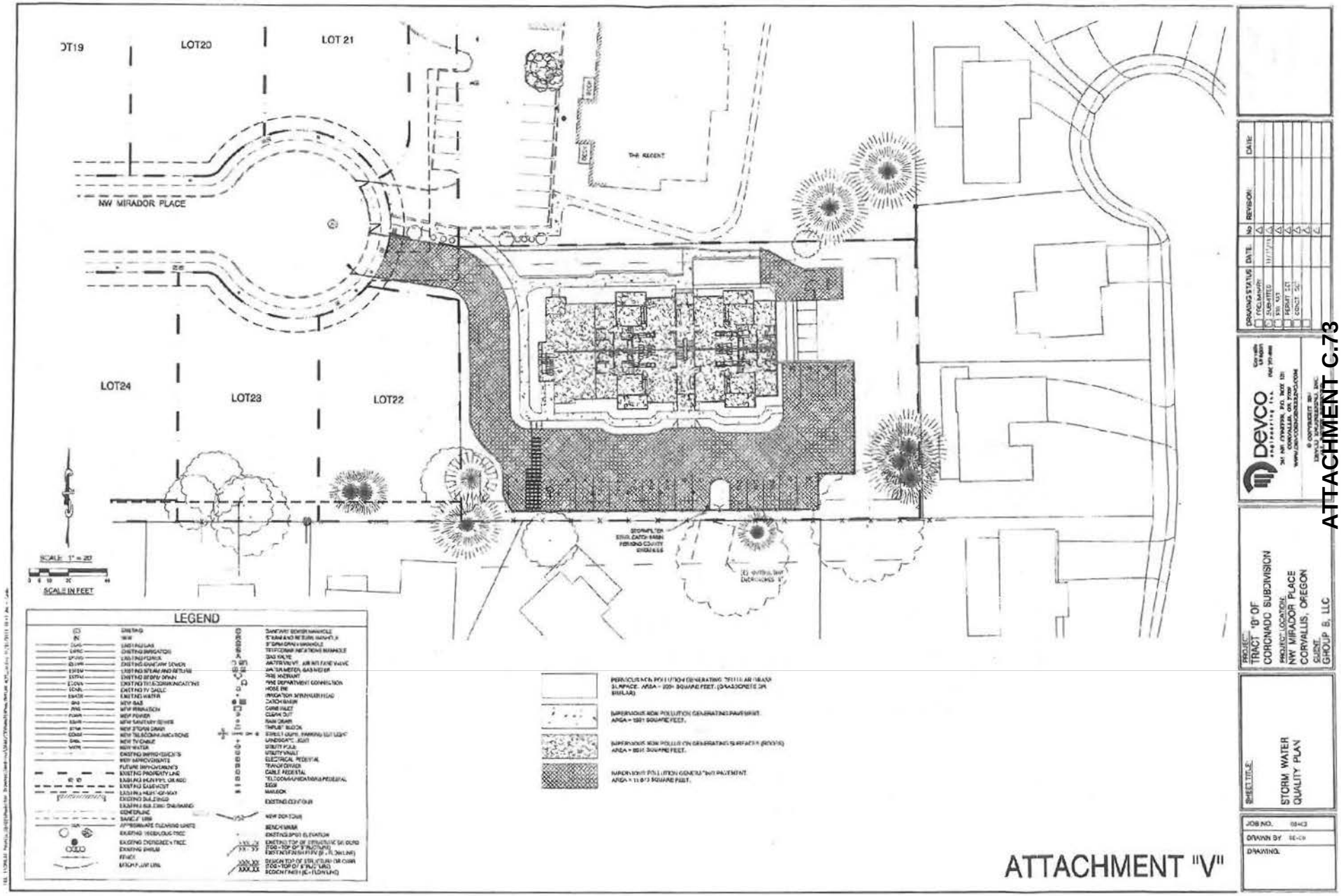


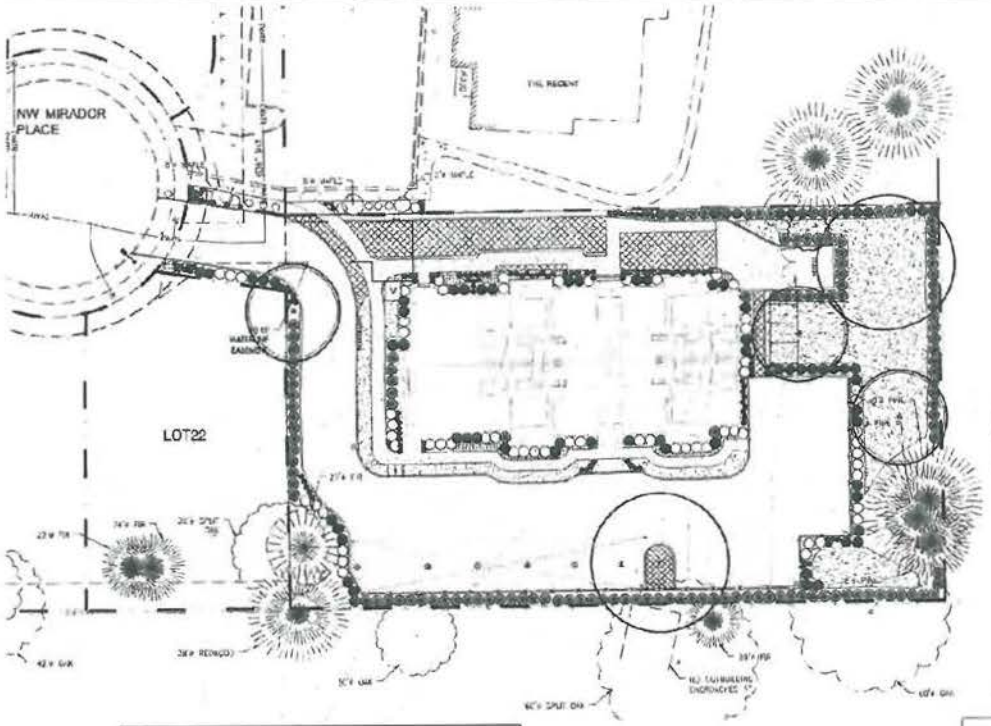
ATTACHMENT C.73

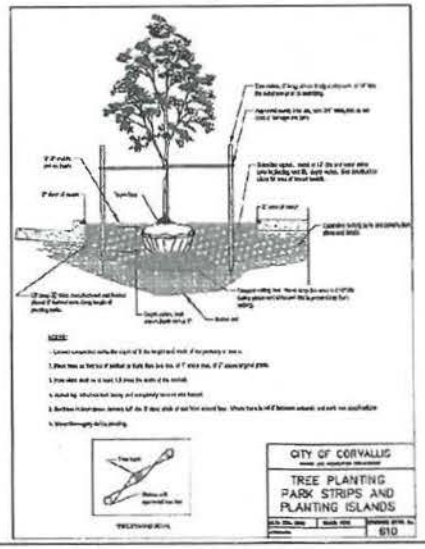
LANDSCAPING NOTES:

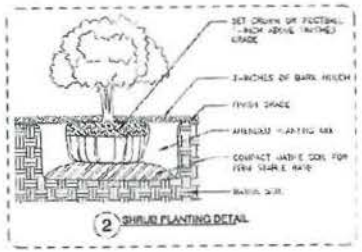
1. LANDSCAPE CONTRACTOR SHALL PROVIDE ALL MATERIALS, LABOR AND EQUIPMENT NECESSARY FOR TOPSOIL PREPARATION, PLACEMENT, SPREADING, PLANTER BACKFILL, APPLICATION OF SOIL AMENDMENTS (AS REQUIRED) AND FERTILIZERS, FINISH GRADING, AND INSTALLATION OF TREES, SHRUBS AND GROUND COVERS, AND APPLICATION OF BARK MULCH. LANDSCAPE SHALL PROTECT, MAINTAIN, GUARANTEE AND/OR REPLACE ANY PLANTS AND RELATED ITEMS NECESSARY TO COMPLETE THE WORK INDICATED. WORK INCLUDES COORDINATION WITH IRRIGATION SYSTEM.
2. PROVIDE PLANT MATERIALS IN ACCORDANCE WITH SPECIES, SIZES, AND QUANTITIES INDICATED ON DRAWINGS. SUBMIT REQUEST FOR ANY PLANT MATERIAL SUBSTITUTIONS BASED ON PLANT UNAVAILABILITY AND/OR A NUISANCE TO ENGINEER.
3. LANDSCAPE CONTRACTOR SHALL LOCATE, VERIFY AND PROTECT ALL EXISTING UTILITIES AND FEATURES ON AND ADJACENT TO THE PROJECT SITE PRIOR TO AND DURING WORK TASKS. LANDSCAPE CONTRACTOR SHALL REPAIR, AT THEIR OWN EXPENSE, ALL DAMAGE RESULTING FROM THEIR OPERATIONS OR NEGLIGENCE. THE CONTRACTOR SHALL USE ALL MEANS NECESSARY TO PROTECT THE PLANTS AT ALL TIMES DURING THE INSTALLATION PROCESS.
4. LANDSCAPE CONTRACTOR SHALL GUARANTEE PLANT MATERIALS AND RELATED WORKMANSHIP ON INSTALLATION BEGINNING AFTER THE DATE OF WRITTEN APPROVAL AND ACCEPTANCE OF WORK FOR ONE FULL CALENDAR YEAR, OR ONE FULL GROWING SEASON, WHICHEVER IS LONGER.
5. ALL PLANTS AND PLANTING MATERIALS SHALL MEET OR EXCEED THE SPECIFICATIONS OF FEDERAL, STATE AND COUNTY LAW REGARDING INSPECTION FOR PLANT DISEASE AND CONTROL.
6. QUALITY DEFINITIONS AND CALIPER-TO-HEIGHT RATIOS SHALL BE NO LESS THAN THE MINIMUMS SPECIFIED IN THE AMERICAN STANDARDS FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN. PROVIDE HEALTHY STOCK, IN FULL CONDITION CONTAINING NORMAL BALANCED GROWTH PATTERNS. NO BRANCHES AND ROOTS, NO FOLIAGE WHICH IS DAMAGED, FREE OF DISEASE, INJURY, MINERAL DEFICIENCY, INSECTS, EGGS, LARVAE, WEEDS, AND WEED POOTS. PLANTS SHALL BE NURSERY GROWN. (NO WILD WILL BE ALLOWED)
7. TOPSOIL SHALL BE THAT WHICH HAS FOUND FOR USE IN A NATURAL STATE, FOUND AT A DEPTH OF LESS THAN 36". TOPSOIL SHALL BE FREE OF STONES, SUBSOIL, CLAY LUMPS, LARGER THAN 2 DIA., GRASS, BRANCHES LARGER THAN 1" DIA., BARK, WEEDS, WEED COMPONENTS, OR OTHER OBJECTIONABLE MATERIAL. IF EXISTING SOIL ARE OF INSUFFICIENT QUALITY OR QUANTITY, PROVIDE REQUEST FOR ADDITIONAL TOPSOIL TO ENGINEER AND IMPORT TOPSOIL AS APPROVED BY THE ENGINEER.
8. AMEND PLANTING MIX TO CONSIST OF 50% SANDY LOAM, 25% COMPOSTED BARK, AND 25% PEAT DELIVERY FOR WORK.
9. BED AREAS SHALL HAVE A MIN OF 12 INCHES OF TOPSOIL OVER PLANTING AREAS. INSTALL SUFFICIENTLY TO INCORPORATE TOPSOIL INTO SUBSURFACE.
10. APPLY COMPOSTE SLOW RELEASE FERTILIZER (OR APPROVED EQUAL) TO ALL PLANTING BEDS PER MANUFACTURER'S RECOMMENDATIONS AT TIME OF PLANT INSTALLATION.
11. INSTALL PLANTS PER LANDSCAPE PLAN AND DETAILS.
12. MULCH PLANTING BEDS AND AREAS WITH A FIR WOOD TYPE OF ORGANIC MULCH, FREE FROM WEED SEEDS AND MATERIALS HARMFUL TO PLANT LIFE, AND SHALL BE AS PER STATE AN LOCAL INDUSTRY STANDARDS FOR COMMERCIAL/RESIDENTIAL ORNAMENTAL LANDSCAPE BEDS, FOR WEED AND MOISTURE CONTROL. PROVIDE SURFACE MULCH AT A MINIMUM OF 2" DEPTH.
13. REMOVE ALL EXCESS ON-SITE MATERIAL DAILY. SWEEP AND WASH "SPOTLESSLY" CLEAN ALL BUILDINGS, WALKS, DRIVEWAYS, PAVEMENTS AND ROADWAYS.

GENERAL IRRIGATION DESIGN AND CONSTRUCTION NOTES:

1. IRRIGATION SYSTEM SHALL BE CONTRACTOR DESIGNED AND INSTALLED PER ALL APPLICABLE LOCAL AND STATE CODES, INSPECTIONS, AND EQUIPMENT MANUFACTURER'S SPECIFICATIONS. ACCEPTABLE MANUFACTURERS: RAIN BIRD (SPECIFIED) OR APPROVED EQUAL.
2. IRRIGATION SYSTEM DESIGNER/INSTALLER SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO INSTALLATION WORK.
3. ALL AREAS IRRIGATED WITH SPRAY HEADS TO PROVIDE 100% COVERAGE. MINOR ADJUSTMENTS TO HEAD LOCATION MAY BE NECESSARY TO ENSURE PROPER COVERAGE.
4. CONTRACTOR SHALL SUBMIT SYSTEM SHOP DRAWINGS TO THE OWNER AND THE OWNER'S ENGINEER FOR OWNER APPROVAL.
5. CAVE IRRIGATION VALVES TOGETHER WHEN POSSIBLE.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO SUPPLY THE MANUFACTURER'S RECOMMENDED MINIMUM OPERATING PRESSURE TO FURTHEST WATER EMITTER.
7. MAIN LINES AND LATERAL LINES TO BE SIZED AS NECESSARY SO THAT SYSTEM DESIGN IS IN COMPLIANCE WITH MANUFACTURER'S MINIMUM PERFORMANCE STANDARDS.
8. IRRIGATION SYSTEM INSTALLER SHALL BE RESPONSIBLE FOR ACCURATE LOCATION OF UNDERGROUND UTILITIES PRIOR TO ANY WORK.
9. IRRIGATION SYSTEM INSTALLER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ANY EXISTING VEGETATION AND THE ROOT ZONE(S).
10. IRRIGATION SYSTEM DESIGNER/INSTALLER SHALL SUPPLY TO THE OWNER AN IRRIGATED PLANTING SCHEDULE THAT LISTS ALL IRRIGATION ZONES AND THE GALLONS PER MINUTE (GPM) DEMAND PER EACH ZONE.
11. IRRIGATION SYSTEM INSTALLER SHALL SUPPLY TO THE OWNER, AT THE COMPLETION OF THE SYSTEM INSTALLATION: 1. AS-BUILT RECORD DRAWING, 2. CONTROLLER REFERENCE CHART, 3. ALL MAINTENANCE MANUALS AND WARRANTY GUARANTEE INFORMATION.
12. ALL MATERIALS AND EQUIPMENT SHALL BE NEW, FULL WALL PLASTIC PIPE AND FITTINGS, PRESSURE PIPE AND FITTINGS, "PERCAUTION" SERIES COMPONENTS AS MANUFACTURED BY RAIN BIRD SPRINKLER MFG CORP. OR APPROVED EQUAL. LATERAL LINE: RAIN BIRD POLYBUTYLENE, DISCRIBE PLASTIC, PVC 1120, CLASS 200, TYPE 1, NORMAL IMPACT, SPEC. AND APPROVED PLACE AND TIP BELOW, CHECK MARK, NOTING REQUIREMENTS OF ATSM D2241 AND D 1784.
13. CONNECTION TO WATER SOURCE: WATER SUPPLY SHALL BE FROM DISTANT IN-LINE WATER METER(S). VERIFY LOCATION(S). NOTIFY OWNER AND OWNER'S ENGINEER OF ANY WATER SERVICE INTERRUPTION A MIN OF 24 HOURS PRIOR TO ANY REQUIRED SHUT-OFF.
14. DRAIN VALVES SHALL BE CONSTRUCTED AS REQUIRED TO ALLOW SYSTEM DRAINAGE DURING FREEZING CONDITIONS.
15. ANY NEW ELECTRICAL SERVICE FOR IRRIGATION AND/OR CONTROL WIRES UNDER NEW PAVEMENT AND/OR SIDEWALKS SHALL BE SCH 40 PVC AND WILL BE PROVIDED BY THE GENERAL CONTRACTOR AS NOTED ON UTILITY DRAWING.
16. REQUIRED WATERING REQUIREMENTS (ANNUAL NEW REQUIRED STANDARD): TREE SPECIES: - 20 GAL/DAY OR INDUSTRY STANDARD MINIMUM. SHRUB SPECIES: - 5.0 GAL/DAY OR INDUSTRY STANDARD MINIMUM. GROUNDCOVER SPECIES: - 1.0 GAL/DAY OR INDUSTRY STANDARD MINIMUM. ORNAMENTAL GRASSES: - 0.5 GAL/DAY OR INDUSTRY STANDARD MINIMUM. BULBS AND GROUNDCOVER: - 1 GAL/DAY OR INDUSTRY STANDARD MINIMUM.







2 SHRUB PLANTING DETAIL

LEGEND	
TREES	
DECIDUOUS	LARGE CANOPY, DECIDUOUS TREE, I.E. LIQUIDAMBER STYRACIFLUA 'WORTHINGTON' NORMANDIBA SUNSUN FOR OUTSTAT FALL COLOR, PIN OAK
	MEDIUM CANOPY, DECIDUOUS TREE, I.E. QUERCUS RUBRA, AUTUMN GOLD, AUTUMN GOLD MAPLE, OR ACER RUBRUM 'SCHLESIER GLORY', OCTOBER GLORY MAPLE
SHRUBS	
	6 TO 8' TALL EVERGREEN SHRUB
	3 TO 4' TALL DECIDUOUS SHRUB
	1 TO 2' TALL EVERGREEN SHRUB
	1 TO 2' TALL EVERGREEN SUB SHRUB
GROUND COVERS	
	REINFORCED CELLULAR PAVING SYSTEM SUBSTRATE OF GRAVEL
	EVERGREEN GROUND COVER
	TURF GRASS GROUND COVER
FENCE	
—x—x—	6-FOOT SEE AND LIGHT DECORATIVE WOODEN FENCE ON RETAINING WALL

ATTACHMENT "W"

DEVCO ENGINEERING INC.
Corvallis Oregon
(541) 757-9651
240 NW CONNECTICUT AVE., SUITE 100
CORVALLIS, OR. 97330
WWW.DEVCOENGINEERING.COM

© COPYRIGHT 2014
DEVCO ENGINEERING INC.
DO NOT COPY

DRAWING STATUS	DATE	NO.	REVISION	DATE
PRELIMINARY		1		
1-SUBMITTAL	11/11/14	2		
BID SET		3		
FINAL SET		4		
CONST SET		5		

PROJECT: TRACT "B" OF CORONADO SUBDIVISION
PROJECT LOCATION: NW MIRADOR PLACE CORVALLIS, OREGON
CLIENT: GROUP B, LLC

SHEET TITLE: CONCEPTUAL LANDSCAPE PLAN

JOB NO.: 14-002
DRAWN BY: EC-CB
DRAWING:

ATTACHMENT C.74

LEGEND

- BOLLARD - 40" ROUND ALUMINUM WITH ALUMINUM & FLAT TOP, 22A INTERPACE FULLDESIGN LAMPING, DARK BRONZE FINISH, LEHIGH #KBR6-30TFT-V-M70 OR APPROVED
- AREA LIGHT FIXTURE - 250W METAL HALIDE LAMPING, RS ASSYMETRIC 1-HOW DISTRIBUTION, 30' HOUSE METAL POLE, WITH HOUSE SIDE SHIELD, DARK BRONZE FINISH, LEHIGH #KGS-PSMHC-TB-HS OR APPROVED
- CANOPY LIGHT FIXTURE - SURFACE MOUNT, 150W METAL HALIDE LAMP, HIGH ABUSE WITH CLEAR POLYCARBONATE LENS, DARK BRONZE FINISH, KENALL #HS12-O-PP-3B-100M-DV OR APPROVED

ATTACHMENT "Z-A"

DEVCO ENGINEERING INC
Civil Engineers Surveyors
363 NE CONCORD RD, SUITE 120
CORVALLIS, OR 97330
www.devcoengineering.com
© COPYRIGHT 2014
DEVCO ENGINEERING INC
ALL RIGHTS RESERVED

DRAWING STATUS	DATE
PRELIMINARY	
PRELIMINARY	
PRELIMINARY	
PRELIMINARY	
FINAL	

No.	REVISION	DATE
1		
2		
3		
4		
5		

PROJECT
TRACT "B" OF
CORONADO SUBDIVISION

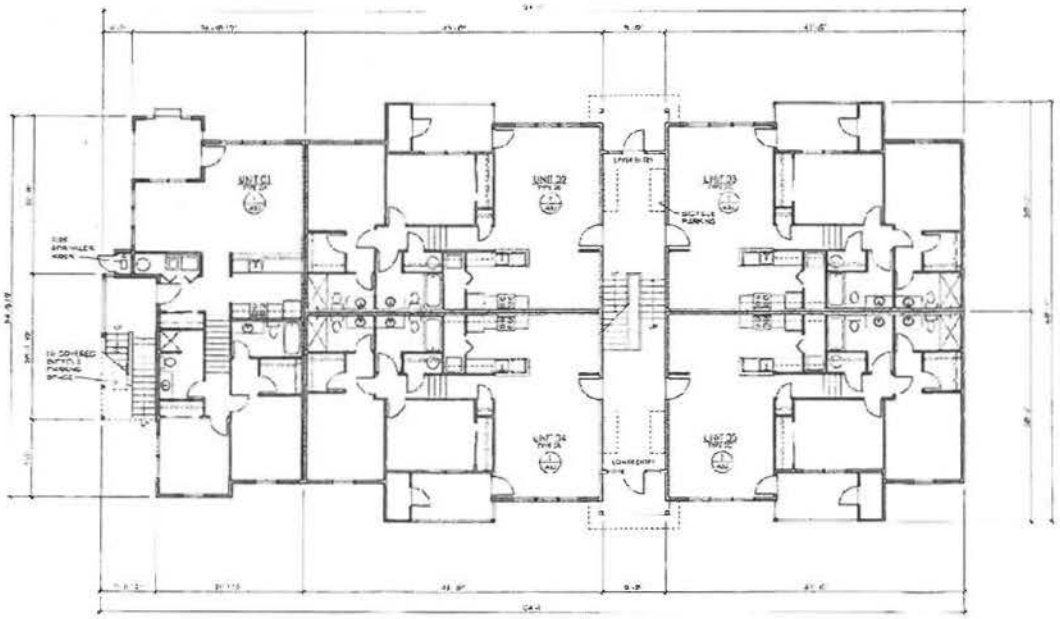
PROJECT LOCATION:
NW MIRADOR PLACE
CORVALLIS, OREGON

CLIENT:
GROUP B, LLC

SHEET TITLE
EXTERIOR LIGHTING PLAN

JOB NO.
DRAWN BY:
DRAWING:

ATTACHMENT C.75



FIRST FLOOR BUILDING PLAN
1/8" = 1'-0"

ATTACHMENT X

RDG
Rutter Design Group
Architects, Inc

TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

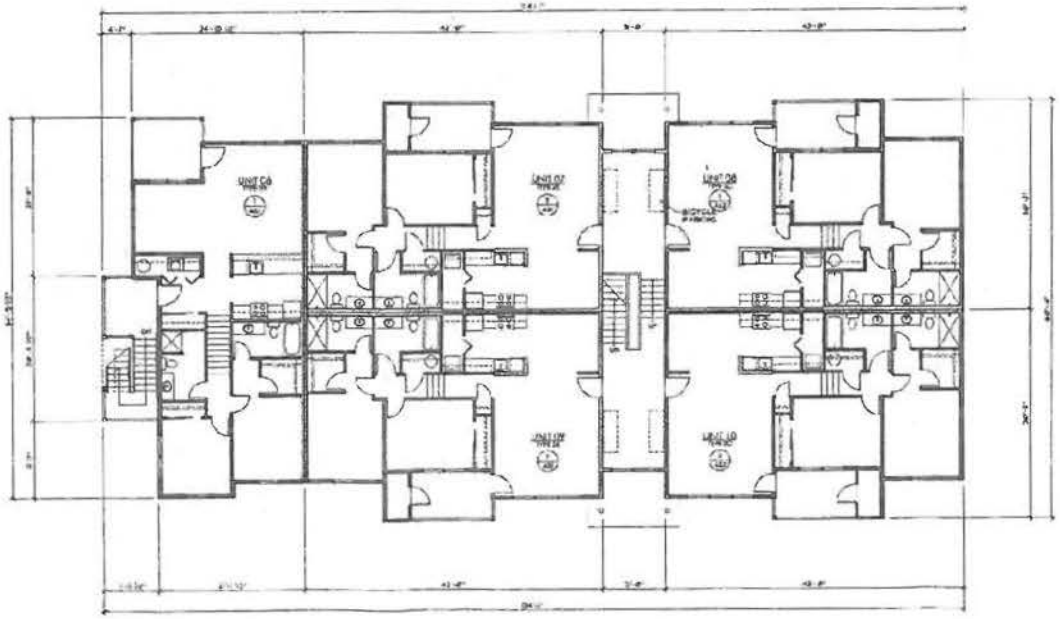
OWNER:
GROUP B LLC

FIRST FLOOR BUILDING PLAN

DATE: SEPTEMBER 18, 2012
SCALE: AS NOTED

A
2.1

ATTACHMENT C.76



1 SECOND FLOOR BUILDING PLAN
1/8"=1'-0"

ATTACHMENT X-1

RDG
Reeves Design Group Architects, Inc.

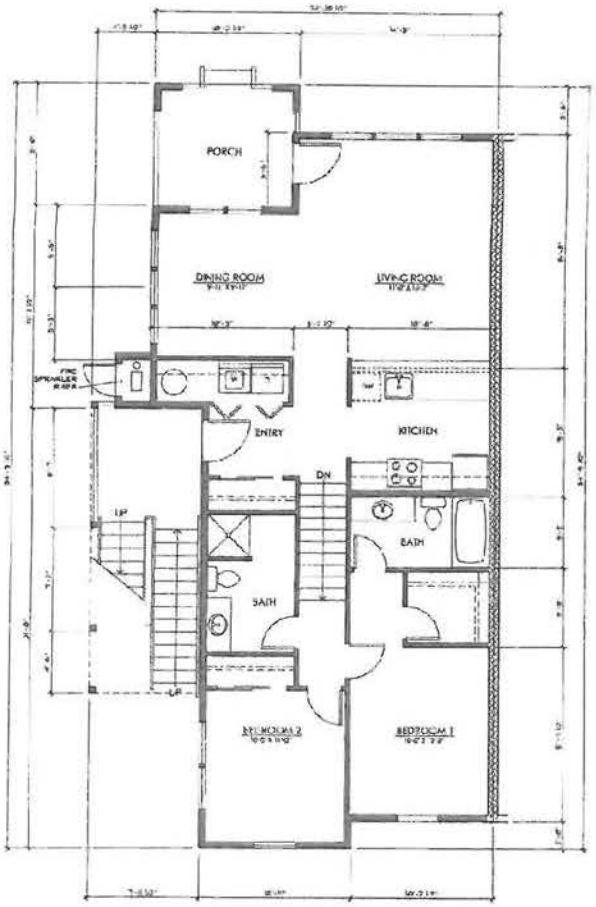
TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

Owner
GROUP B LLC

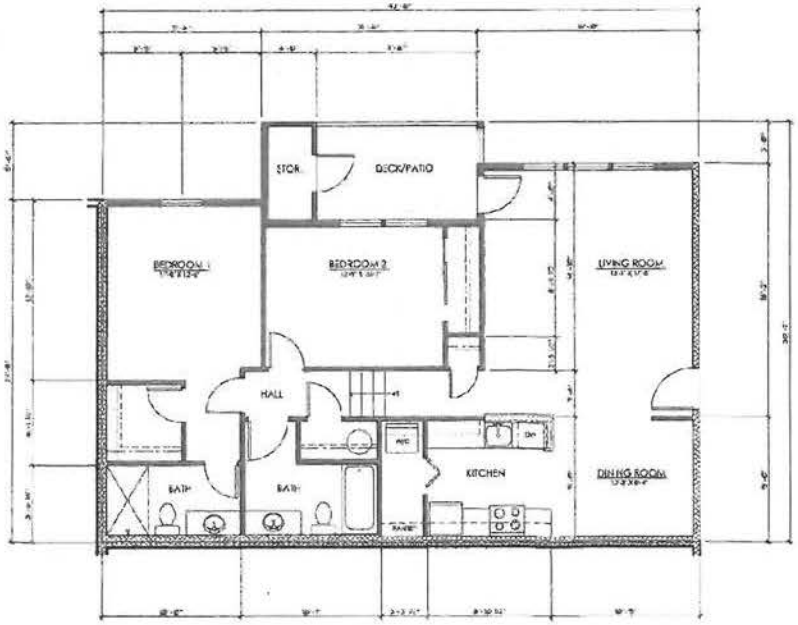
SECOND FLOOR BUILDING PLAN

A
2.2

ATTACHMENT C.77



1 A3.1 UNIT TYPE 2A FLOOR PLAN
1/4" = 1'-0"



2 A3.1 UNIT TYPE 2B FLOOR PLAN
1/4" = 1'-0"

ATTACHMENT Y

REGISTERED ARCHITECT
STATE OF OREGON

RDG
Reiter Design Group Architects, Inc.
2005 SW Cable Drive Beaverton, Oregon 97005 (503) 626-1191

TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

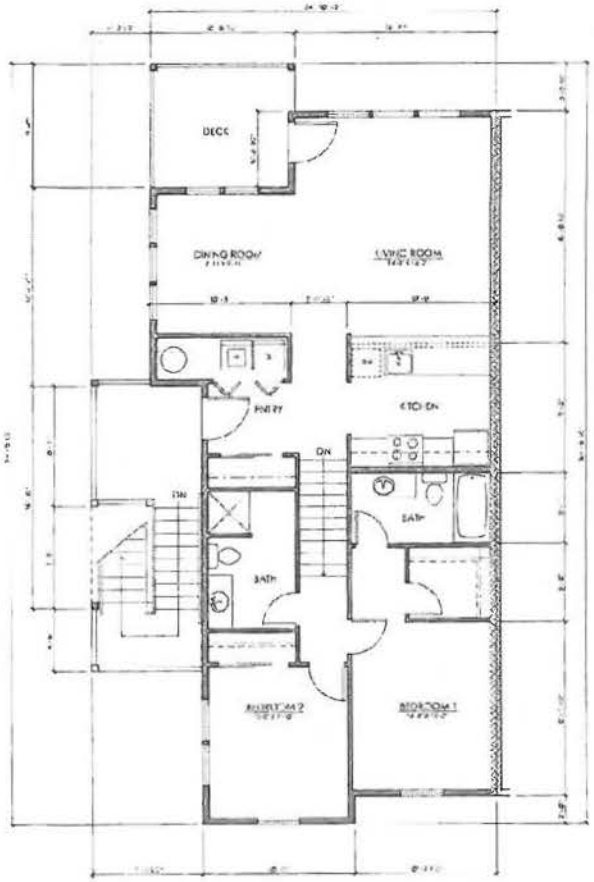
OWNER:
GROUP B LLC
202 NW SIXTH

UNIT PLANS
UNIT TYPE 2A, 2B

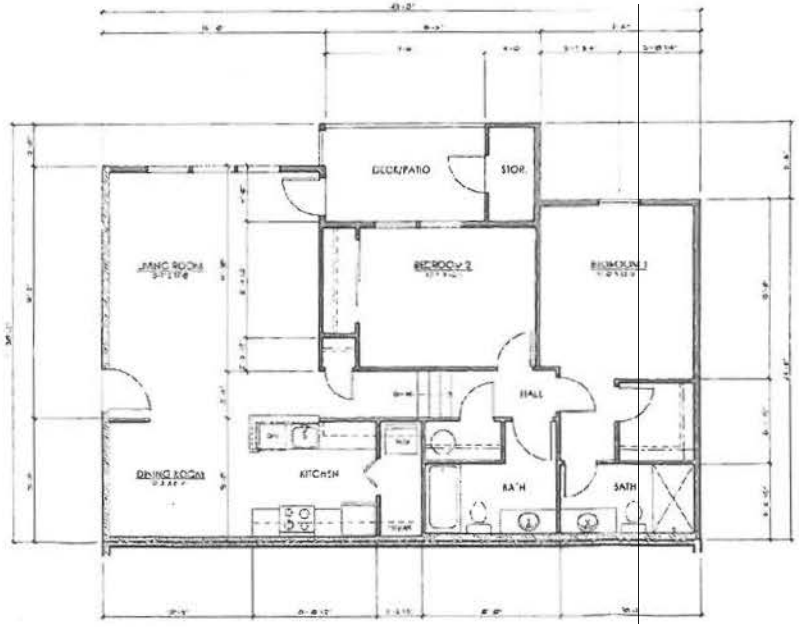
date: NOVEMBER 2013
scale: AS NOTED
drawn: SAI
job no: 1202

A
3.1

ATTACHMENT C.78



UNIT TYPE 2C FLOOR PLAN



UNIT TYPE 2C FLOOR PLAN

ATTACHMENT Y-1

REGISTERED ARCHITECT
STATE OF OREGON

RDG
RUTER DESIGN GROUP
ARCHITECTS, INC.

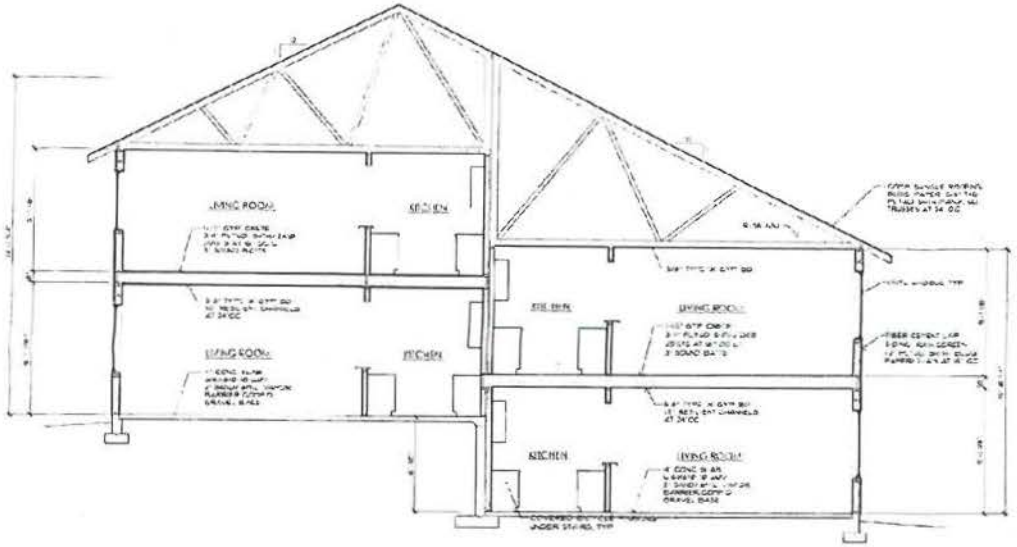
TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

OWNER:
GROUP B LLC

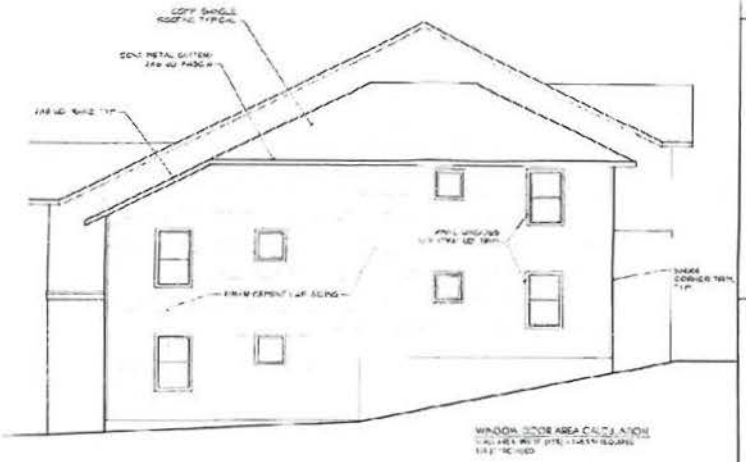
UNIT FLOOR PLANS
UNIT TYPE 2C, 2D

A
3.2

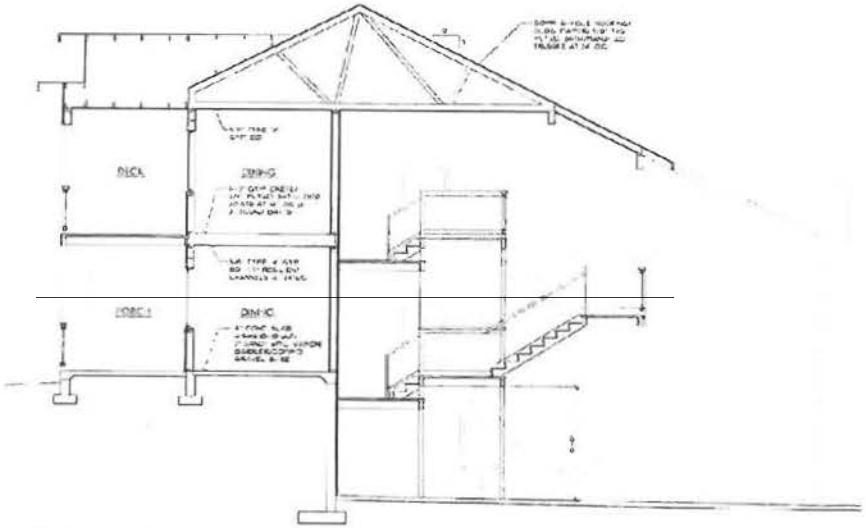
ATTACHMENT C.79



TYPICAL BUILDING SECTION



SIDE (EAST) ELEVATION



BUILDING SECTION AT STAIR

SIDE (WEST) ELEVATION

ATTACHMENT Z-1

RDG

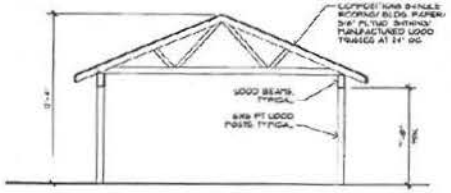
TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

GROUP B LLC

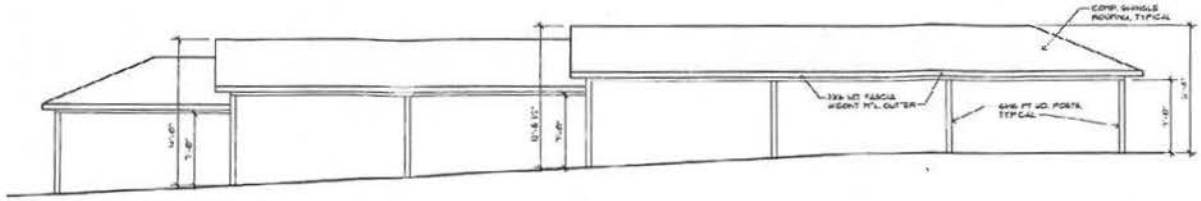
EAST AND WEST ELEVATIONS
TYPICAL BUILDING SECTIONS

A
6.2

ATTACHMENT C.80



4 CARPORT SECTION
1/4" = 1'-0"



1 CARPORT FRONT ELEVATION
3/16" = 1'-0"

1 FRONT (NORTH) ELEVATION
3/16" = 1'-0"

WINDOW-DOOR AREA CALCULATION

WINDOW-DOOR AREA CALCULATION

1 REAR (SOUTH) ELEVATION
3/16" = 1'-0"

ATTACHMENT Z

REGISTERED ARCHITECT
STATE OF OREGON

RDG
RUTTER DESIGN GROUP
ARCHITECTS, INC

TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

OWNER
GROUP B LLC

FRONT AND REAR ELEVATIONS

A
6.1

ATTACHMENT C.81

FILE COPY

DEVCO engineering inc.
245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

16 January 2015

Ms. Amber Bell, Assistant Planner
Community Development
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

SUBJECT: Coronado Tract B Subdivision
(PLD14-00005)

Dear Amber:

The Applicant is proposing trash collection and pick-up, for the ten unit Tract B facility, in accordance with the accompanying guidelines for the project approved by Republic Waste. Under the proposed procedures there will be no need or expectation of Republic Waste vehicles entering the site, thus Staff's determination that the fire truck access, to the north of the building, is an access drive because it accommodates garbage truck ingress and egress is no longer valid.

The Applicant will be asking the Planning Commission to delete Condition of Approval No. 18.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 abell 01-16-2015.docx

Enclosures

DEVCO engineering inc.
245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

14 January 2015

Mr. Mark Wibbens
Republic Waste
110 NE Walnut Boulevard
Corvallis, OR 97330

SUBJECT: Tract B, NW Mirador Place
PLD14-00005

Dear Mark:

The subject property is a ten-unit, two bedroom/unit, multi-family residential facility which the City of Corvallis is presently reviewing under the case number above. The owner proposes to install a trash collection enclosure as shown on the accompanying drawing which would accommodate a two cubic yard trash compactor with container, and separate recycle carts.

Operationally, the facility manager would be responsible to wheel the trash container and the recycle carts to the NW Mirador Place curb at the designated collection times.

As we understand the industry standards, a typical two or three bedroom residential unit generates approximately 0.5 cubic yards of un-compacted trash weekly. Ten percent of this volume is typically recyclables. The trash compactor is rated to reduce this volume by a factor of 4 to 5. Thus the maximum weekly volume of compacted trash from this facility will be:

(10 units x 0.5 cy/unit) ÷ 4 = 1.2 cubic yards of compacted trash per week

This quantity will easily fit in a two cubic yard rolling container.

If you are in agreement that the approach outlined above meets with Republic Waste's service expectations and requirements, please sign below, and we will forward a copy of this letter to the City.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 wibbens 01-14-2015.docx

Concurrence by: Mark Wibbens, on behalf of Republic Waste

Attachments: (1) Site Plan
(1) Trash compactor product sheet

WasteCare Corporation is your source for commercial trash compactors, balers, waste equipment, recycling equipment, industrial shredders and grinders, and other waste related products and services.

Home > Sitemap > Compactors > Outdoor

2 YARD VERTICAL OUTDOOR COMPACTORS

Two Yard Steel Container Holds roughly 8 - 10 yards of Compacted Trash

Helpful Info for Deciding on 2 Yd Vertical Compactors:

About Compactors
Industrial Trash Compactors
Waste Compactors Reduce the Trash Burden
Trash Compactors Not Glamorous But Very Useful
Trash Compactor Purchase Considerations and Tips
Trash Compactors Preliminary Considerations Checklist
Waste Generated by Industry & Building Type (in lbs)
Waste Generated by Industry & Building Type (in CY)

2-VOC - 2 YARD VERTICAL COMPACTORS

Request Automated Response with Qualification (Secure)

Request Info on Multiple Products (Secure Area)

Jump to Vertical Outdoor Compactors Overview Page showing all Models

2 Yard Vertical Outdoor Compactor - Standard Features

115V-Single Phase
Twin 3" Cylinders
Two Stage Pump

2 Yard Vertical Outdoor Compactor - Options

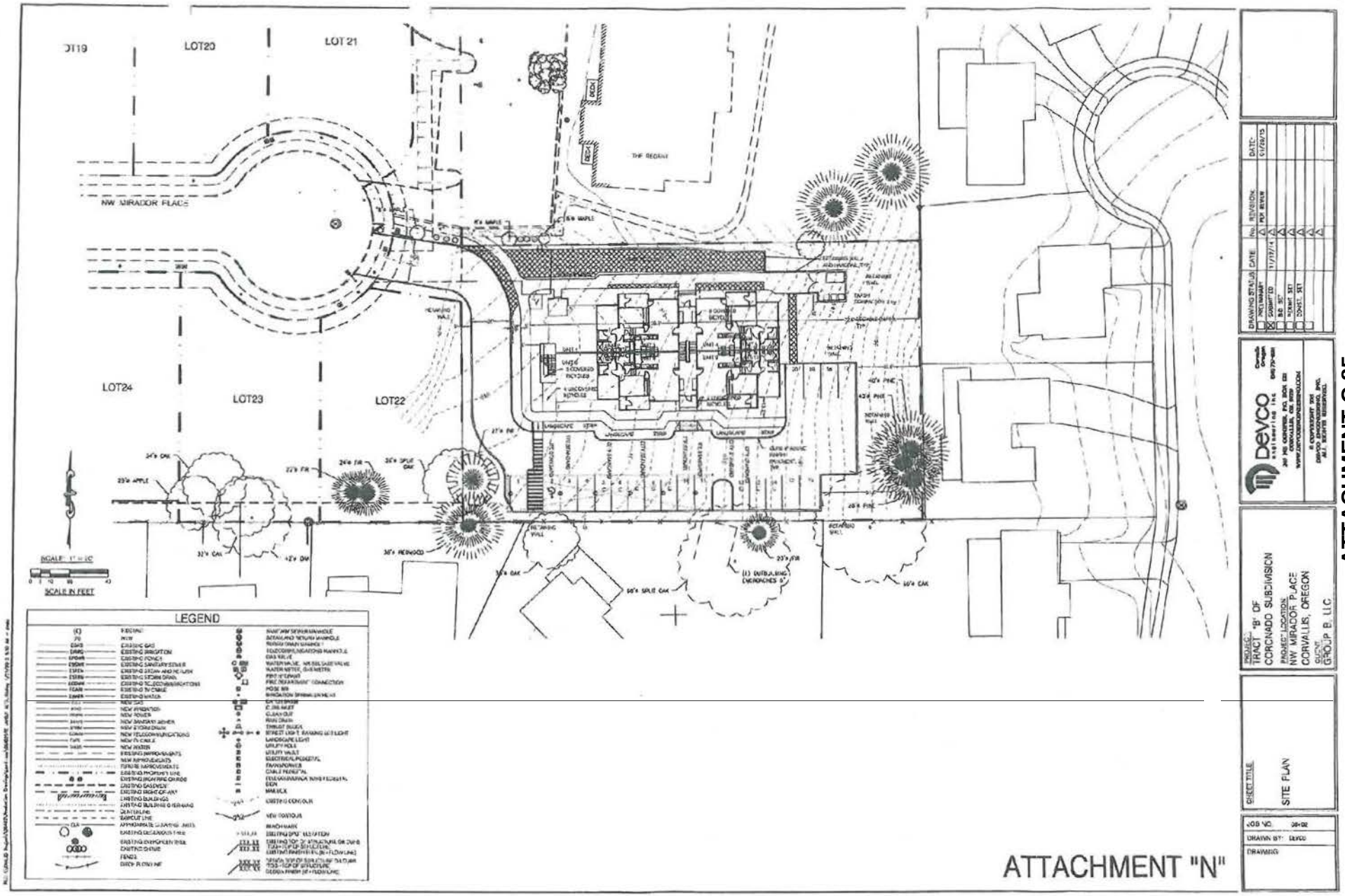
Ozone Sanitizer
3 Phase Power Unit
Through The Wall Chutes
Additional Colors Available
Right/Left Side Control Panel

Note: Our Compactors Preliminary Considerations Checklist may be helpful

Great for Parking Garage Applications where the Compactor can be positioned in the garage and the containers rolled out to the hauler area for tipping.

COMPACTOR SPECIFICATIONS

2VOC - Specifications		
Container Capacity	2VOC-CAP	2 Cubic Yard
Ram Face	2VOC-RFC	27" x 48" (69cm x 122cm)
Ram Pressure @ 2000	2VOC-RPR	28,300 lbs.
Cycle Time	2VOC-CTI	28 seconds
Twin Cylinders	2VOC-CYL	7" Bore, 37.5" Stroke, 1.5" Rod
Motor	2VOC-MTR	2 hp
Pump	2VOC-PMP	Two Stage
Electric Power	2VOC-PWR	115/230V-1Ph-60Hz.
Oil Capacity	2VOC-OIL	8 Gallons
2VOC - Dimensions		
Loading Door Opening	2VOC-LDO	85"x 24"
Overall Height	2VOC-OHT	102"
Overall Depth	2VOC-ODP	58"
Overall Width	2VOC-OWD	95"
Shipping Weight -Compactor	2VOC-WTC	3,250 lbs.
Shipping Weight -Container	2VOC-WTB	740 lbs.



ATTACHMENT "N"

ATTACHMENT C.85

From: Bell, Amber
To: "jen"
Cc: Young, Kevin; Grassel, Matt
Subject: FW: Coronado Tract B application- questions from PC
Date: Wednesday, January 21, 2015 10:48:28 AM
Attachments: PIP06-1443 Section.pdf
PIP06-1443 Street.pdf
OLD LDC Culdesac.pdf

Hi Jennifer,

Please find below a response to your question about street standards from Development Review – Engineering. Also, please see the attached PDFs. We will also provide copies of this response and the attached PDFs for Planning Commissioners at tonight's public hearing.

Amber R. Bell
Assistant Planner
City of Corvallis
541-766-6575

From: Grassel, Matt
Sent: Wednesday, January 21, 2015 10:06 AM
To: Bell, Amber
Cc: Manley, Aaron; Young, Kevin
Subject: RE: Coronado Tract B application- questions from PC

The ROW width are shown on the plat (attachment B, Page 114 of 403 in the staff report). The width of the ROW serving Mirador up to the cul-de-sac bulb is 50 feet, the standard for a local street. Attached are construction plans for the streets including the typical section for the local streets including Mirador. The street width shown on the plans is suppose to be 28 feet to the face of curb. Sometimes the curb is included in the street width and other times it is included in the planter strip width, but typically it should be measured to the face of curb which means the planter strip is actually 5.5 feet not 6 feet. Also attached is the OLD LDC section that reference Cul-de-sacs. The bulb size of the Cul-de-sac has typically been determined by the applicable fire code for emergency vehicle turn around at the time.

Thanks,
Matt Grassel, P.E.
City of Corvallis
Public Works - Engineering Division
Development Review Engineering
541-766-6729 x5082 or 541-766-6941

ATTACHMENT D.1

From: Bell, Amber
Sent: Wednesday, January 21, 2015 8:56 AM
To: Grassel, Matt
Subject: FW: Coronado Tract B application- questions from PC

From: jen [mailto:jen@oregonwildlife.org]
Sent: Monday, January 19, 2015 3:57 PM
To: Planning
Subject: Re: Coronado Tract B application- questions from PC

Hi Amber,

Nearly all of my questions and searches for information were answered in the packet (as always, nice work!). The only remaining question I have regards street standards and how they vary between a cul-de-sac and a through-street, if at all.

Thanks much!

Jennifer

> On January 19, 2015 at 1:30 PM jen <jen@oregonwildlife.org> wrote:
>
> Hello Amber,
>
> I would appreciate a little more information on the following points, if I might.
>
> First, I would assume that the record includes past applications and notices of disposition, including ZDC05-00009/SUB05-0005, etc., correct? Do I need to specifically refer to these documents prior to deliberations to ensure that they CAN be included in the deliberations or are they already assumed to be part of the record?
>
> I am particularly interested in the CC&Rs and Order 2006-025.
>
> Also, what are the construction standards for a cul-de-sac street? Do they differ from a neighborhood through-street? (it is fine to refer me to which part of the LDC the answer resides- I'm hoping you can find it much more quickly than I can!).
>
> To which standard was Mirador Place constructed, if there is a difference?
>
> Were utilities stubbed out at the end of Mirador Place for future development into Tract B?
>
> I wasn't able to find the documents relating to ZDC05-00009/SUB05-00005 online (although I did find most of the documents for the 2012 hearing apparently minus the public testimony submitted after the application was sent to the PC). Could you possibly send me a link to those earlier decisions? Not sure why the search page failed on those.
>
> Thanks very much for your help,

Jen

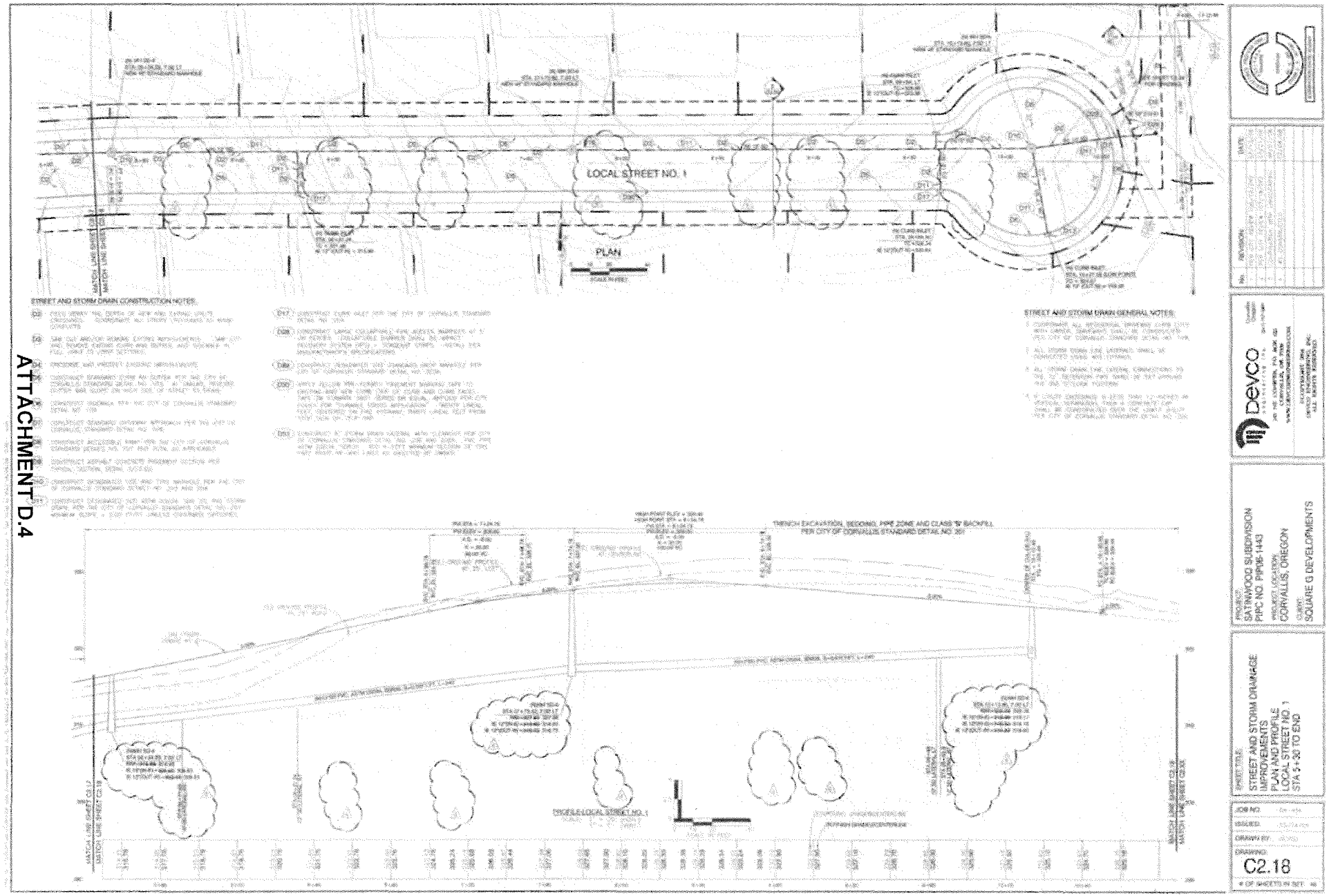
Jennifer Gervais, Ph.D.
Wildlife Ecologist
Oregon Wildlife Institute
Corvallis, Oregon

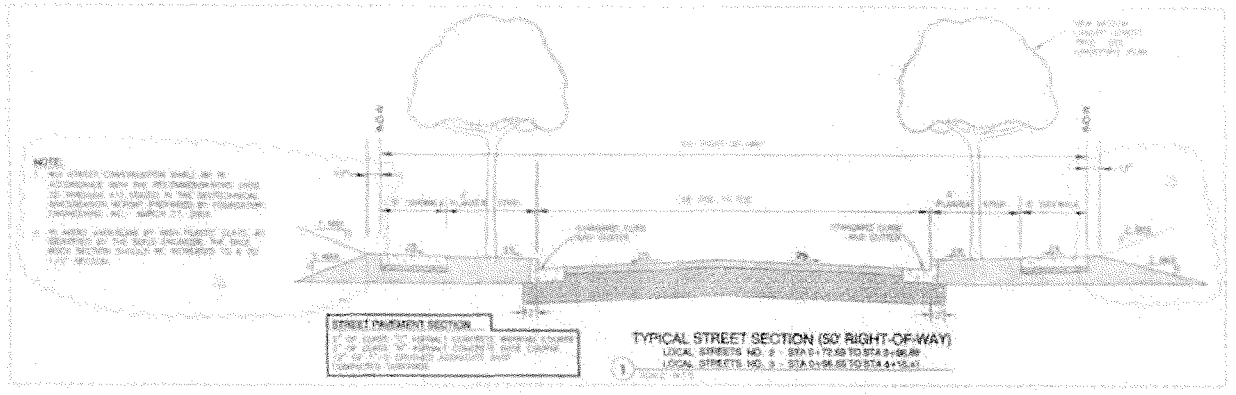
(541)-757-9041
jen@oregonwildlife.org

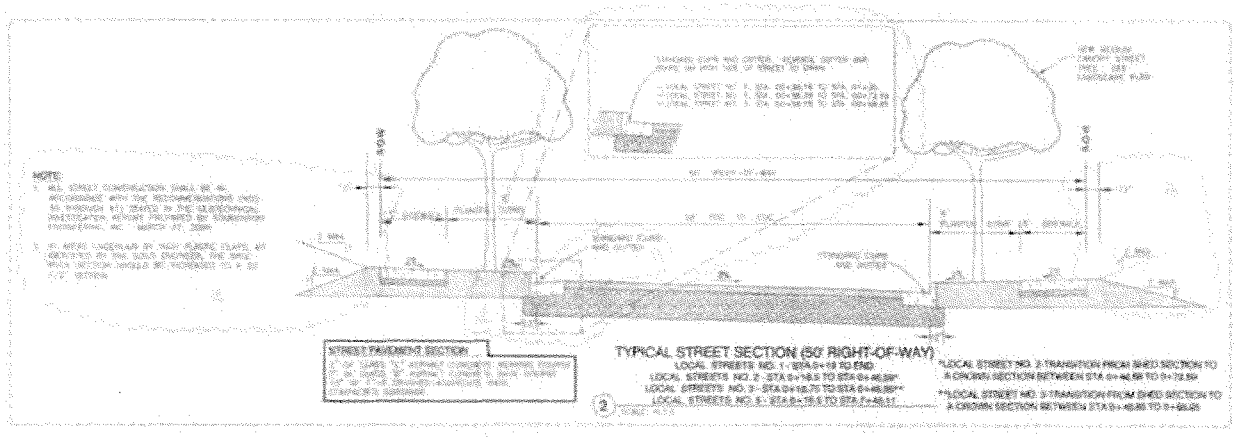
Jennifer Gervais, Ph.D.
Wildlife Ecologist
Oregon Wildlife Institute
Corvallis, Oregon

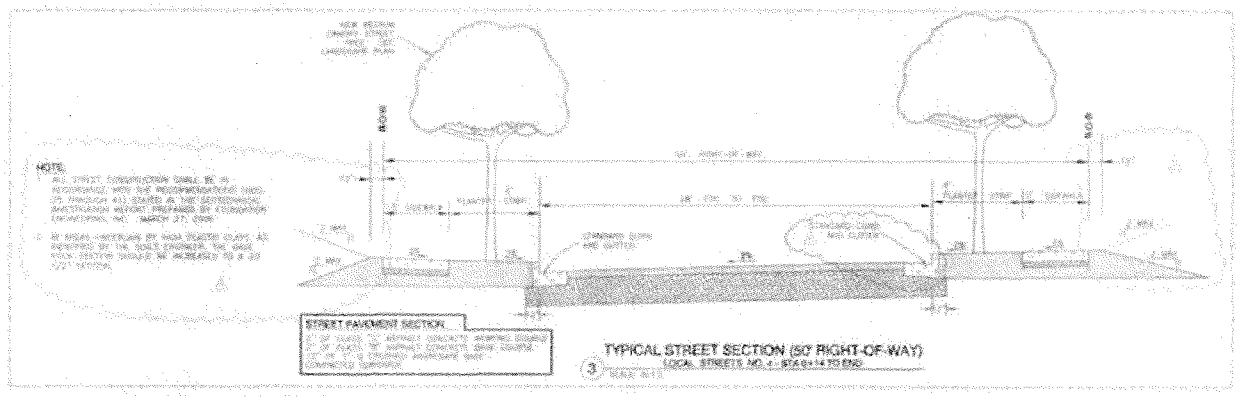
(541)-757-9041
jen@oregonwildlife.org

ATTACHMENT D.4









SHEET TITLE: TYPICAL STREET SECTIONS

PROJECT: SATIWOOD SUBDIVISION
PIPC NO. PP06-1443
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: SQUARE G DEVELOPMENTS

devco

NO.	REVISION	DATE

JOB NO.
ISSUED:
DRAWN BY:
DRAWING: C3.00
OF SHEETS IN SET: 48

ATTACHMENT D.5

5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:

   (a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft of straight (tangent) alignment perpendicular to the intersection.

   (b) The intersection of a local street with another street shall have a minimum of 50 ft of straight (tangent) alignment perpendicular to the intersection.

   (c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft along the right-of-way lines of the acute angle.

   (d) Intersections with arterial streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.

6. Right-of-way and improvement widths shall be as specified in the table below.

FACILITY	FEATURE	WIDTH (ft)	NUMBER	FEATURE WIDTH (ft)	ROW WIDTH
Local Street	Travel Lanes	14	1	14	
	Parking	7	2	14	
	Total Curb-to-Curb Width →			**28**	
	Park Strip	6	2	12	
	Sidewalks	5	2	10	
	Total Width →			**50**	50
Cul-de-sac Bulb	Bulb Radius	38	---	38	
	Park Strip	6	---	6	
	Sidewalks	4	---	4	
	Total Radius →			**48**	48
2 Lane Collector	Travel Lanes	12	2	24	
	Bikelanes	6	2	12	
	Total Curb-to-Curb Width →			**36**	
	Park Strip	12	2	24	
	Sidewalks	5	2	10	
	Total Width →			**70**	70

Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

DRAFT
CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
February 4, 2015

Present
Jennifer Gervais, *Chair*
Kent Daniels
James Feldmann
Roger Lizut
Jim Ridlington
G. Tucker Selko
Ron Sessions
Paul Woods
Jasmin Woodside
Penny York, Council Liaison

Staff
David Coulombe, Deputy City Attorney
Kevin Young, Planning Division Manager
Jason Yaich, Associate Planner
Amber Bell, Assistant Planner
Greg Gescher, City Engineer
Matt Grassel, Public Works Engineering
Aaron Manley, Public Works Engineering
Jackie Rochefort, Parks and Recreation
Terry Nix, Recorder

Absent

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Deliberations – Coronado "Tract B" (PLD14-00005)			Motion passed to deny the proposed Major Planned Development Modification for Coronado Tract B.
III.	Public Hearing – Annual Capital Improvement Program Review	X		Motion passed to forward the proposed Capital Improvement Program to the City Council with a recommendation of approval.
IV.	Old Business	X		
V.	New Business	X		
VI.	Adjournment			Meeting adjourned at 9:40 p.m.

Attachments to the February 4, 2015 minutes:

- **A.** Testimony
- **B.** Staff response regarding density calculation for the Regent Site.
- **C.** Final written argument, submitted by Devco Engineering, Inc.
- **D.** Memorandum regarding Written Testimony and Materials Provided at the January 21, 2015 Planning Commission Public Hearing, submitted by Assistant Planner Amber Bell.

CONTENT OF DISCUSSION

The Corvallis Planning Commission regular meeting was called to order by Chair Gervais at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. VISITORS' PROPOSITIONS:

BA Beierle stated that the Historic Resources Commission is moving forward with a historic preservation plan as directed by the steering committee and City Council, and there is a line item in the budget for the public process.

Before beginning the public hearing for the CIP program, Chair Gervais asked if any persons present intended to testify regarding the CIP. No one indicated they wished to testify. Consequently, Chair Gervais decided to reverse the order of the meeting agenda, to begin with deliberations on the Coronado "Tract B" application, then hold the public hearing on the CIP.

II. DELIBERATIONS – Coronado, "Tract B" (PLD14-00005)

Assistant Planner Bell said the Commission has received all written testimony received prior to close of the record and staff responses to questions from the Planning Commission and these items were provided in the Planning Commission's 2/4/2015 packets. Additionally, a letter attachment was inadvertently not included with testimony and has been provided to the applicant and is available at the back of the room **(Attachment A)**. Staff also responded to a question from the Planning Commission regarding the density calculation for the Regent site **(Attachment B)**. The applicant has provided a final written argument **(Attachment C)**. Finally, staff provided items received at the Public Hearing, as well as copies of reduced size plans distributed at the Public Hearing, which included an elevation of the proposed carport **(Attachment D)**.

Commissioner Daniels initiated discussion about the 1981 development plan and conditions of approval. In his reading, the requirements and conditions of that approval, including the 135-foot setback, are still in effect. The Regent was constructed in 1983 based on DDP approval which included that setback and alteration of the setback is not warranted based on this request in his opinion. The setback meant that land is part of the development that did occur on that land. He agreed with written testimony that persons/entities purchasing the property did so with knowledge of that history and any limitations on development. To him, the setback in this condition is a very clear and objective standard.

Commissioner Woodside said she would tend to agree with Commissioner Daniels. She cited from a memo in the record related to MLP88-2 which states that land to the south of the Regent parcel was intended to serve the open space for the Regent, thus the southern boundary of parcel 2 should be extended to the south to include the open space. This is part of what she is using to agree the setback should still be in place.

Commissioner Feldmann said he doesn't think it is so clear cut in that Condition 12 related to the setback does not say it's not buildable. Commissioner Sessions said he believes the Code defines a setback as clear land without any structures.

Commissioner Daniels said even though the site might be listed on the Buildable Land Inventory, the BLI is not a criteria to be used in this decision. He said the site being zoned RS-12 simply indicates that was the zoning of the whole parcel when the Regent was developed; it doesn't mean it is available to be built on.

Commissioner Woods said setback is defined in Code as "a space between the property line and the building that contains no structures." He agreed that there has been no change to the 135-foot setback requirement and he doesn't think the land can be built on until that is changed.

In response to an inquiry from Commissioner Feldmann, Planning Manager Young said it is acknowledged in the staff report that approval of the request would vary the established setback and that is part of the decision being made through this process. Staff have provided a potential condition that would modify condition 12.

Commissioner Lizut referred to a letter from City Attorney Coulombe in which he states that the Planning Commission could review the approved tentative plat and note whether any development, building footprint or the like was proposed in the subject site, and that the Planning Commission could consider whether the tentative plat created a lot on the subject site. Commissioner Lizut said he was unclear whether or not this had been accomplished.

Commissioner Woods said it is interesting that in 2005, 18 lots were created on a cul-de-sac and those were called lots and the remaining land was called a tract. That could indicate the state of mind of the designer and whether the intention to build on Tract B was present when that was designed.

Commissioner Sessions read the definition for "tract" as provided by staff. He said it is interesting to note that the CC&Rs created as part of the subdivision identified the 18 lots that were for residential building. It can only be surmised what was in the minds of those who designed and approved that.

Commissioner Woodside pointed out that the applicant has provided persuasive arguments about Tract B and that some of the staff findings from the 2006 Subdivision application seem to refer to Tract B as a developable lot.

Commissioner Feldmann noted that staff didn't raise the 135-foot setback as a decision criteria for rejecting the application, and it wasn't mentioned as undevelopable in the staff report or prior planning documents.

Planning Manager Young said he doesn't believe there was a definition for "tract" in the Land Development Code at the time of the prior approval and there are no notes on the plat to suggest the intended use of Tract B.

In response to an inquiry from the Chair, Planning Manager Young said the Commission could interpret that the original conditions of approval do not apply or that it is appropriate to vary from them through this process. Commissioner Woodside asked whether staff identified an issue with the 135 ft. setback, and Commissioner Daniels stated the Planning Commission would need to make findings on this.

Commissioner Daniels initiated discussion about the needed housing statute. He said the language of that statute is oriented toward affordable housing and he doesn't think it's applicable to this decision. City Attorney Coulombe said the City hasn't created an overlay for needed housing, but has identified a need for housing at every type and level. Even with respect to the needed housing standards, there is an option for a discretionary approval process and that is a Planned Development process. He discussed some of the considerations for the Commission to decide whether or not the needed housing statute applies to this application-based on the status of the Planned Development.

Commissioner Lizut referred to the question about the 18 dwelling unit limitation on cul-de-sacs and staff's response that the Commission will need to interpret how that applies in this case.

Commissioner Daniels said he doesn't feel the LDC's definition of "should" is complete or adequate. He said attempts to minimize the importance of "should" aren't very valid and, in our land use system, the word still carries a lot of weight.

Commissioner Selko said the 18 dwelling unit limitation on cul-de-sacs is a health and safety issue. He is convinced that the "should" in this case is not optional, but mandatory.

Commissioner Sessions said he thinks the word "should" is discretionary, but that it's a guideline and it is discretionary because there are other areas in the city where it doesn't particularly fit, and it's the Commission's job to apply that discretion to this application. Commissioner Feldmann agreed. He said there are plenty of places around town with much higher traffic than this application would create and to say there is a health and safety issue based on number of units is not clear cut. Commissioner Selko said it's a fire access safety issue. In response to an inquiry from Commissioner Feldman, staff affirmed there is an emergency-only access that serves the Regent site.

Commissioner Daniels said he agrees that the way we use "should" in the Code is discretionary; however, the language states that cul-de-sacs says "should not exceed" and "nor serve more than" which he feels is pretty strong language.

Commissioner Feldmann initiated discussion about developability, but stated that he understands this application is more about compatibility. Chair Gervais said that denial of this application would not necessarily be denying developability of the parcel; it would just say that this application has not met the requirements of providing sufficient mitigating benefits to override earlier conditions of approval and other requested variances. Planning Manager Young agreed with the Chair. He said the question before the Commission is whether this application complies with the applicable criteria, which are discretionary. That is not to say that denial of the application indicates the site is not developable. The Chair stated the developable question is outside their purview.

Commissioner Sessions initiated discussion about compatibility. He said the site is surrounded by single family homes and the Regent directly adjacent. He has to think the purpose of the setback was to acknowledge that the Regent and the single family homes were not a compatible mix. He said the public testimony has been about compatibility more than anything else.

Commissioner Feldmann said that many medium density sites in town have single family adjacent, and it is uncommon to have 135 feet of separation between higher density and lower density. Commissioner Woodside noted that zoning is often used to address the transition.

Commissioner Daniels said he can think of a number of things that could have been done differently than proposed but those are not issues before the Planning Commission. He is concerned about compatibility issues. Being able to develop this property is not, in his opinion, a valid compensating

benefit. He still has concerns about lighting, noise and compatibility with adjacent single family homes and neighborhoods including the cul-de-sac, the downhill homes, and the Regent.

Commissioner Lizut referred to LDC 4.2.80 Site and Street Lighting standards. He thinks there is a valid argument that lighting will be incompatible with adjacent neighborhoods because there will be light pollution occurring based on where the light standards are relative to the ground elevation of the houses below. Commissioner Sessions agreed there would be light spillage because the site is sloping and the lighting of the parking lot is above the adjacent residential properties. Commissioner Feldmann said that light may be less intrusive than the single family homes with big lights on their decks shining over Survista.

Commissioner Lizut said the case has been made in testimony that it would be difficult to move the trash compactor bin to the truck due to slope, mass, and potential weather conditions. Staff has responded that the City doesn't have standards for garbage compactors and that this is not an applicable review criterion by itself. He said this may be part of the compatibility considerations.

Commissioner Feldmann asked staff to respond to comments that there is not enough room for trash compactors on the street without blocking fire access or the apartments. Planning Manager Young stated there in not a standard requiring garbage facilities placement only on the site's frontage, as it's a public street, but it should not block access. Public Works Engineer Grassel said that, based on the site plan, it looks like it may be difficult to place the compactor where it's not on someone's frontage or partially blocking the driveway; however, the applicants may have room somewhere else on the site adjacent to their driveway. Commissioner Feldmann said it is not clear whether the compactor would create a safety or access issue. Brief discussion followed.

Commissioner Lizut said, in considering the compatibility issues, this looks like a forced fit. In considering all of the issues within the scope of the Code as well as compatibility issues, it is his opinion that this is not a good fit for the neighborhood.

Commissioner Sessions said the development would collect runoff and provide drainage for the site.

MOTION: Commissioner Daniels moved to deny the proposed Major Planned Development Modification (PLD14-00005) for Coronado Tract B. The motion is based upon the analysis and findings in the January 14, 2015, staff report to the Planning Commission, and on the Planning Commission's discussion and findings made during deliberations on the request including: 1) the requirements and conditions of the 1981 development plan; 2) cul-de-sac standards and language of "should not exceed 600 feet nor serve more than 18 houses"; and 3) compatibility issues as discussed by the Planning Commission. Commissioner Lizut seconded.

Commissioner Feldmann said he is on the fence. He doesn't feel the application has changed much from the one in 2013, but he is feeling differently about the developability. Chair Gervais said the question is whether or not this application has made the case that benefits of the proposal are sufficient to justify the variances that have been requested including overturning of the previous conditions of approval on the property if the Commission feels they still apply.

Commissioner Woods said he does feel that flexibility is needed in interpreting the cul-de-sac rule. In this case, though, given that the subdivision is so new and the change is so big, he agrees that this particular project is too much for the site.

Commissioner Woodside said she supports the motion based on the 1981 development plan conditions of approval.

The motion passed unanimously.

The decision may be appealed to the City Council within 12 days.

III. PUBLIC HEARING – Annual Capital Improvement Program Review

A. Opening and Procedures:

Chair Gervais welcomed citizens and reviewed the public hearing procedures. There will be a staff report and public testimony. The Commission may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

Persons testifying either orally or in writing may request a continuance to address additional documents or evidence submitted. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing.

B. Declarations by the Commission: None.

C. Staff Report and Commission Discussion:

Associate Planner Yaich said the Planning Commission is presented with two opportunities each year to consider capital improvement projects in Corvallis. Earlier in the process, the Planning Commission was asked for suggestions regarding projects to be included in the Capital Improvement Program (CIP). At this time, the Planning Commission is asked to evaluate the proposed updated CIP for consistency with the Comprehensive Plan and other facility master plans and criteria. The staff report includes the proposed CIP for 2016-2020.

Aaron Manley, Public Works Department, said the CIP is a five-year plan which is updated annually. It consists of community preservation, infrastructure development and community enhancement projects. He gave examples of each type of project.

Commissioner Daniels said the Municipal Code includes a section about the Planning Commission's role in the CIP process, which includes a public hearing. He said we need to do a better job of involving the public in this process.

Commissioner Lizut said his general question is how to balance strategic long-range investments to immediate needs such as potholes. Commissioner Woodside said information was presented to the CIP Commission about public infrastructure assessments staff is working on which will hopefully make it more efficient to identify problem areas and establish timelines.

City Council Liaison York said Council is not quite finished with the goal-setting process. One of the goals that has been partially crafted is around a sustainable budget and it includes reference to assessing infrastructure needs and looking for funding options.

Mr. Manley said the 2016-2020 CIP includes three new projects. Airport Buildings and Grounds will allow for construction of projects that will be eligible for FAA grant funding without intermingling project funds. Street Resurfacing is an existing project that can now be capitalized.

Commissioner Woods asked how streets are chosen for repair and if there is a public process involved. Mr. Manley said there are established criteria for evaluating pavement conditions. There is a City-wide assessment of conditions which is used to determine street projects for general maintenance needs, full reconstruction, or surface reconstruction. The maintenance side is driven by public input. The pavement index generally directs where CIP funds are applied.

Commissioner Feldmann asked for more information about why the Tunison-Avery path project was not successful. City Engineer Greg Gescher said the grant application was not successful. The project was very expensive, with many hurdles to overcome, including railroad right-of-way issues.

Commissioner Feldmann said he is surprised the CIP doesn't take a holistic look at bicycle/pedestrian access to OSU. Park Planner Rochefort said the Parks Department will present the Parks and Recreation Master Plan update to the Planning Commission in a couple of weeks. The update includes a chapter devoted to trails of all types, which was developed with a large amount of public outreach and input from OSU. City Engineer Gescher said, on the transportation side, consideration is given to ensuring we have continuous bike lanes and, in recent years, the focus has been on providing connectivity through 35th Street. Planning Manager Young added that the City is in the beginning stages of the Transportation System Plan update which is a good time to look at that type of infrastructure.

Planner Rochefort said a new project in the proposed CIP update is a Bicycle Pump Track; consideration is being given to putting a prefabricated bicycle pump track at Village Green Park. Another new project would construct a permanent restroom adjacent to the Walnut Barn at MLK Jr. Park. A project that has been in and out of the CIP is the Senior Center. The most recent discussions with City Council indicate that it would be renovated in its current location which would result in the loss of a softball field and necessitate the need for lighted turf fields elsewhere in the system. Brief discussion followed.

Commissioner Daniels said he is concerned about the proposal to remove the Tunison-Avery path, even if it isn't currently funded. He feels that path is really important to the neighborhood as far as bicycle/pedestrian access to Avery Park and staying off of South Third Street. City Engineer Gescher agreed that there is a transportation issue in that part of town. He thinks more work needs to be done on location and alignment before doing another grant application for that path.

Commissioner Woods asked if there is a process for moving a trail or bike path from the Parks and Recreation Plan to the Transportation Plan if it has become an important alternative mode of transportation. City Engineer Gescher said he isn't sure that path maintenance would be treated differently based on which department it is under. Commissioner Woods said that if the goal of this review is to judge compatibility with the Code, it could be argued that, if we want to increase the use of walking and biking, placement of that responsibility is important.

City Council Liaison York said it is her understanding that sidewalks and bike paths are part of both our recreational system and our transportation system but responsibilities are divided between the departments. In her experience, she said, both departments are responsive and they work together. City Engineer Gescher said if conditions are impairing the ability to use the path, please contact staff and they will respond.

Commissioner Daniels said the steering committee for the transportation plan update had its first meeting last week. He said the community needs to develop a transportation plan that coordinates OSU and the City as far as bicycle and pedestrian safety and usage is concerned, including the transition area that goes several blocks out from the campus. He said railroad crossings on campus are new and safe but almost all railroad crossings in the remainder of the City are awful or marginal. He said there are several intersections downtown on Third and Fourth Streets that are really dangerous because they don't have traffic lights. He said we have some serious issues with pedestrian and bicycle safety and access in our community and we need to come up with a plan to deal with them. Commissioner Ridlington said that if there was some enforcement at pedestrian crossings by the Police department, people might be more vigilant about complying with the existing regulations.

In response to inquiries from Commissioner Feldmann about the bike pump track and recreational uses allowed in parks, Planner Rochefort said the Commission will hear more about this with the P&R Master Plan update. She said the master plan was informed by national trends. Recreation is dynamic and the process does allow for public input and some level of discretion. The bike pump track folks has been working with staff for a couple of years. While there has been no final decision on location, when the options were presented to the PNARB, Village Green came up as the location that would best serve the facility.

Commissioner Woods said he would like to propose consideration of a change to the design standards for street reconstruction. He has heard that other municipalities have had success in adding empty fiber optic conduit when streets are being reconstructed. This is an inexpensive time to add the infrastructure that would allow flexibility in the future to extend fiber through the existing conduits and this would make the City more attractive to investment by a high speed internet provider. City Engineer Gescher said there would be costs associated with laying the empty conduit. He noted there are no street reconstruction projects planned for next year. Commissioner Woods said that gives the Commission time to consider the issue.

Commissioner Daniels said he would like to see dollars attached to the wastewater system project, both estimates and what has been spent. City Engineer Gescher said the legislation surrounding the TMDL limits is in the courts and there are questions about whether or not the concepts that have been explored will be applicable. As soon as there is a resolution to those court cases, the numbers will be included.

Commissioner Sessions asked if the approach to preparing the CIP is to create a wish list for the City, or to say what can be done with the available money? City Engineer Gescher said the CIP has changed over the years. In the past, there were a lot of wish list items included, but it has now migrated more toward implementation of existing master plans and maintaining existing infrastructure.

Chair Gervais noted that no one was present other than the Commission and staff; therefore, there was no public testimony.

MOTION: Commissioner Woodside moved to forward the proposed Capital Improvement Program to the City Council with a recommendation of approval, consistent with the findings contained in the Staff Discussion, Conclusion, and Recommendation. Commissioner Woods seconded. The motion passed unanimously.

IV. OLD BUSINESS:

Following brief discussion, there was unanimous agreement that Jasmin Woodside would serve as Planning Commission Chair and Ron Sessions would serve as Planning Commission Vice Chair.

Chair Gervais said she would not be able to attend the February 18 LDHB. It was agreed that Commissioner Sessions will Chair the LDHB meeting. Commissioner Selko said he will listen to the recording and attend the hearing.
City Council Liaison York noted that the Planning Commission made a recommendation to the City Council to consider a goal to revise the vision statement and comprehensive plan. Council seems to have consensus around a Council goal related to a vision and action plan which includes the related documents. She said that she, the Mayor and Planning Manager Young visited the city of Hillsboro and met with their staff and others who did their vision and action plan 2020 and are now almost complete with their community and vision plan for 2035. She said they have an interesting format and approach that, with some modification, might accomplish some of the things we want to do. Council is considering asking the consultant to come to a future work session.

Councilor York said that after the joint work session on OSU related issues, there was discussion about the long-term, mid-term, and short-term measures. Council has directed Council leadership to come back to Council on February 17 with suggestions about interim measures that could be taken to prevent harm during the task force process. She said OSU has just released their annual parking utilization report and the USC will be reviewing that on March 3.

V. NEW BUSINESS: None.

VI. ADJOURNMENT: The meeting was adjourned at 9:40 p.m.

From: Planning
To: Bell, Amber
Subject: FW: Re:Coronado Tract B-Major Modification (PLD14-00005)
Date: Monday, January 26, 2015 4:11:24 PM
Attachments: LettertoPC2-PLD14-00005.pdf

Hi Amber,
Here is another piece of testimony.

Marci

From: Margot Pearson [mailto:pearsonm@science.oregonstate.edu]
Sent: Monday, January 26, 2015 3:51 PM
To: Planning
Subject: Re:Coronado Tract B-Major Modification (PLD14-00005)

Attention: Amber Bell

Please find attached a letter containing further information to be distributed to the Planning Commission members as written testimony of record in opposition to PLD-00005.

Please confirm by return email that you have received this testimony.

Thank you,

Margot N.Pearson

Margot Pearson
477 NW Survista Ave
Corvallis, OR 97330
541 752-0657 (home)
541 602-0196 (cell)
pearsonm@science.oregonstate.edu

January 25, 2015

To: Corvallis Planning Commission

From: Margot Pearson, 477 NW Survista Ave., Corvallis, OR 97330

Re: PLD14-00005, Coronado Tract B Apartments, Additional Written Testimony in Opposition

Dear Corvallis Planning Commission Members,
In a memorandum to the Planning Commission (Jan. 16, 2015) the applicant proposes to use a trash compactor to compact the apartment trash into a trash receptacle which will then be wheeled to Mirador Pl. for pickup by Republic Waste Services. They then state that "there will (sic) no need or expectation of Republic Services vehicles entering the site, thus Staff's determination that fire truck access, to the north of the building, is an access drive because it accommodates garbage truck ingress and egress is no longer valid". Aside from the fact that it seems unrealistic to expect the apartment manager to push a trash receptacle weighing 740 lbs and containing up to 1125 lbs of compacted trash 225 feet up a 4.8% slope to Mirador Pl (see letter from Jeff Diamond dated Jan 20, 2015), but once it is there, it needs to be left in front of the Tract B property for pickup. However, the only Tract B frontage on Mirador Pl and access to the Tract B property is a 47.8 foot long driveway along the northern edge of lot 22. This driveway is 21 feet wide including a 5 foot landscaping setback on its southern side. Next to this driveway on the west end, is the driveway access for lot 22 which is only 17 feet in wide. On the northern side of the Tract B driveway, there is a 5 foot wide landscaped strip belonging to the Regent property and abutting the Regent fire lane access. Therefore, there is approximately 5 feet of usable frontage on Mirador Pl. belonging to Tract B which would need to accommodate a 7 foot wide trash receptacle. In addition, this frontage would need to accommodate 3 residential recycling carts side-to-side (see site plan on applicant’s letter dated Jan 16, 2015), each of which is 2 feet wide, requiring a minimum of six feet on Mirador Pl. Any overlap of the trash receptacle or recycling carts would block either the narrow Tract B driveway, the Regent fire lane, or the driveway access to lot 22. It is clear that this proposal is not feasible for several reasons and should be rejected along with the entire PLD14-00005 plan.

Additionally, another aspect of the Tract B plan that has become increasing clear and concerning, is that the fire access to the building is very limited. Should a fire occur, the only ingress for fire engines to the fire access lane on the north is the 17 foot wide, 47.8 foot long development driveway. However, this same driveway is also the only egress for the cars of the apartment residents. This could create a very hazardous situation in which, in case of an apartment building fire, responding fire engines would encounter residents trying to leave by car, thus completely blocking the driveway. This poses a fire spread threat to all the surrounding neighborhood residences in case of a fire. Again, I urge you to reject the PLD14-00005 proposal.

Sincerely,
Margot Pearson

From: Bell, Amber
To: "Paul Woods"
Cc: Young, Kevin
Subject: RE: Follow-up question to 29 Jan 2015 staff responses
Date: Tuesday, February 03, 2015 12:12:09 PM

Hi Paul,

Please see below a response to your questions regarding density. Staff will bring copies of this response to the Feb. 4th Planning Commission meeting.

The 2006 Land Development Code, amended through February 28, 2014 applies to the proposal and includes the following definitions:

- *Density - Number of dwelling units per acre of land, calculated in accordance with the definition for Density Calculation.*

- *Density Calculation - Density is calculated as either gross density or net density. The minimum density for a site is net density and the maximum density is gross density.*

  a. Density, Gross - Number of dwelling units per gross area, in acres. See definition for Area, Gross. Additionally, in calculating gross density for a Minor Land Partition site, applicants may include in their calculation 50 percent of the area of any street rights-of-way that front the subject site, for the distance the streets front the subject site.

  b. Density, Net - Number of dwelling units per net area, in acres. See definition for Area, Net.

  c. Fractions - When the sum of the dwelling units is a fraction of a dwelling unit, and the fraction is equal to or greater than 0.5, an additional dwelling unit shall be required (minimum density) or allowed (maximum density). If the fraction is less than 0.5, an additional dwelling unit shall not be required or allowed. [see LDC Chapter 1.6, page 16]

- *Dwelling Unit - One or more rooms, with bathroom and kitchen facilities (limited to one kitchen only), designed for occupancy by one family. See Family.* [see LDC Chapter 1.6 page 22]

- *Family - Individual or two or more persons related by blood, adoption, or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Code, Family also refers to not more than five unrelated physically or mentally handicapped, elderly, or drug- or alcohol-dependent persons receiving treatment, and any number of resident staff persons engaged in their care. The relevant Oregon Revised Statutes that pertain to this definition include ORS 197.660(2) and ORS 197.665, as amended.* [see LDC Chapter

1.6, page 23-24]

- *Group Residential - Residential occupancy of living units by persons other than an individual or a family, as defined in this Code, and providing communal kitchen/dining facilities. Typical Uses include occupancy of retirement homes, boarding houses, co-housing, and cooperatives that are not associated with institutions of higher education. This Use Type excludes fraternity and sorority houses and Group Care facilities as specified below.* [see LDC Chapter 3.0, page 2-3]

The 1981 Planned Development approval (PD-81-1) allowed for the development of a congregate care facility, now known as the Regent. The Regent meets the definition of a "Group Residential" use type. Per the LDC definition of "Density Calculation," the allowable density for a development site is based on the number of dwelling units per area (acres). A Group Residential Use does not typically contain rooms with their own kitchen, and the number of persons who occupy a Group Residential Use typically exceeds five unrelated persons. Therefore, a "Group Residential" use does not meet the LDC definition of a "dwelling unit" or "family." Furthermore, "Group Residential" is not listed as a Residential Building Type in the Land Development Code. Therefore, Staff do not apply density calculation to a Group Residential Use, such as the Regent. In other words, Staff would not count each room within the Regent as a "dwelling unit." The Land Development Code does not include an alternative method for Group Residential uses, such as "scaling factor" to translate impact on land to number of dwelling units.

The density calculations for the entire Regent site on page 13 of the January 14, 2015 PC Staff Report do not take into account the existing Group Residential Use on the Regent site. The calculations are only informed by the area (acres) of the Detailed Development Plan, and the areas of Comprehensive Plan and Zoning designations with the Detailed Development Plan Area. Consequently, the density calculations for the entire Regent site reflect the minimum and maximum number of dwelling units on the site, consistent with Zoning and Comprehensive Plan Designations. As discussed above, density calculation does not apply to the existing Regent development.

As discussed on page 9 of the January 14, 2015 Staff Report, the proposal includes adding a Use Type (Family Residential) to an existing Detailed Development Plan where density calculations do not currently apply. Approval of the proposed Major Planned Development Modification would result in an additional 10 family dwelling units where none previously existed, as well as a change to the ratio of dwelling units within the DDP.

Amber R. Bell
Assistant Planner
City of Corvallis
541-766-6575

From: Paul Woods [mailto:paul_woods@ieee.org]
Sent: Tuesday, February 03, 2015 9:01 AM
To: Bell, Amber
Subject: Follow-up question to 29 Jan 2015 staff responses

Hi Amber,

On page 3 of STAFF RESPONSES TO QUESTIONS FROM THE PLANNING COMMISSION, JANUARY 29, 2015, middle of last paragraph:

"Density is not calculated for a Group Residential use, such as the Regent, because rooms within such a facility are not defined the same as a dwelling unit."

Is there a scaling factor for this type of facility? In other words, can the impact on the land be translated into an equivalent number of single family dwellings, apartment units, etc.?

Later, on same page: "Density calculations for the entire Regent site are provided on page 13 of the January 14, 2015 Staff Report."

But without some equivalent dwelling number for the Regent, I don't know how to interpret this information.

Thanks,
Paul

ATTACHMENT B.3

DEVCO engineering inc. 245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

02 February 2015

RECEIVED
FEB - 2 2015
Community Development
Planning Division

Ms. Amber Bell, Assistant Planner
Community Development
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

SCANNED
Date: 2/2 By: AB

SUBJECT: Coronado Tract B Subdivision
(PLD14-00005)

Dear Amber:

Enclosed for filing is the applicant's final argument. This is based on the evidence in the record. This submittal contains no new evidence.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E Hutchens by LDH

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 abell final argument 02-02-2015.docx

Final Argument

Applicant's discussion of issues raised at the public hearing and in posthearing materials.

In this memo the Applicant attempts to distill issues raised at the public hearing and the posthearing submittals and respond to them in a brief, organized fashion, with reference to documents in the record. We have organized the issues into a handful of common sense categories.

A. PROCEDURAL ISSUES:

1. **Neighborhood meetings:** Was an error committed for failure to hold a neighborhood meeting prior to submittal?

The Corvallis code does not require an Applicant to conduct a neighborhood meeting prior to submittal of a Major Modification to a Planned Development. Applicant explained at the public hearing that the application form erroneously indicated a neighborhood meeting had been held. This was an erroneous carryover from the application form for the 2012 filing. Comments from the neighborhood meetings from the 2012 application and the 2013 Planning Commission denial were carefully considered by the Applicant and informed the current application.

2. **DDP Modification Consents:** Whether one owner in a DDP can modify his/her/its footprint of the DDP without the written consent of all owners in the DDP?

Where a single DDP has been broken up into multiple ownerships by land division, the owner of one of those lots or parcels may apply to modify the DDP for its ownership without the written consent of the owners of other land in the DDP.

This has been the consistent practice of the City. The City Council affirmed this in its findings approving the DDP Modification for the Regent parking lot expansion. See Notice of Disposition, The Regent Parking Addition, Order # 2008-072 (Sept. 2, 2008); (PLD07-00010, CDP07-00006, MRP07-00006), and Supplemental Findings (Sept. 2, 2008). The City Council Minutes, July 21, 2008, page 374, incorporated as findings, said:

> *"Acting Mayor Brauner asked whether future development of Tract B with the existing zoning with the existing zoning designation would require a public hearing process.*
>
> *"Mr. Towne responded affirmatively, explaining that the action would constitute a major modification to the DDP. The Regent's owner would not be required to approve the action; the Tract B owner could submit the application independently. Neighbors would be able to participate in the public hearing process."*

This application is doing what the City Council finding above says it can do – apply for a Modification of the DDP without written consent of the Regent owner, but subject to a public hearing. Prior to submittal of the pending application, The Regent owner granted the Applicant an easement for pedestrian access from Tract B to the public sidewalk at the terminus of NW Mirador Place. The Regent owner has not raised any objections to the pending application.

B. LEGAL FRAMEWORK ISSUES:

1. **State Statue on Needed Housing:** Whether, under ORS 197.307(4), the City is prohibited from applying any standard that requires the exercise of discretion; this is, whether the City may only apply clear and objective standards? This was raised at the hearing and the Jan. 28 Memo from the City Attorney.

Because this site is on the City's acknowledged plan inventory of residential "Buildable Lands," and this is an application for development of "needed housing," as that term is defined in ORS 197.307, the city may only apply clear and objective standards to this decision. As LUBA explains this statute, the city acts beyond its authority if it applies any standard that involves the exercise of discretion.

The Applicant's narrative and cover letter elaborate extensively on this body of law. This rule applies to many standards that the staff and the neighbors would apply to defeat the proposal and prevent any housing, regardless of the design, from being approved.

The City Attorney memo suggests that the code gives the city discretion whether the Needed Housing Statue applies in this instance. Memo at 1-2. The rationale is that there is a code provision, LDC 2.5.60.03.c., that gives the Commission discretion to review a requested modification. Although not fully articulated, the City Attorney view might be that if the code says the city "may" consider an application to modify, then it has discretion to not review the application. The full text of LDC 2.5.60.03.c is:

> *"Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Detailed Development Plan."*

A threshold determination that the applicant is "reasonable" is just the kind of judgment that violates the needed housing statute. The Commission may not make an initial decision that the application is not "reasonable" and then deny it, or process it only under other discretionary standards.

State law applies directly here to cut through any code provisions that the City might look to as support for refusing to process, or denying, or applying discretionary standards to this application. To summarize:

> *This is an application for statutory "permit" as defined in ORS 227.160.*
>
> *The city must process the application; it may not refuse to process it if it finds it to be "unreasonable." See generally Charles Wiper, Inc. v. City of Eugene, 44 Or LUBA 127 (2003).*
>
> *It must be reviewed and decided under the standards in the code. ORS 197.173(1).*
>
> *That is subject to the limitation that for Needed Housing applications the City may only apply clear and objective standards. ORS 197.307(4). The standards must be "clear and objective on the face of the ordinance." ORS 225.173(2).*
>
> *This is an application for needed housing because this is on the plan inventory of vacant buildable residential land.*

The Commission must process this application and apply in its decision only standards that are clear and objective on their face.

2. **Meaning of "Should:"** Whether "should" in LDC 4.0.60.c.2. relating to cul-de-sac length and loading is mandatory or non-mandatory? Numerous neighbors testified that standard applies and is mandatory.

"Should" is defined in the code as being non-mandatory. LDC 1.6.30 says: "Should – Expressing what is desired, but not mandatory." Interpretations are only allowed when there is ambiguity that needs clarification. There is no ambiguity on the issue of the meaning of "should" in the code.

3. **Amend the comprehensive plan:** May the City amend the comprehensive plan to "down plan" this property to open space or Low Density Residential because there is no need for the higher density housing?

The City has a legal obligation to decide this application under the plan and zone designations that are in place at the time the application is filed. ORS 227.178(3)(a). If the City amends the plan in the course of this proceeding it will be committing a grievous error. The City did such a thing once in the past in response to community sentiment at a hearing. LUBA remanded that City decision. 7th Street Station LLC v. City of Corvallis, 55 Or LUBA 321 (LUBA No. 2007-140, 141, Nov. 21, 2007). It also found the City action to be so grievously wrong that it awarded attorney fees to the Applicant. 7th Street Station LLC v. City of Corvallis, 55 Or LUBA 732 (LUBA No. 2007-140, 141, Jan. 29, 2008). The request to change the plan designation on the fly is an invitation for the city to commit the same error again.

The Comprehensive Plan contains numerous policies in support of infill development and providing housing choices for all segments of the community. It would be disingenuous and very challenging to amend the plan designation so blatantly in conflict with the plan's policy framework.

C. DEVELOPABILITY ISSUES:

1. **Regent DDP Open Space and Tract B Acreage:** Whether the Regent DDP required the Tract B acreage to be retained as open space for the Regent use? That is, was the 135 foot building set back required for The Regent intended to provide permanent long-term open space? (Vanessa Blackstone comment)

(a) The Tract B acreage must be developable for housing because it is included in the comprehensive plan's inventory of vacant residential Buildable Lands. A contrary interpretation would conflict with the acknowledged plan. If the acreage was not intended to be developed the City would not have put it on the plan's inventory of vacant buildable land.

(b) The language of the 1981 DDP approval for The Regent required the building to be located at least 135 feet from the Elks south property line, which is now the Tract B south property line. See (The Regent) Notice of Disposition, June 3, 1981; Order 81-23, July 1, 1981; DC-81-2/PD-81-1, Condition 12. No condition of the 1981 approval required retaining what is now the Tract B acreage as open space for The Regent. Furthermore, The Regent building is not being expanded or altered so as to encroach within the building footprint approved in the original PD.

(c) The 1992 minor partition that divided The Regent 2.9 acres from the balance of the Elks property did not require keeping any part of the balance of the acreage for permanent open space for The Regent parcel. See MLP92-0007, Administrative Approval, June 26, 1992. Saying that is so now would be an impermissible collateral attack on the 1992 partition decision that created The Regent parcel.

(d) The 2006 Subdivision that created Tract B recognized that it is developable under the Planned Development regulations. See Planning Commission Notice of Disposition, Order # 2006-025, Feb 16, 2006; ZDC05-00009, SUB05-00005.

(i) The findings in the Staff Report to the Planning Commission at page 5 said:

> *"It is important to note that Tract "B" contains the entire area of Tax Lot 200 that is zoned PD(RS-12). The Applicant has chosen not to subdivide this portion of the parcel in order to avoid having to apply for a Major Modification to a Detailed Development Plan. The Detailed Development Plan that was approved for The Regent Congregate Care Facility (DC-81-2, PD-81-1), was constructed on the parcel immediately north of the PD(RS-12) portion of Tax Lot 200, also applied to that portion of Tax Lot 200. Therefore, any development of this portion of Tax Lot 200 would require a land use approval through the Planned Development Process."*

(ii) The findings in the Staff Report to the Planning Commission at page 27 said:

> *"A conversion plan is not required as part of the proposed subdivision. The only large lot created through the subdivision is Tract "B", which is subject to Planned Development review provisions. Therefore, no development or future partitioning of this tract may occur without a Detailed Development Plan approval."*

(e) The findings in the 2008 City Council decision approving the DDP Modification for The Regent to add parking recognized that Tract B is developable under the Planned Development regulations. See Notice of Disposition, The Regent Parking Addition, Order # 2008-072 (Sept. 2, 2008).

(i) The findings in the Council Minutes at page 374 said:

> *"Acting Mayor Brauner asked whether future development of Tract B with the existing zoning with the existing zoning designation would require a public hearing process.*
>
> *"Mr. Towne responded affirmatively, explaining that the action would constitute a major modification to the DDP. The Regent's owner would not be required to approve the action; the Tract B owner could submit the application independently. Neighbors would be able to participate in the public hearing process."*

(ii) The findings in Memorandum to City Council, July 11, 2008, page 9-10 said:

> *"Additionally, the fire department emergency access was a requirement that came into place with approval of the Coronado subdivision, and is intended to provide a means of secondary access to the lots at the southeast corner of the new subdivision, as well as any potential development that might occur on Tract B."*

(e) The findings in the 2008 City Council decision approving the DDP Modification for The Regent to add parking also recognized that The Regent site, standing alone as a 3.0 acre parcel, exceeds the LDC requirements for open space. See Notice of Disposition, The Regent Parking Addition, Order # 2008-072 (Sept. 2, 2008). See findings in Staff Report to Planning Commission, dated May 9, 2008, at 8:

"As noted previously, the expected number of vehicle parking spaces approved with the 1981 Detailed Development Plan were not constructed. Therefore, more Green Area exists on the development site than was originally expected. While less than the minimum amount of Green Area is proposed for the Tract C portion of the development site, the Applicant proposes an overall Green Area provision of 48% of the development site. This exceeds the overall minimum of 31% by 23,255 square feet, and serves as a compensating benefit to the requested variation of from 50% to 36% Green Area on Tax Lot 500.

"It should be noted that a portion of the original Conceptual and Detailed Development Plan is no longer contained in The Regent property. In 1986 [sic 1992] the property owner filed a Minor Land Partition request (case MLP-86-2) for the Regent property, and the 3 acre Regent property was separate from the parent Elks Club property. The area that was formerly part of the Conceptual Development Plan for the Regent now contains a portion of the Coronado subdivision. Green Area calculations that compare the 1981 approval to the current proposal should take that into account."

2. **Regent DDP Density and Tract B Acreage in 1981 Decision:** Whether the Tract B acreage was needed for LDC density compliance for the Regent at the time of the Regent approval in 1981?

The 1981 DDP approval for what became The Regent was for a 2.9-acre leased premises on the Elks property. The entire Elks property was 17 acres with about 13.5 vacant acres. The 1981 decision does not say that what is now the Tract B acreage, or any other acreage, was needed to be kept open for the 1981 development to have code density compliance. See (The Regent) Notice of Disposition, June 3, 1981; Order 81-23, July 1, 1981; DC-81-2/PD-81-1.

3. **Regent DDP and Tract B Acreage for 1981 Decision:** Whether the Tract B acreage was needed for LDC density compliance for The Regent in 1992 when the Regent acreage was partitioned off from all the other acreage, including the acreage in Tract B? (Lieberman comment).

When The Regent acreage was partitioned off as a separate parcel in 1992, from the balance of the Elks property, there was no finding that any other acreage, including what is now the Tract B acreage, was needed for zoning density compliance in 1992. See MLP92-0007, Administrative Approval, June 26, 1992. Saying that is so now amounts to an impermissible collateral attack on the 1992 partition decision that created The Regent parcel.

4. **Developable Lot:** Whether designation of "Tract" status on the 2006 plat prohibits development?

(a) There is no restriction on the development of Tract B shown on the face of the recorded plat.

(b) Under the Code provisions in effect for the Satinwood (Coronado) subdivision approval, there was no development restriction of platted land designated as a "Tract."

(c) The 2006 decision approving the Satinwood (Coronado) subdivision, which created Tract "B," explained that the tract was created as a single, large unit of land so as to avoid having to go through the Planned Development process at the time of the tentative subdivision approval. See Satinwood Subdivision, Planning Commission Notice of Disposition, Order # 2006-025, Feb 16, 2006;ZDC05-00009, SUB05-00005. The findings in the Staff Report at 5 said:

"It is important to note that Tract "B" contains the entire area of Tax Lot 200 that is zoned PD(RS-12). The Applicant has chosen not to subdivide this portion of the parcel in order to avoid having to apply for a Major Modification to a Detailed Development Plan. The Detailed Development Plan that was approved for The Regent Congregate Care Facility (DC-81-2, PD-81-1), was constructed on the parcel immediately north of the PD(RS-12) portio9n of Tax Lot 200, also applied to that portion of Tax Lot 200. Therefore, any development of this portion of Tax Lot 200 would require a land use approval through the Planned Development Process."

(d) As discussed in the other paragraphs above, the 2008 Modification of the DDP for The Regent explained in findings that Tract B could be developed consistent with the PD regulations.

(e) As explained in paragraph B.1. above, inclusion of Tract B in the Buildable Land Inventory reflects the city's legal commitment to its availability for development. A contrary decision would conflict with the comprehensive plan. Denial of the pending Needed Housing application would also be in conflict with numerous policies in the comprehensive plan aimed at promoting infill development, efficient land use, and efficient delivery of public services.

D. COMPLIANCE WITH STANDARDS:

1. Trash Compactor: Whether use of a trash compacter, eliminating the need for a garbage truck to use the fire access lane, is workable and won't cause noise issues.

Staff notes that access by garbage trucks on the north side of the building creates a service driveway that does not comply with driveway width, curb, sidewalk, and landscaping standards. Staff have suggested the noncompliance situation be address by reducing the width of the building (Condition 18). Staff Report 17 Findings 15-18. See also Staff Report 25; 29 Finding 9; 31 Finding 3, 4.

The proposed building is a unique architectural design based on existing site conditions, numerous code standards, and input raised during review of the previous Major Modification for Tract B. While on the surface it may seem plausible to reduce the width of the building, from a practical perspective it simply won't work. Imagine reducing a 10 foot wide dining room down to 5 feet or a bedroom measuring 11 feet wide down to 6 feet. In all cases, reducing the width of the building would substantially impact the overall size and quality of the apartments. Due to the site constraints, the architecturally designed building already maximizes the use of space. It is not feasible to comply with minimum density requirements with a reduced building footprint.

Prior to the public hearing, the Applicant formally amended the application to substitute a trash compactor for the garbage dumpster. This eliminates the need for garbage trucks to use the fire access lane obviating the need for Condition 18. Letter Hutchens to Bell (Jan. 16, 2015).

2. Sidewalks: Do sidewalks on NW and south side of revised plan conform to code?

The revised site plan submitted on January 6, 2015 conforms to all sidewalk standards. The Applicant acknowledges the need to realign the sidewalk on the north side of the building to coincide with the pedestrian access easement on The Regent property. This realignment also conforms to all sidewalk standards.

3. Building Setback and Building Coverage: Does this development need to comply with the 25 foot maximum building setback and the 40% minimum building coverage on the frontage when neither standard was in effect when Tract B was platted?

Staff asserts the current code has a 25-foot maximum front yard setback in LDC 3.6.30. that can't be met since Tract B is a flag lot. Staff also assert the current code requires 40% of street frontage to be occupied by buildings, that also can't be met due to the flag lot configuration. LDC 4.10.60.01.b.n. Staff notes that the site is not buildable under the current code standards and present findings in support of variations for both standards. Staff Report 15 Finding 6; 49 Finding 5; 53 Conclusion; Staff Report 15 Finding 8; Staff Report 31 Finding 1. The variations are justified, but they are not needed for the reasons below.

(a) State law allows the application to be reviewed under the standards in effect when the subdivision was platted, and at that time the setback standards and the building coverage standards were not in effect. The statute is ORS 92.040(2), which states:

> *"(2) After September 9, 1995, when a local government makes a decision on a land use application for a subdivision inside an urban growth boundary, only those local government laws implemented under an acknowledged comprehensive plan that are in effect at the time of application shall govern subsequent construction on the property unless the Applicant elects otherwise."*
>
> *(3) A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, in no event shall the time period exceed 10 years, whether or not a time period is established by the local government."*

This provides for a vesting of standards, and it has been applied in contexts like this situation. See the Athletic Club of Bend, Inc. v. City Bend, 61 Or LUBA 349 (2010), *rev'd and remanded* 239 Or App 89, 243 P3d 824 (2010). *The decision of LUBA on remand is at _ Or LUBA_ (LUBA No. 2010-018, Feb. 8, 2011). The LUBA decision governs the situation here.*

The City Attorney suggests that the Commission may deny benefit of 92.040(2) if it finds: (1) the subdivision approval did not include a plan for development on the site; or (2) this site is not a "lot" in a subdivision. Memo at 4-5.

The Athletic Club *decisions say that the City Attorney's view is wrong and explains why. (1) As was the situation in Athletic Club, a plan for development at the time of subdivision is not needed to get the benefit of the statute. (2) The plain language of the statute does limit the benefit of the statute to "lots." The word "lot" does not even appear in the statute.*

In Athletic Club *the owner of a fully developed lot in a commercial subdivision approved in 2000 sought to develop a direct access driveway to Century Drive, which would involve making improvements on the subject property* <u>*and*</u> *in the Century Drive right-of-way. The new access was not a part of the original development plan. The code effect in 2000 did not limit driveway access onto streets. The HO applied the new 2006 code to the request, which regulated access to city streets, and denied the application. 61 Or LUBA 351.*

LUBA explained the intent of ORS 92.040(2) at page 352:

> *"A tentative plan "showing the general design of the proposed subdivision" must be submitted and approved. Under ORS 92.040(1), the tentative plan approval decision limits the changes a local government may require before the final plat is approved and recorded. According to the legislative history for 1995 amendments to ORS 92.040, some local governments were adopting and applying additional restrictions on construction within subdivisions after the final plat was recorded, taking the position that the shield from subsequent local laws provided by ORS 92.040(1) did not apply to construction after the final plat was approved."*
> *[emphasis original]*

LUBA held that the statute applied for the benefit of on-site construction but did not apply to construction off-site.

On appeal, the Court of Appeals explained that the legislative history shows the statute was intended to prevent exactly what Staff proposes to do here. Opinion at 828:

> *"As the legislative history indicates, land developers sought the enactment of subsection (2) of ORS 92.040 in order to ensure that the local government laws on which subdivision applications were predicated would be applied to subsequent development on subdivision lots unless developers elected otherwise. Accordingly, subsection (2) now allows applicants who request approval to develop a subdivision lot to choose to apply to all subsequent construction on the lot the local government laws in effect at the time that the subdivision application was made, provided that those laws were implemented under an acknowledged comprehensive plan. However, the protection provided to developers by subsection (2) may not exceed a period of 10 years, and local governments can shorten the duration of that protection if they choose to do so. ORS 92.040(3)."*

The Court reversed LUBA's opinion and made clear that the statute also applies when on-site construction also results in off-site construction, as was the case in Athletic Club. *239 Or App at 100.*

Based on the LUBA/Court of Appeals direction above, these codes sections may not be applied to defeat this development.

(b) With the code amendments adopting these standards in 2006, Tract B became a "Legal Nonconforming Lot of Record" under LDC 1.4.50.05, which allows development of a use allowed in the zone, as proposed here. LDC 1.4.50.05 says:

> *"1.4.50.05 – Legal Nonconforming Lots of Record*
> *A lot of record may not meet the lot size requirements of the zone in which it is located. Such a lot may be occupied by a Use permitted in the zone. If, however, the lot is smaller than the size required in its zone, Residential Use shall be limited to one dwelling unit or to the number of dwelling units consistent with density requirements of the zone."*

A "Lot of Record" is defined by LDC 1.6 as: "Lot of Record - Lot or parcel created through applicable Land Division regulations before adoption of this Code."

Tract B would not have been approved consistent with the lot size standards in the current code as it has insufficient width where it is adjacent to NW Mirador Place. Because it is a Legal Nonconforming Lot of Record, the Applicant is entitled to develop the proposed use.

(c) The Applicant also has vested rights to complete development of the subdivision, even though the standards that apply to development have changed for this lot. This the equitable body of law established in Clackamas v. Holmes, *265 Or 193 (1973). The tentative subdivision that created Tract B was approved in early 2006. See Planning Commission Notice of Disposition, Order # 2006-025, Feb 16, 2006; ZDC05-00009, SUB05-00005. The code amendments creating the setback and coverage barriers to development of Tract B were effective on Dec. 31, 2006.* This subdivision was fully improved and then finally platted with Tract B in its initial configuration, *before the standards were changed. Thus, expenditures for all subdivision improvements had been made premised on this lot being developable in its original platted configuration. Based on these expenditures in reliance on the former code standards in place, the developer acquired a vested right to finish the development, notwithstanding the standards that would prohibit any development of the lot.*

4. **Cul-de-sac:** Whether the code cul-de-sac design and loading standards in LDC 4.0.60.c.2. may be applied to deny development? Staff Report at 27; many comments.

LDC 4.0.60.c. says:

> *"Although through-traffic movement on new Local Connector and Local Streets usually is discouraged, this may not be practical for particular neighborhoods..."*
>
> *Street network plans must provide for connectivity with the transportation system to the extent that, generally, both Local Connector and Local Street will be created within a development...To further address traffic speeds and volumes on Local Connector and Local Streets, the following street designs, along with other designs intended to reduce traffic speeds and volumes, shall be considered:*
>
> ** * * **
>
> *"2. Cul-de-sacs should not exceed 600 ft. nor serve more than 18 dwelling units."*

During the approval of the Coronado subdivision, the City reviewed the proposed street network plan and determined it was not practical to extend NW Mirador Place further to the east due to the existing development patterns. The City approved the cul-de-sac in its existing improved configuration. Note that subsection 2 above is a length issue <u>*and*</u> *dwelling count issue for the City to evaluate prior to the decision to create a new cul-de-sac*

(a) This standard does not apply to this type of land use decision. By its terms, this standard is to be considered when the street network is being designed. No street is being designed here. The street is in place, and the potential loading is determined by the zoning. The ultimate policy choice about the appropriate street design and loading was made in 2006 when the subdivision was platted. As discussed in paragraph C.4.(c) above, the 2006 subdivision approval anticipated future development of the Tract B acreage, and the design and loading was determined to be acceptable. As set out in the purpose section for Chapter 4.0, the intent of this Chapter is to provide general information regarding improvements required with development and to clarify the timing, extent and standards for the improvements.

(b) Because the 2006 subdivision decision determined that the street length and loading was consistent with the zoning complied with this standard, the design and loading of the street may not be challenged

now in a later decision that implements the subdivision approval. To do so would be an impermissible collateral attack on the validity of the subdivision approval. The folly of advocating remaking the cul-de-sac decision now can be appreciated if one were to assume that these 10 units had been constructed first in the subdivision, not nearly last. In that event, advocates of remaking the decision now would say that the city could say no to any or all single family permits applied for after the first 18 had been issued.

(c) "Should" makes this standard discretionary; the City has discretion to say yes or say no. The Needed Housing Statute prohibits it being applied to deny the use. ORS 197.307(4). See discussion in paragraph B.1. above.

(d) The LDC also prohibits applying discretionary standards to this DDP. LDC 2.5.50.04 says:

> *"The Detailed Development Plan shall be deemed to be in conformance with the Conceptual Development Plan and may be approved provided it is consistent with the review criteria in Section 2.5.40.04 above,* ***provides a clear and objective set of development standards for residential Detailed Development Plans*** *(considering the Detailed Development Plan proposal, required adherence to this Code, and Conditions of Approval), and does not involve any of the factors that constitutes a major change in the Planned Development."* ***[Emphasis added]***

(e) This code standard must be interpreted consistent with the acknowledged inventory of housing land, which shows this site being developable with housing at the base zone density. The plan and code require 10 units; hence, the City may not interpret this standard to be mandatory without conflicting with the plan and the code.

E. ISSUES RELATED TO FEATURES ON THE SITE:

As a general point, many of the issues below involve judgments about what features of the development proposal are desirable or demonstrate compliance with standards that are inherently discretionary. Because this is a Needed Housing application, the City may not apply these standards to deny the project. Nonetheless, the Applicant provides brief responses below.

1. Oak Tree: At the public hearing concerns were raised that the Applicant had removed an Oak tree on the property unlawfully.

The Applicant was contacted by a neighboring property owner concerned about the health of the tree and the danger it posed. After obtaining the necessary permit from the City, the Applicant eliminated the dangerous situation by removing the tree.

2. Big Fir near North Property Line: Public comments were raised concerning the large Douglas Fir on the north property line and whether the Applicant's arborist accurately depicted the size of tree.

City planning staff said there was a "discrepancy" regarding trees 119 and 122 along the north property line and the Planning Commission had discretion on how to proceed. Trees #100 and #101 are designated for preservation. The Applicant is unclear why staff assert there is a "discrepancy" in the record concerning trees #119 and 122. Public testimony was received asserting that Tree #122 was shown to be preserved on the detailed development plan for The Regent parking area expansion. Tree #122 may appear to be part of The Regent landscaping but it is actually located on Tract B. Tract B was not included

in the boundary of the parking area expansion detailed development plan and any references in that application to trees being preserved is irrelevant. Existing site conditions, such as the lot dimensions and topography limit design options for the new apartment building. As discussed previously, narrowing the width of the building is not practicable.

3. Stormwater Impacts to the East: Public testimony raised a concern that poor drainage currently exists and would be worsened with the development of Tract B.

The application complies with City stormwater standards. The Applicant has already improved the stormwater system by replacing a damaged pipe installed when The Regent was constructed.

4. General Building / Site Design.

During the public hearing several neighbors raised concerns regarding the site design. The Applicant reiterates that the pending application complies with all applicable clear and objective standards. Furthermore, even if discretionary standards were to be applied, the approval criteria are met with only two variations. The compensating benefits include: 1) significantly increased building setbacks along the west, east and south property lines; 2) unique architecturally designed dwellings offering a new housing choice for residents; and 3) efficient public service delivery thru infill development.

Listed below are site design objections and a brief response.

- ***Apartments will "loom" over nearby homes and decrease privacy.***

  The substantial building setbacks and proposed landscaping will mitigate the impacts of the building on adjacent properties. Furthermore, the building is well within the code permitted building heights.

- ***Exterior lighting will shine onto nearby houses and The Regent.***

  The proposed lighting complies with applicable code standards. Lighting will be shielded to prevent glare and minimize light pollution.

- ***Building out of character with the neighborhood.***

  The retro-Craftsman architectural style will compliment nearby homes.

- ***Developer created Tract B as a flag lot and thus caused the site's constraint and need for variations from the code – variations can't be granted if need is self-created.***

  The City approved the creation of Tract B during the subdivision process. At that time the code standards did not contain certain provisions that are now problematic, such as the maximum front yard setback. The lot dimensions for Tract B coincided with the plan designation and zoning creating a logical boundary for future development. The Applicant did not create the hardship.

- ***Development of Tract B will cause landslides.***

The application complies with code standards addressing construction on slopes. During the building permit phase the developer will be required to comply with applicable building code provisions including those aimed at preventing landslides.

- ***The setback from south property line is inadequate and the proposed retaining wall and parking lot are within 5 feet of south Property Line.***

  The code allows retaining walls and fences to be located on a property line. The south side of the parking lot will have perimeter landscaping in compliance with the code.

- ***The development will decrease privacy for The Regent and result in apartment residents trespassing.***

  The Applicant has agreed to retain the services of a professional management company to help ensure apartment residents abide by rules including no loud parties or trespassing onto adjacent property. Unlike a single family home where a neighbor has few recourses, if any, for inappropriate behavior, in an apartment the manager can work to ensure residents demonstrate respect for people and property.

- ***Applicant has not submitted a solar review application.***

  Per LDC 4.6.30 this site is exempt from a solar review application as it is less than 1.0 acre in size.

MEMORANDUM

DATE: January 30, 2015

TO: Planning Commission

FROM: Amber Bell, Assistant Planner, Planning Division

SUBJECT: Written Testimony and Materials Provided at the January 21, 2015 Planning Commission Public Hearing (**Coronado Tract B, PLD14-00005)**

At the January 21, 2015 Planning Commission Public Hearing for the proposed Coronado Tract B Major Planned Development Modification application, additional written testimony was received, as well as a recommended motion and responses to staff recommended conditions from the Applicant. Additionally, copies of reduced size plan drawings were distributed to the Planning Commission and it has come to the attention of staff that these contained an elevation of the proposed carport (see "**Attachment Z**") not previously distributed in the Staff Report or Planning Commission Packet.

Please find the written testimony and other materials provided at the January 21, 2015 Planning Commission Public Hearing attached to this memorandum.

Applicant's Recommended Motion and Supplemental Findings:

I move to approve the proposed Major Planned Development Modification (PL14-00005) for Coronado Tract B. My motion is based on the analysis and finding in the January 14, 2015, Staff Report to the Planning Commission, with respect to all standards for which the Staff Report found compliance. With respect to the several bases suggested in the Staff Report for possible denial of this application, and with respect to specific issues raised in the Staff Report, the Commission makes the following additional findings:

Developability of the Site: The Staff Report suggests the Commission should consider whether the site is developable at all. Staff Report at 48. This site may be developed if applicable code standards are met. The findings approving the Coronado Subdivision stated that Tract B is developable under the Planned Development standards. See ZDC05-00009/SUB05-00005, Staff Report Findings at 5, 27 (Jan. 25, 2006). Consistent with this determination of development potential, sanitary and water services were extended to Tract B as part of the Coronado Subdivision development. Most importantly, Tract B is shown in the Comprehensive plan as being on the inventory of vacant land intended for residential development during the 20-year planning period. Tract B is developable; it has not been regulated by the City to remain vacant land.

Maximum front yard setback and minimum street frontage building coverage: This property cannot be developed if it must comply with the 25-foot maximum building setback in the current code at LDC 3.6.30. That is because Tract B was platted in 2005 as a flag lot when there was no maximum building setback. (1) The Staff Report justifies a variation from this standard due to compensating benefits. Staff Report at 15, 49, 53. The Commission concurs with that finding. (2) In addition, state law protects this development proposal from application of the current standards. ORS 92.040(2) entitles the applicant to develop under the standards in effect at the time that Tract B was platted, that is, when there was no maximum building setback. Therefore, no variation is needed because the current standard may not be applied. (3) Furthermore, Tract B is a Nonconforming Lot of Record, because the flag lot configuration does not meet the current code standards for Minimum Lot Width. Notwithstanding this nonconformity, LDC 1.4.50.05 guarantees that the "lot may be occupied by a Use permitted in the zone." The proposed use is, therefore, allowed despite the setback conflict created by the flag lot configuration.

Minimum building coverage on frontage: This property cannot be developed if it must comply with the standard in the curre4.10.60.01.b that requires at least 40% of the street frontage be occupied by buildings. That is because Tract B was platted in 2005 as a flag lot when there was no minimum standard for how much of the street frontage must be occupied by buildings. (1) The Staff Report justifies a variation from this standard due to compensating benefits. Staff Report at 15, 31. The Commission concurs with that finding. (2) In addition, state law protects this development proposal from application of the current standards. ORS 92.040(2) entitles the applicant to develop under the standards in effect at the time that Tract B was platted, that is, when there was no minimum building required on the street frontage. Therefore, no variation is needed because the current standard may not be applied. (3) Furthermore, Tract B is a Nonconforming Lot of Record, as defined in LDC 1.6, because the flag lot configuration does not meet the current code standards for Minimum Lot Width. Notwithstanding this nonconformity, LDC 1.4.50.05 guarantees that the "lot may be occupied by a Use permitted in the zone." The proposed use is, therefore, allowed despite building coverage on the frontage conflict created by the flag lot configuration.

Cul-de-Sac standard: The Staff Report recommends denial based on the standard for cul-de-sac in LDC 4.0.60.c.2., which says: "Cul-de-sacs should not exceed 600 ft. nor serve more than 18 dwelling units." Staff Report at 27. This code language is not a basis for denial. (1) This cul-de-sac was approved by the city at its current length to serve the minimum number of units required on this tract of land at the time the Coronado Subdivision was initially approved in 2005. No new decision is being made here about cul-de-sac length or number of units to be served. (2) This language is not a mandatory standard because it is a "consideration" and it is further qualified by the word "should." (3) Finally, because this language at best allows the City to say yes or no, it affords the City a degree of discretion that is prohibited by the Needed Housing Statute, ORS 197.307(4), which requires only clear and objective standards.

Width of access on north side of building: The Staff Report explains that if garbage trucks access the north side of the building then the driveway must be wider, a landscape buffer is required, a curb is required, and the sidewalk must be wider. See Staff Report at 17 Findings 15-18. Staff recommended Condition 18, which will require these improvements at the expense of shrinking the building. In response, the Applicant has amended its proposal to substitute a trash compacter for the garbage truck access. This change obviates the need for the additional improvements addressed in Condition 18. The compacter option will also be quieter for the residents and neighbors. Based on this change to the proposal the code standards are met without Condition 18.

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APPLICANT RESPONSE TO STAFF RECOMMENDED CONDITIONS OF APPROVAL FOR PLD14-00005 (CORONADO TRACT B)

The staff report to the Planning Commission contains a list recommended Conditions of Approval. Applicant comments are summarized below.

Page #	Cond. #	Planning Staff Recommended Conditions	Applicant Response
All	1	Consistency with Plans and Previous Approvals: This approval modifies the 1981 Detailed Development Plan site plan approval, and construction shall occur consistent with the site plan, floor plans, architectural building elevations, and applicant's narrative, as described in Attachment B. Unless specifically modified below, all applicable conditions from cases PD-81-1 and PLD07-00010 shall continue to apply. The site shall be developed according to the site plan as depicted on the applicant's Attachment N (Attachment B, Page 3).	Ok – Condition #1 is acceptable Please amend to clarify what conditions from PD-81-1 and PLD07-0010 will continue to apply.
14-15	2	Adherence to Land Development Code Standards: As illustrated on the proposed Detailed Development Plan (Attachment 8), this approval authorizes variations to the following LDC standards: A. Maximum front yard setback per LDC Section 3.6.30.e.1. and B. Percentage of building within front yard setback per LDC Section 4.10.60.01.b. Other than those variations listed above, all development shall comply with applicable Land Development Code standards. Compliance shall be demonstrated at time of submittal for Excavation and Grading, site development, and building permits.	Ok – Condition #2 is acceptable. To clarify, no variations to code standards are needed since revised site plan complies with all applicable LDC standards. Due to the effective date of LDC standards creating a maximum front yard setback and limiting percent of building allowed within a required front yard setback, these standards do not apply to Tract B.
20	3	Exterior Lighting: All exterior lighting shall comply with LDC Section 4.2.80 and the lighting plan submitted as part of this application (applicant's Attachment "Z-A"). All light fixtures shall be designed, and supplemented with shielding, where necessary to comply with LDC Section 4.2.80.	Ok – Condition #3 is acceptable.
16, 18	4	Private Pedestrian / Bicycle Access Easement - The existing private access easement located on the Regent site, and intended to benefit residents of the apartments who will walk or bike along the connection between the new sidewalk on the Tract B site and the public sidewalk on NW Mirador Place will need to be modified to account for the exact location at which the new sidewalk near the northwest corner of the apartment building and existing sidewalk along the south property line of the Regent property meet, or the proposed new sidewalk will need to be re-aligned so that it connects to the location where the existing easement abuts Tract B. Prior to issuance of any site development permits, the applicant shall provide a copy of the new, recorded easement to Development Services staff, to verify that access permissions have been granted to residents of the apartments, or shall modify the new sidewalk alignment according to the existing easement location.	Ok- Condition #4 is acceptable. The sidewalk will be re-aligned so that it connects to the location where the existing easement abuts Tract B.
9	5	Required Fence - With submittal of the site construction permit applications, the applicant shall include an opaque fence along the top of the retaining wall or adjacent to the curb,	Delete Condition #5. It is redundant. Applicant's landscape plan shows a six foot

ATTACHMENT D.5

		abutting the entire south and east sides of the parking lot to help minimize noise and light trespass across the property lines. The fence shall run from the southwest corner of parking space # 1 to the northeast corner of parking space # 17. The top of the fence shall be a minimum of four feet above the finished surface of the parking lot (so that the combined height of the retaining wall and fence above the finished surface of the parking lot is at least four feet).	wooden fence along the top of the retaining wall.
18, 19	6	Accessory Structure (Carport) - The proposed carport is subject to the height and setback requirements specified in LDC Section 4.3.30. As proposed, the structure meets the minimum setback requirement of 3 feet to the adjacent property line. With submittal of building permit applications, the applicant shall demonstrate that the carport complies with all applicable standards in LDC Section 4.3.30. Additionally, the structure shall use materials that are compatible with the apartment building and surrounding residential development.	Delete Condition #6. Applicant's plans include elevations of the proposed carports that comply with height and setback standards. Imposing a condition that materials are "compatible" with the apartment building and surrounding residential development is discretionary and thus not allowed with Needed Housing applications.
16, 30, 31,52, 53	7	Sidewalk and Southern Landscaping Strip - The width of the proposed sidewalk and planter strip located on the south side of the building shall be a minimum of five feet to comply with LDC Sections 4.10.60.06 (d) and (f). To comply with these standards, the applicant may reduce the width of the proposed building at the time of building permits, provided that the development standards established through this Planned Development Modification and the applicable standards of the Land Development Code (e.g. Pedestrian Oriented Design Standards and RS-12 zone standards such as building height, setbacks, lot coverage, and Green Area) are satisfied.	Delete Condition #7. It is redundant. Applicant increased the width of the sidewalk and planter strip to meet the code standards.
30, 31, 45, 47	8	Private Water Quality and Detention Facilities- Site drainage will be collected through a private storm drainage system consisting of catch basins and pipes and will be detained and treated for water quality per LDC section 4.0.130. Projects that cumulatively create more than 5,000 square feet of pollution generating impervious surface (pavement accessible to motor vehicles) are required to provide water quality facilities. The Planned Development shows detention facilities to mitigate impacts from site development. As part of the building plans the developer shall provide engineered calculations for applicable storm water quality and detention facilities, consistent with the proposed utility plan in the application, demonstrating compliance with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Due to existing slopes on-site and downstream property drainage concerns, infiltration facilities are not recommended.	Ok – Condition #8 is acceptable.

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38, 39, 44, 45, 46	9	Public Improvements - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Public improvements include but are not limited to a new hydrant lateral and water services. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80.	Ok – Condition #9 is acceptable.
39, 44	10	Setback Sidewalks - In accordance with LDC section 4.0.30, setback sidewalks shall be installed with development of the site.	Ok – Condition #10 is acceptable.
29	11	Parking Lot Improvements - The applicant will be required to obtain necessary building permits and install the parking lot consistent with the City's Off-Street Parking and Access Standards. All parking spaces and drive aisles shall be dimensioned to be consistent with the City's Off-Street Parking and Access Standards or ITE dimensions where shown on the applicant's Site Plan (Attachment "N"), except that the ADA accessible space shall meet City standards. Further reduction of the dimensions of parking spaces meeting ITE dimensions would be inconsistent with the City's Off-Street Parking and Access Standards.	Ok – Condition #11 is acceptable.
38, 45	12	Sanitary Sewer Service - With development of the site and building permits, the applicant will need to design a private sanitary sewer lift station for the site and provide verification of the existing service lateral sizing.	Ok – Condition #12 is acceptable.
23, 24, 33	13	Significant Tree Protection: With submittal of the building and site work permit applications, the applicant shall demonstrate that existing significant trees in the vicinity of construction will be preserved, as described in the applicant's Tree Management Plan (Attachment M) and per the arborist's report submitted with this application. Prior to issuance of building and site work permits, the applicant shall install tree protection fencing consistent with the standards in LDC Section 4.2.20.d and 4.12.60.f, and consistent with the arborist's recommendations.	Ok – Condition #13 is acceptable.

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All	14	<u>Landscaping Construction and Maintenance</u>: The following landscaping provisions shall apply to overall development of the site: Landscape and Irrigation Plans - Prior to issuance of building permits, and concurrent with site improvements (excavation, grading, utilities, and PIPC plans, as applicable), the applicant shall submit landscape construction documents for this site to the Development Services Division, which contain a specific planting plan (including correct Latin and common plant names), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site. Required landscaping shall be consistent with the Conceptual Landscape Plan submitted with this application (applicant's Attachment W), except that additional canopy trees shall be provided along both sides of the driveway up to the parking lot every 40 linear feet to comply with LDC Section 4.2.40.c, and additional landscaping in accordance with LDC Section 4.2.40.a shall be provided within the minimum five-foot wide landscaping buffer required between the fire and garbage truck accessway and the northern property line (see **Condition #18** below). Significant Trees to be preserved, as discussed in **Condition # 13** above, and methods of protection shall be indicated on the detailed planting plan submitted for approval. Where a particular plant or irrigation standard is not specifically mentioned below, the plans shall comply with LDC Chapter 4.2. Installation - All required landscaping and related improvements shall be installed as illustrated on the approved Landscape and Irrigation Permit, and shall be completed prior to issuance of a final Certificate of Occupancy. The installation will be inspected and approved by the Development Services Division, and shall occur prior to or concurrent with final inspections for site construction permits. Three-Year Maintenance Guarantee - Prior to final acceptance of the installation, the developer shall provide a financial guarantee to the City, as specified in LDC 4.2.20. Coverage within Three Years - All required landscaping shall provide a minimum 90 percent ground coverage within three years. Three-Year Maintenance Guarantee Release - The developer shall provide a report to the Development Services Division just prior to the end of the three year maintenance period, as prescribed in Section 4.2.20.a.3 of the LDC. The report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.	**Condition #14 is acceptable if modified.** Applicant revised site plan to replace garbage dumpster with a compactor eliminating need for a garbage truck to use the fire accessway. Condition #14 should be modified since the code only requires a landscape buffer along the perimeter of parking lots. At the end of the first paragraph, delete the following text: "and additional landscaping in accordance with LDC Section 4.2.40.a shall be provided within the minimum five-foot wide landscaping buffer required between the fire and garbage truck accessway and the northern property line (see Condition #18 below)."

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20, 21, 55, 56	15	Signs - This condition modifies condition# 3 from case PD-81-1, and is specific to the Tract B portion of the original 1981 DDP. All signs located on Tract B shall comply with the standards in LDC Chapter 4.7, and shall be approved by the Development Services Division as part of a sign permit application. Planning Commission approval for signs located on Tract B is not required.	Ok – Condition #15 is acceptable.
41	16	Fire Sprinklers for Building - The apartment building is required to have a fire suppression / sprinkler system. Plans submitted for building permit applications shall comply with the City's adopted Fire Code.	Ok – Condition #16 is acceptable.
17	17	Bicycle Signage - Required "unassigned" (LDC 4.1.20.k) bicycle parking spaces may be located within a common room, provided entry or directional signage is provided in accordance with LDC 4.1.70.a.4. The Dbicycle parking shown within the apartment building to meet the required minimum bicycle parking spaces (LDC 4.1.20.k) shall be located and maintained in common areas. Entry and directional signage shall be provided to direct bicyclists to parking within common areas of the building to comply with LDC Section 4.1.70.a.4.	Ok – Condition #17 is acceptable.
All	18	Changes to Access, Buffering, and Sidewalk on North Side of Building - The driveway to the north side of the building providing access for garbage collection vehicles shall be at least 20 feet in width, consistent with the City's Off-Street Parking and Access Standards. The proposed paving materials will need to be reviewed at the time of building permit. Where sidewalk located to the north of the apartment building parallels the vehicle circulation area, it shall be separated from the adjacent driveway by a six-inch raised sidewalk to comply with LDC Section 4.10.60.06.f. Additionally, all internal private sidewalks shall be at least five feet wide to comply with LDC Section 4.10.60.06.d. A landscape buffer along the northern property line between the driveway access and the northern property line shall be provided to comply with LDC Section 4.2.40.a. This area shall be landscaped as described in Condition #14. To accomplish these requirements, the apartment building dimensions may be modified, provided that the development standards established through this Planned Development Modification and the applicable standards of the Land Development Code (e.g. Pedestrian Oriented Design Standards and RS-12 zone standards such as building height, setbacks, lot coverage, and Green Area) are satisfied.	Delete Condition #18. It appears limited use of the fire accessway for garbage collection vehicles triggered a code requirement for a five-foot landscape buffer. Due to site constraints, it was not practicable to provide this buffer so the Applicant has replaced the trash dumpster with a compactor that will moved without a motor vehicle by maintenance staff thus eliminating the use of the fire access by garbage trucks and the needs for Condition #18.

55-56	19 optional	**Modification to PD-81-1 1 Condition 12** - The Regent Retirement Residence building shall be setback at a minimum of 27 feet from its southern property line. The Coronado Tract B apartment building shall be setback at a minimum of 56.5 feet to the southern property line and 25 feet from the northern property line.	**Delete Condition #19.** The Tract B apartment does not change the setback requirement for The Regent Retirement Residence and thus the Optional Condition #19 prepared by staff is unnecessary. The apartment building significantly exceeds the required setback along the southern property line and there is no basis for modifying the original Condition 12 in PD-18-11.
17	20	**Accessibility** - Compliance with Building Code accessibility requirements shall be satisfied with building permit(s). If compliance with accessibility requirements necessitates modifications to aspects of the Detailed Development Plan, a Planned Development Modification application may be required in accordance with LDC Chapter 2.5.	**Delete Condition #20.** This condition is redundant with the code sections delineating what circumstances will trigger the need for a minor or major Planned Development Modification.

ATTACHMENT D.9

Janene and Joshua Hall

3126 NW Autumn Street•Corvallis, OR 97330• Janene: 541-760-1553 • Joshua 541-758-8195
E-Mail : jmjdhall@yahoo.com

Rec'd @ PC mtg
Date 1/21/2015
City of Corvallis

Date: January 20, 2015

Corvallis Planning Commission:
Re: PLD14-00005

Dear Commission,

We have lived in our home for going on 12 years and are heavily invested in this home and land. We purchased it with the understanding that the lot being discussed was a designated set-back and would not have development. To then ignore this and make modifications would only benefit a select few and would negatively impact an entire community (At least three neighborhoods to be exact.) For whom does the City Council serve? Is it for public or individual private gains? Our neighborhood does not need at its heart a concentration of high-density living. Currently putting a complex just below us on the main thoroughfare of 9th Street makes sense. Putting apartment complexes en mass down by campus (although difficult to say goodbye to open space) makes sense. Putting one at the end of a narrow cul-de-sac is neither smart nor safe, and does not make sense. Furthermore, it is not needed in light of tremendous building that has gone on in Corvallis over the past year.

To build on the property that lies directly behind and above us would impact our family tremendously. We would have a tower looking down on us blocking a lot of our solar access. The foundation of the property would *begin* at the crest of the hill as visible from our large back windows. It would wreck our sense of privacy and safety, as we would have no capability to put up any barrier to that height! This is why the City of Corvallis denied the build when the (what is now The Regent) Retirement center wanted to build on this property, it is a strong reason why they denied it in 2013, and it is *still* the reason why we should continue to deny it. It was wrong back then, and it's ***still*** wrong.

Our property would depreciate with obvious detriment to our property. We would have our windows invaded with apartment light. Even at only 4 feet off the ground light would shine right down on us or block ***all*** solar access past 1pm in the Winter by the tremendous wall/fence proposed combination. Our yard and house foundation would very likely be negatively impacted by water run-off. The engineers can do their best, but we will not ***know*** for sure which way the waters will run until a mound of cement is placed directly above us. Since Mirador went in there has been increased water run-off despite the "fix" and our own attempts to corral it. We would not know who our neighbors are. For a Public Servant and Nurse of Benton County this is very concerning! We chose to purchased in a mature, developed part of town for this reason and have invested our future and fortune into this home.

Please help protect us. Please see there is no compelling reason to grant the requested variances and please block building on this property. We firmly state that the space ***is*** a set-back protected space, and should remain as such.

Sincerely,

Janene Hall
Joshua Hall

Rec'd @ PC mtg
Date 1/21/2015
City of Corvallis

Date: 1/20/15

To: Corvallis Planning Commission

From: Curtis Hubele, 688 NW Mirador Place, Corvallis OR 97330

Re: Testimony in Opposition to Tract B Apartment Application (PLD14-00005)

The applicant has applied for a Major Modification to the Regent Planned Development (PD-81-1). I am writing to the Planning Commission in opposition to the application because the proposed action is inconsistent with previous and current Corvallis Land Development Codes, previous relevant land use decisions, ORS Chapters 92 and 94, and is generally incompatible with the surrounding neighborhood and uses.

Incomplete Application

The application for the above land use decision is incomplete and should be rejected under Corvallis LDC 2.0.50.01 as an incomplete application because it does not contain the signed consent of all property owners in the planned development.

> ***2.0.50.01 - Acceptance of Application***
>
> *a. ...The applicant also shall be advised that the hearing authority will be unable to approve an incomplete application....*

This application seeks to add a new use type to the site (multi-family residential), increases noise, traffic, parking and other nuisances, reduces the available open space from 98,776 sq. ft. to 80,461 sq. ft. (reduction of 19%), reduces the future developable footprint of The Regent by 18,315 sq. ft., and would have the effect of reducing the Regent building setback from adjacent developed property to the south from 201 feet to 56.5 feet (a reduction of 72%). The above listed reasons combined with the fact that The Regent property consists of 76% of the total property within the subject Planned Development Modification, The Regent has a vested interest in this application

Corvallis LDC 2.5.60.03, 2.5.50.01 and 2.5.40.01 *(relevant sections included below for ease of review)* requires that the application be submitted and reviewed using the same requirements as a Conceptual Plan submission. This includes the requirement that the application include the signed consent of all owners of property contained within the Planned Development. While the owners of The Regent were provided public notice and apparently have not yet submitted testimony objecting to the proposal, their lack of testimony in opposition does satisfy the requirement that their signed consent is necessary to validate the application.

> ***2.5.40.01 - Application Requirements***
>
> *Applications shall be made on forms provided by the Director and shall be accompanied by:*
>
> *b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s)...*

In 2008, the applicant appealed the Major Modification of The Regent Conceptual and Detailed Development Plan to expand parking for The Regent (PLD07-00010) on the grounds that the appellant was requesting that the Planned Development also be modified to remove Tract B from the Regent Planned Development. That request was denied by the Planning Commission, then appealed and upheld by the City Council. In the letter of appeal, the applicant argues that a Detailed Development Plan cannot be changed without the consent of all owners of property under the Development Plan, stating that, "*if our property is part of the Detailed Development Plan, as the decision suggests, that plan cannot be changed without our consent*" *(see below).*

WILLAMETTE VALLEY PLANNING

June 17, 2008

RECEIVED
JUN 17 2008
Community Development
Planning Division

RECEIVED
JUN 17 2008
CITY MANAGERS
OFFICE

Ms. Kathy Louie, City Recorder
Corvallis City Managers Office
501 SW Madison Avenue
Corvallis, OR 97333

Subject: Appeal of The Regent Parking Addition (PLD07-00010, CDP07-00006, MRP07-00006)

Dear Ms. Louie:

We wish to appeal the Planning Commission's June 4th decision on the The Regent Parking Addition referenced above. Having submitted written testimony on behalf of Safe Equities LLC, we are considered an affected party with standing. On its face, the Planning Commission's decision affects Safe Equities LLC's interests and, if our property is part of the Detailed Development Plan as the decision suggests, that plan cannot be changed without our consent.

Due to its ownership of property contained within the Regent Planned Development, the applicant was given legal standing and appealed PLD07-00010 to request the removal of their property from the Planned Development. On July 21, 2008, the City Council denied the appellants request to remove Tract B from the Regent Planned Development boundary. As a part of that decision the City Council affirmed the Planning Commission's development related concern "H", which reads...

> **Tract B - Coronado Subdivision and Case PD-81-1** - The approval of case PLD07-00010 in no way alters the original boundary of case PD-81-1, except to the extent that Tract C of the Coronado subdivision is added. A major portion of Tract B of the Coronado subdivision is still located within the original Planned Development boundary as shown on the Official Zoning Map - Planned Development Overlay, and is subject to the 1981 Planned Development site plan and conditions.

As required in LDC 2.5.40.01, and as argued by the current applicant in their 2008 appeal of PLD07-00010, The Regent Detailed Development Plan cannot be changed without the consent of all owners of property within the Planned Development.

This application for a Major Modification of the Regent Planned Development does not include the signed consent of The Regent, the owner of the majority of the property contained within the Planned Development. Therefore, the application does not meet the application submission requirements of LDC 2.5.40.01 and must be **denied**.

Not a Lawfully Established Lot or Parcel

The current application narrative, page 1, paragraph 1, reads as follows:

> *"This is an application to develop ten multi-family units on a subdivided tract of land that is planned and zoned for that use..."*

However, Tract B has never been the subject of any subdivision, partition or other land use action establishing it as a lawfully established unit of land in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations, as required by the ORS Chapter 92 and Chapter 215. Tract B is a unit of land created solely to establish a separate tax account, or a "tax lot".

> *As used in ORS 92.010 to 92.192, unless the context requires otherwise:*
> *(3) "Lot" means a single unit of land that is created by a subdivision of land.* 2005 ORS 92.010

> *Under Corvallis LDC active at the time of the approval of the Coronado Subdivision (LDC 07/19/93, amended 12/02/02) a Lot is a unit of land created by a subdivision of land and intended as a unit for the purpose, whether immediate or future, or transfer of ownership and/or for development.*

In the narrative section on page 1 of the application for the Coronado Subdivision (ZDC05-00009/SUB05-00005) the applicant states that Tract B is not a subject of the application for subdivision, and is not proposed to be subdivided.

> *"The PD (RS12) portion appears to have been established when the Regent Retirement Residence was approved. Because this portion of the site appears to have a previously approved Detailed Development Plan, the applicant is proposing to leave this portion of the property in a separate tract that is not proposed to be subdivided."*

Under the Coronado Subdivision, the applicant never applied for a land use action for Tract B other than "to leave this portion of the property in a separate tract that is not proposed to be subdivided". Tract B is tax lot under 2005 ORS 215.010(d) as it is a "unit of land created solely to establish a separate tax account", but it is not a "lot" or "parcel" in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations as required by 2005 ORS 215.010(B). Tract B was excluded from the land use approvals for the Coronado Subdivision other than the requirement to preserve Significant Trees.

The owner's intent that Tract B not be considered a lot or other legally conforming parcel subject to the plat approval of the Coronado Subdivision is confirmed just 97 days after the recording of the Coronado Subdivision final plat when the owner applied for a Zone Change (ZDC07-00005) for Tract B. In that application, the applicant affirms that Tract B was not intended to be created as a legal lot with the recording Coronado Subdivision final plat (SUB05-00005) or subject to any subdivision approvals. On page 2 of the application in the section titled "Background" the applicant states,

> *"2007 – Benton County recorded the Coronado Subdivision which included Tract B as the subject property, but not as a lot within the subdivision".*

Page 4, of the same application (ZDC07-00005) reads,

> ***"There must be no active Detailed Development Plan on any part of the site. An active Detailed Development Plan includes one which has a final Subdivision or Partition plat filed and recorded;***
>
> > *"The land division performed under the Coronado Subdivision Plat has no impact upon this request, as the subject site was established as a tract and not a lot through the subdivision process, to meet the state's needed housing." (applicants response).*

As demonstrated above, Tract B was excluded from the subdivision application, review and approval at the request of the applicant. As a result the separate tax lot or "tract" was created, but not a legally conforming "lot". The applicant affirms that intent in application for ZDC07-00005. Tract B is not a "lot", rather, it is a separate tax lot created in its current configuration by the subdivision declarant after the subdivision of all other property able to be developed outside the Regent Planned Development.

- Tract B was excluded from the Satinwood Subdivision application and approval, except as a landscape maintenance and tree preservation tract, its use under the Regent Planned Development approval.

- There has never been any other land use application, such as a Minor Replat or other land use application to establish Tract B a legally conforming unit of land.

- Under Oregon land use law ORS Chapter 92 and Chapter 215, Tract B is not a "Lot", "Parcel", or "unit of land created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations".

- Tract B is a "tax lot" created to allow the applicant to retain ownership and to establish a separate tax account for that portion of the original property excluded by the applicant from the Coronado Subdivision application due to its inclusion in the Regent Conceptual and Detailed Development Plan.

As Tract B is a "tax lot" and not a lawfully established unit of land, the proposed development of this tract must be **denied.**

Required Open Space/Setback Area

The subject area identified as Tract B of the Coronado subdivision is also identified as **both** a required minimum 135 foot open space/building setback from the southern property line and a 100 foot required setback from the eastern property line in the Regent Conceptual and Detailed Development Plan.

Tract B has been confirmed multiple times throughout the past 33 years as both an historic and currently defined open space/building setback area which was required as a condition of approval for the Regent Planned Development (DC-81-2/PD-81-1) for which the applicant is now requesting a Major Modification of the Detailed Development Plan.

Original Intent

This land use application would change the approved use of the Tract B portion of the Regent Planned Development from the original approval as a required open space/building setback area to a 10-unit multi-family apartment complex. A Major Modification to a Planned Development Detailed Development Plan cannot change the intent of the original conditions of approval.

> ***Planned Development Modification (Major):*** *Land use process that provides an opportunity to allow flexibility with regard to site planning and architectural design for previously approved Conceptual or Detailed Development Plans. Such flexibility is in excess of the thresholds that define a Minor Planned Development Modification and provides benefits within the development site that compensate for requested variations from the approved Conceptual or Detailed Development Plan such that the intent of the original approval is still met. (2005 LDC 1.6.30)*
>
> ***2.5.60.01 - Purposes of a Planned Development Modification***
>
> *a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conceptual or Detailed Development Plans; and*
>
> *b. Provide elements within the development site that compensate for requested variations from approved Conceptual or Detailed Development Plans such that the intent of the original approvals is still met. (2005 LDC 2.5.60.01)*

Required Permanent Open Space

The intent of the 135 foot and 100 foot setback requirements is to provide adequate permanent open space as a buffer or transition zone between the large congregate care facility and the abutting single family residential use to the south.

The original 1980 Congregate Care Center application (PD80-9) was denied by the Planning Commission because:

> III. Due to the scale of the proposed structure, in conjunction with nearby development (Elks Club Lodge, Good Samaritan Hospital and adjacent facility approved through the Planned Development Modification for the Novare Planned Development), a suitable balance between the proposed structure and open space was not provided. The proposed development would be disproportionate to the overall site area.

A second application was then filed in 1981with adjustments having been to the building scale, required setbacks, and increased permanent open space around the building.

In the revised 1981 application for Zone Change and Detailed Planned Development designated as DC-81-2/PD-81-1, the applicants state that they selected the site layout and overall design because:

- "...the large amount of open space that can be maintained around the building"
- "...the Elks (Regent) congregate care building has been designed so that it works well with the surrounding single family use"
- "Over the course of the past several months, this design has gone through a substantial amount of public review and input that has resulted in the current proposal"
- "The design for the site has been carefully reviewed and amended so that the surrounding facilities and structures to be created blend well into the surrounding area and are not incompatible with single family housing to the east or south"

City planning staff then recommended and the planning commission ordered (PC Order 81-23) under condition of approval #12, "The building shall be set back... no less than 135 feet from the south property line... Other applicable setbacks are included on the site plan". The Planning Commission also adopted the Staff Finding of Facts which states, "...the applicant has substantially improved the appearance of the structure and its relationship to the site and surrounding uses..., and the applicant has provided more open space surrounding the structure, decreasing visual impact".

Under the 1980 Corvallis LDC active at the time of the original 1981 Planned Development application and approval, the term "Open Space" was defined as:

> *"**Open Space** - Areas intended for common use...designed for outdoor living and recreation or the retention of an area in its natural state."*

Our current LDC definitions define "Open Space" as:

> *"**Open Space** - Undeveloped or predominately undeveloped land, including waterways, in and around an urban area. Open Space lands are reserved for general community use, and include parks, preserves... and <u>other areas permanently precluded from development.</u>"*

Under both the 1980 Corvallis LDC and the current codes, the required open area/setback is required to be maintained as a <u>permanent</u> open area.

> Per 1980 LDC 204.04.08 – Open Area, Landscaping and Screening (RS-12)
> *"A minimum of 40 percent of the gross lot area shall be developed as <u>permanent</u> open area. Landscaping shall consist of ground cover, ferns, trees, shrubs...*

In the 6/22/88 Letter from Elizabeth Papadopoulos - Engineering Services to Joseph Kasper – Assistant Planner regarding MLP88-2 (Corvallis Archives "Dispositions" for MLP88-2), there are two significant findings of fact. The first is that ***"in 1986 and 1988 additional tax lots were created without minor land partition approval. One of these tax lots (Regent) has now been sold, in effect, making it a separate parcel."***

> The Elks BPOE is proposing to create three parcels on the site currently containing the Elks Lodge and the Regency, a congregate care facility. The site originally consisted of two parcels (and two tax lots) but in 1986 and 1988 additional taxlots were created without minor land partition approval. One of these taxlots has since been sold, in effect, making it a separate parcel. The conditions for this proposed partition include items that will meet our concerns regarding the the earlier parcel creation.

The second, finding is that ***"the land to the south of the regency parcel was intended to serve as open space for the Regency. Thus the southern boundary of parcel 2 (Regent) should be extended to the south to include the open space".***

> Proposed parcel 2, which would contain the Regency is already a single tax lot (tax lot 1101). However, the land to the south of the regency parcel was intended to serve as open space for the Regency. Thus the southern boundary of parcel 2 should be extended to the south to include the open space. In addition easements for the extension of public sewer and water to parcel 3 are needed.

Planned Development/Permanent Open Space Requirement Still Applies to Tract B

Various Planning Commission, City Council and City Planning Staff decisions over the years have repeatedly affirmed the original intent of the building setbacks across Tract B to be preserved as permanent open area.

In the staff report during the July 21, 2008 City Council PLD07-00010 appeal hearing Assistant Planner Yaich states the following:

- From the approved drawings, the Conditions of Approval, and the 1981 staff findings, it is apparent that Tract B was part of the 1981 DDP, as evidenced by the PDO boundary on the Zoning Map reflecting the 1981 boundary.
- The final 1981 Planning Commission approval included the property south of the Regent building as part of the open space and building set-back for the approval. A 1981 Condition of Approval indicated a 135-foot distance between the Regent building and the southern property line. The southern property line referenced in 1981 is the current southern property line of Tract B.

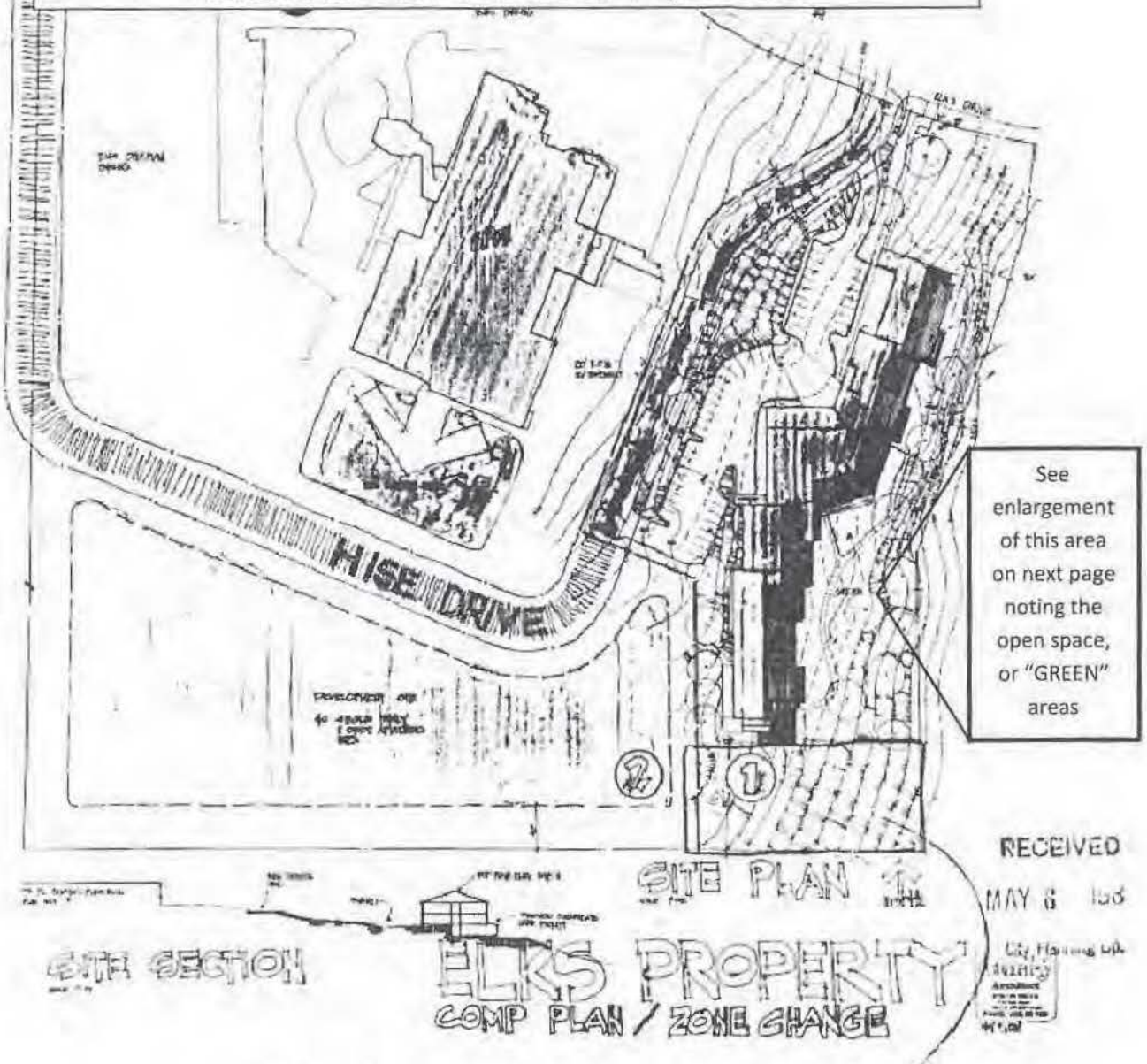
During the May 21, 2008 Planning Commission hearing for PLD07-00010

> Commissioner Hann said he remembers that there was a lot of discussion about Tract B by the neighborhood at the time of consideration of Coronado Subdivision, related to assertions made during the 1981 approval process. Planner Yaich said that any applicant for developing Tract B would have to address the 1981 Condition of Approval that assumed an open space area between the Regent building and the south property line.

8/1/83 BUILDING PERMIT

Green Area and Landscaping to be installed with Construction

Source: Corvallis Archives MLP88-00002 Map Site Section

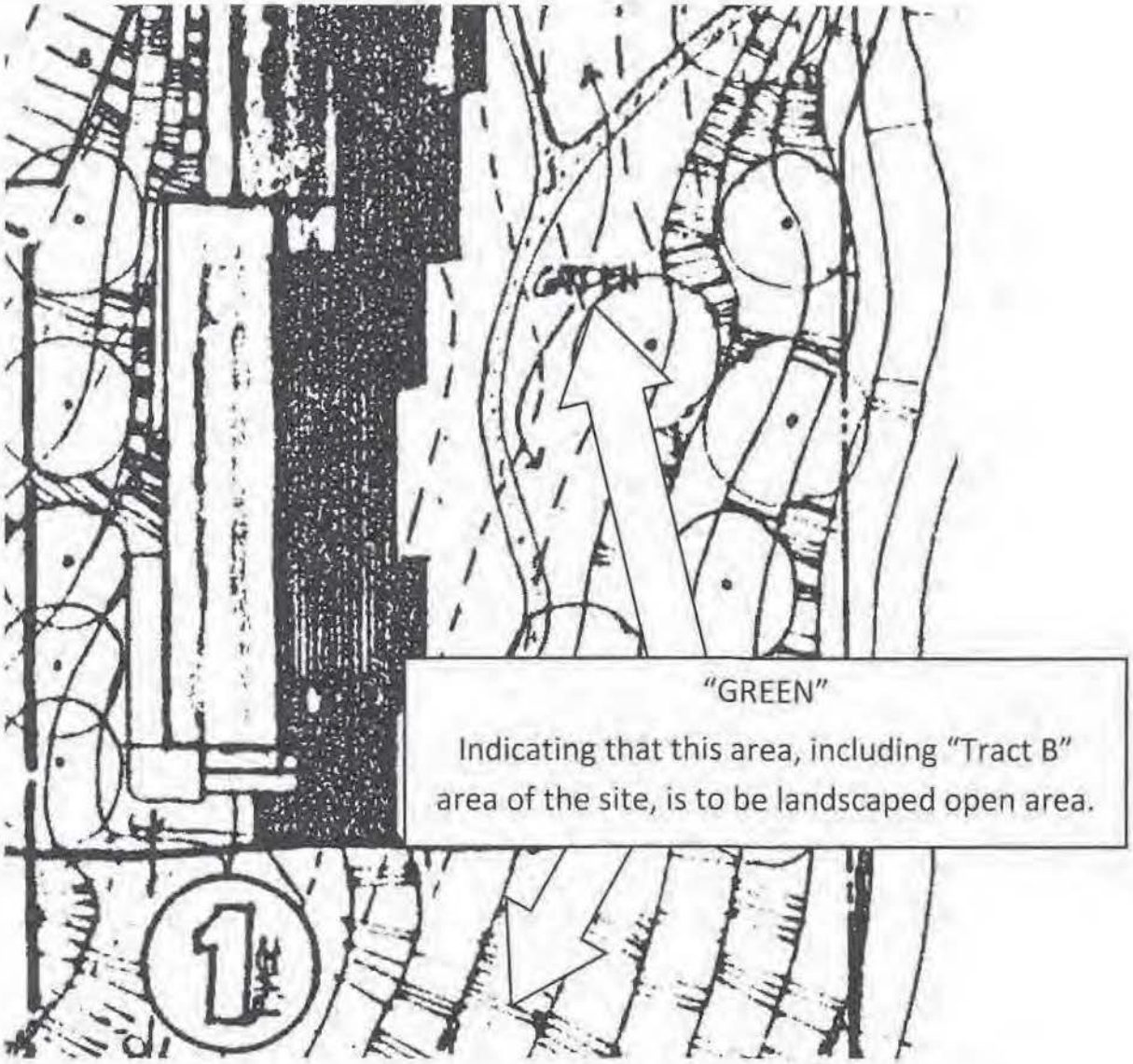


PART 1 8/1/83 BUILDING PERMIT IS TO 1. ROUGH GRADE THIS AREA
2. PLANT TO A TALL FESCUE TURF TO BE MAINTAINED BY CONGREGATE CARE
3. PLANT A FEW ASPEN IN AREA TO MAKE TRANSITION FROM CARE FACILITY TO UNIMPROVED AREA

Part 1 8/1/83 Building Permit
is to 1. Rough grade this area
2. Plant to a tall fescue turf to be maintained by Congregate Care (non-irrigated)
3. Plant a few aspen in area to make transition from care facility to unimproved area.

Permanent open space was required at the time the Regent Planned Development was approved in 1981, was still valid in 1988, and continues to be valid today. Tract B is a portion of the required permanent open space and was developed and landscaped along with the construction of the Regent Building in 1985. A careful review of the Regent Approved Site plan required for the 8/1/1983 Building Permit (previous page) reveals the original intent that these open areas to the east and south (now Tract B) of the Regent building were required to be landscaped open space or "Green" areas.

8/1/83 Building Permit landscape plan showing "GREEN" open areas to be planted with construction of the building.



The required setback/permanent open areas (including Tract B) were fully developed and landscaped as required by Condition #12 of PLD81-1 and the necessary building permits (see photos on next 2 pages).

ATTACHMENT D.20

1985 Photo of Regent Planned Development Area

Tract B area (photo right) has been fully developed, graded and landscaped, as required.

1985 Photo of Regent Planned Development Area

Tract B area (photo right) is fully developed, graded and landscaped, as required.

Note the large Douglas fir tree just south of the Regent building (#122 on Arborist's Report) and the large trees along the south property line (right). These trees have been on the site for more than 50 years and are now proposed to be removed for the Tract B Apartments.

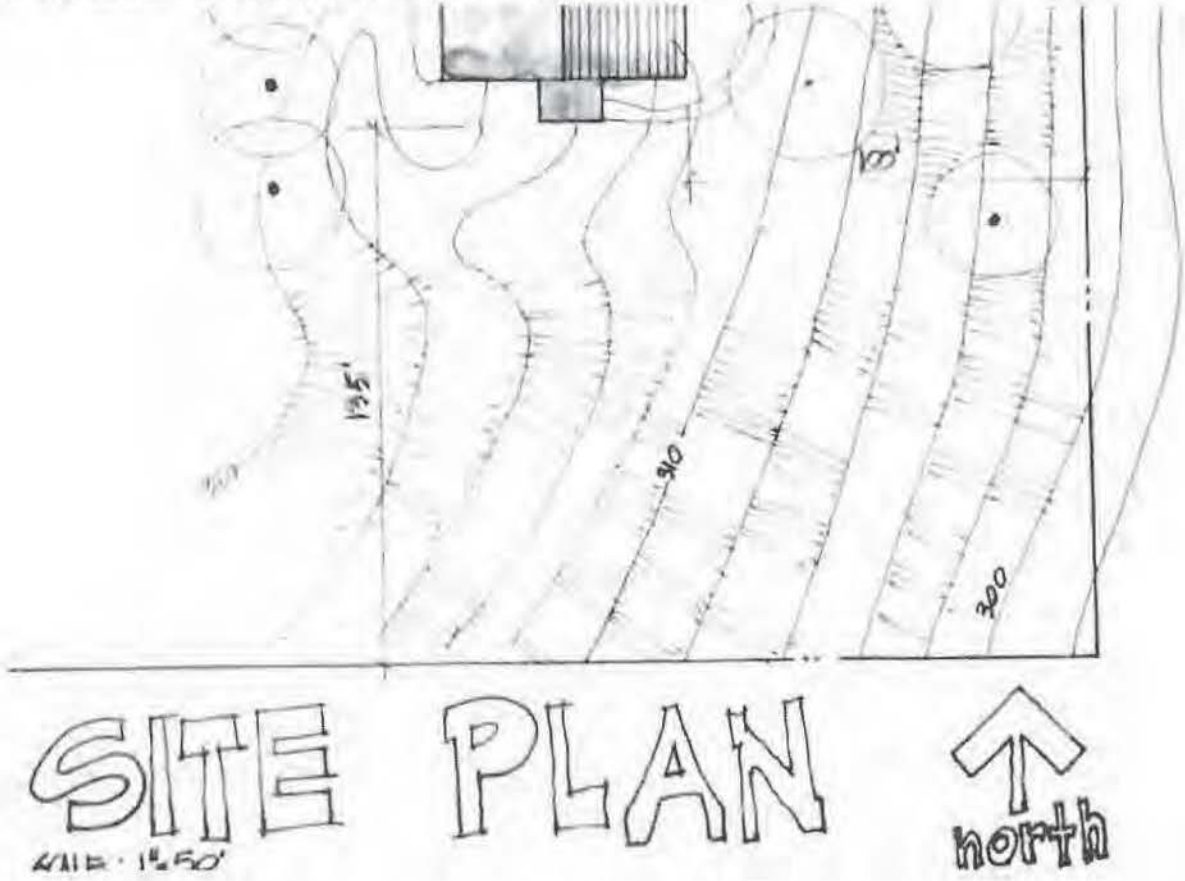
The applicant now proposes to modify the original condition of approval requiring that the Tract B remain as permanent open space and change it to a multifamily apartment complex. As this clearly does not meet previous code and current code requirements for permanent open space, and does not meet the original intent of the planned development approval, this application must be **denied** under LDC 2.5.60.01.

Site Setback Requirements

While the status of the property now defined as Tract B is clearly dedicated as a required permanent open space for the Regent Planned Development, and a dedicated landscape and tree preservation tract for the Coronado Subdivision, it is also within two required building setback lines areas for the Planned Development in which no building may occur.

Condition of Approval #12 has more than one effect upon the site. It required the placement of the Regent building a specific minimum distance from the property line, but it also states that, "Other applicable setbacks are included on the site plan". Under the definition of a setback in the applicable 1980 LDC Section 1.6, a setback is the minimum allowable horizontal distance from a property line to the nearest vertical wall of a building or structure, that is any building or structure, not just the original Regent building. These other setbacks are not specific to the Regent building, but apply to any building on the site.

A careful review of the approved site plan (below) shows that there are at least two "other applicable" site development setbacks noted on the plan in the area of Tract B. One is the 135 foot setback from the southern property boundary and the other is a 100 foot setback from the eastern property boundary of future Tract B.



The staff report during the June 4, 2008 Planning Commission meeting concluded that the setbacks across Tract B are still valid and *"compatibility was a major issue with property owners to the south, and that is where the setback condition came from."*

> Planner Yaich said staff feels that, while the property ownership is separate due to the 1985 land partition, the scope of the 1981 Planned Development approval and the Detailed Development Plan would still incorporate Tract B, because it falls within the Planned Development boundary and because there is a specific Condition of Approval that spells out a setback for that area.
>
> In response to inquiries from Commissioner Howell, Planner Yaich drew attention to the area of Tract B in Attachment F of the staff report, and to Condition of Approval 12 in Attachment E, which has wording related to building setback from the south property line. This condition, coupled with the site plan approval, would lock in that area of the site as part of the original Planned Development. When the 1985 land partition was approved, there was no physical change to the development site. Staff interprets Condition 12 as referring to the south property line of the Planned Development without respect to property ownership. A Major Modification to the original Planned Development would be necessary to remove that part of the site from the original Planned Development boundary. It is clear from the record of the 1981 approval that compatibility was a major issue with property owners to the south, and that is where the setback condition came from.

Condition #12 from the 1981 Planned Development approval which refers to the 135-foot and 100-foot open space/site setbacks from the southern and eastern planned development boundary have been contested by the applicant several times over the past several years and has been affirmed each time; most recently by the Corvallis Planning Commission under land use case PLD 12-00005 and PLD07-00010. PLD07-00010 was then appealed and the Planning Commission decision was upheld by the Corvallis City Council on July 21, 2008. In order 2008-072, the City Council affirmed that Tract B is subject to the original "site plan and conditions".

The scale of the Regent Building in relation to the residences to the south and east, the compatibility of the site with the adjacent uses, and the need to maintain an appropriate residential density in compliance with the Comprehensive Plan policies and applicable zoning is what led to the required site setbacks and open space requirements in the original Regent Conceptual Plan.

The requested Major Modification of the Detailed Development Plan can only be approved if it is found to be in compliance with the Conceptual Plan and the intent of the original approvals is still met. The applicant's request to change the original approved use of this area from an open space/building and site setback area to a 10-unit multi-family apartment complex violates the intent of the original intent of the original approval. Therefore, under LDC 1.6.30 and LDC 2.5.60.01, the application for a Major Planned Development Modification **must be denied**.

Maximum Allowable Zoning Density

A review of the 1981 land use decisions (PD81-1/DC 81-2) shows that the Regent Planned Development was zoned RS-12 to allow for the Group Residential use, but assigned a Medium Density designation to limit the density of development on the site to maintain compatibility with adjacent uses. The subsequent land partitions and Comprehensive Plan amendments have served to maintain site compliance with density requirements of the zoning (RS-12) applicable to the Regent Planned Development site.

The current RS-12 zoning allows a maximum of 20 dwelling units per acre. The Regent apartment building has 82 individual dwelling units, as defined under previous and current codes. The entire Regent Planned Development site as it is currently configured, including Tract B, has a land area of just over 4.02 acres. The 82 dwelling units sited on a 4.02 acre planned development site results in a site density of 20.4 dwelling units per acre, or 20 units per acre when rounded to the nearest unit. The Regent Planned Development currently complies with the maximum allowed density under the Comprehensive Plan.

Removal of the Tract B from the Regent Planned Development site would result in a site density for the remaining Regent portion of 27 dwelling units per acre, exceeding the allowable site density by 36%. Retaining Tract B in the Regent Planned Development and allowing the current application for 10 additional dwelling units would result in a overall site density of 23 units (rounded) per acre, or exceeding the maximum site density by 14%. Any Planned Development Modification to either reduce the size of the Planned Development or to add additional units would exceed the maximum allowed density for the site zoning under the Comprehensive Plan and **must be denied.**

Significant Vegetation/Trees

Corvallis LDC 4.2.20(d)(1) requires that Significant Trees should *"be preserved to the greatest extent practicable and integrated into the design of a development"*. The current proposal would remove 15 of the 26 Significant Trees on the proposed apartment site. Removal of 58% of the Significant Trees cannot be interpreted as preserving "to the greatest extent practicable" the existing Significant Trees. The site design has not been configured in manner allow integration of the existing Significant Trees into the site plan.

There are many alternative ways in which the site could have been designed to preserve the existing Significant Vegetation, such as possibly using the site topography to locate vehicle parking underneath the units, or proposing to develop fewer units on the site consistent with the Medium Density designation of the site. For example, a proposal to build four assisted-living units would be more consistent with the site's current Planned Development and would require far fewer parking spaces and lot coverage, allowing preservation and integration of the Significant Trees (and probably far fewer neighborhood objections to the proposed Modification)..

On page 24 of the Planning Commission Staff Report for this proposal (PLD14-00005), staff error in determining that two Significant Trees on Tract B are not intended to be preserved as a part of the Coronado subdivision approval. Item 9 from page 24 of the Staff Report reads as follows:

> *"Staff note that the Coronado subdivision approval contains a discrepancy between the condition of approval requiring protection of 13 trees on the subject Coronado site, and the drawing referred to as "Attachment G-46", which appears to illustrate two additional existing Significant Trees on Tract B and identifies in the legend those trees as "Existing Trees To Be Saved". It is not clear in looking at Attachment G-46, whether the additional two trees are intended to be preserved,* ***other than their illustration appears to match the legend item.*** *After a detailed review of the record for the Coronado subdivision approval including discussion in the staff report and application materials for that approval (Attachment C, page 126), Staff believe that it was intended that only two of the four Significant Trees identified on Tract B are affected by the condition of approval.* ***This is primarily based on a description in the staff report that states "...a total of 13 significant trees will be preserved, all of which are located along the boundaries of the site.***
>
> *Staff find that the two additional trees located in the north side of Tract B (Trees # 119 (Plum) and 122 (Douglas Fir) in this application) and illustrated on Attachment G-46 are not intended to be preserved.*

I have bolded two statements in the staff report that are particularly flawed and will address those below.

> *"It is not clear in looking at Attachment G-46, whether the additional two trees are intended to be preserved, other* ***than their illustration appears to match the legend item.***"

If the illustration of the trees matches the legend item for "Existing Trees To Be Saved" on the map legend for the final approved landscaping plan for the subdivision, then by definition they are to be saved. The two trees are also identified as "Existing Trees To Be Saved" on both the final approved Coronado Landscape Plan and the Coronado Grading and Tree Preservation Plan (available as APPROVED PLANS FOR ORDER #2006-025 under ZDC05-00009 on the city archive website).

The two trees in question, noted on the arborists report at #119 and #122, are also shown on the final approved Landscape Plan approved for the Coronado Subdivision in 2007 (LND07-00001) on as "Existing Deciduous Tree to be Preserved" (#119 – Plum on current arborist report) and "Existing Evergreen Tree to be Preserved" (#122 – Douglas Fir on current arborist report).

As evidenced by the approved Coronado Landscape Plan and the approved Grading and Tree Preservation Plan as a part of the approval of Coronado Subdivision (SUB05-00005) in 2005, and the final Landscape Plan approval for the subdivision in 2007 (LND07-00001), the two Significant Trees in question were intended to be protected and Preserved

> *"After a detailed review of the record for the Coronado subdivision approval...Staff believe that it was intended that only two of the four Significant Trees identified on Tract B are affected by the condition of approval.* ***This is primarily based on a description in the staff report that states "...a total of 13 significant trees will be preserved, all of which are located along the boundaries of the site.***

These two trees are located along the boundaries of the site. The Douglas Fir #122 is within 10 feet of the boundary and the Plum #119 is located less than 20 feet from the site boundary.

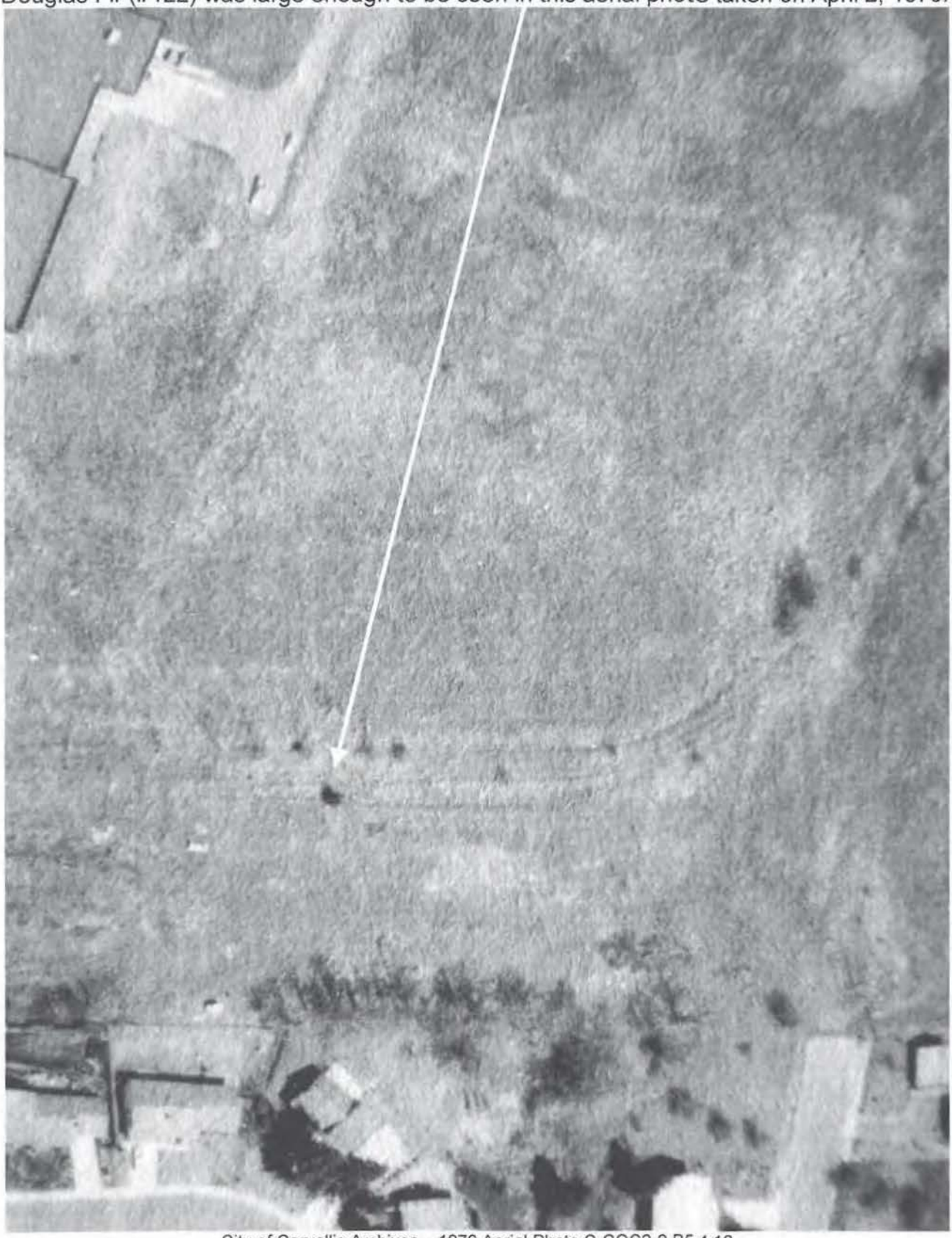
Douglas Fir (Tree #122 on Arborist Report)

It is particularly concerning that the applicant and staff find that the large Douglas Fir identified as tree #122 on the arborist report is not a Significant Tree to be preserved. This tree is over 65 feet tall, 40 feet wide, and is more than 50 years old. It can be seen throughout the surrounding neighborhoods and visually screens the south side of the Regent building from surrounding areas.

This tree predates the construction of the Regent Retirement Residence in 1983 and was a tall, large diameter tree protected during construction of the Regent from 1983 to 1985. This tree can be seen in the aerial photo taken in 1985 (Page 10 and 11 of this written testimony), shortly after the completion of the Regent. It is observed to be a large, tall tree creating a long shadow on the ground just to the south of the southwest corner of the Regent building.

City of Corvallis Archives – 1985 Aerial Photo, Flight Line 6, Image #7

Douglas Fir (#122) was large enough to be seen in this aerial photo taken on April 2, 1976.

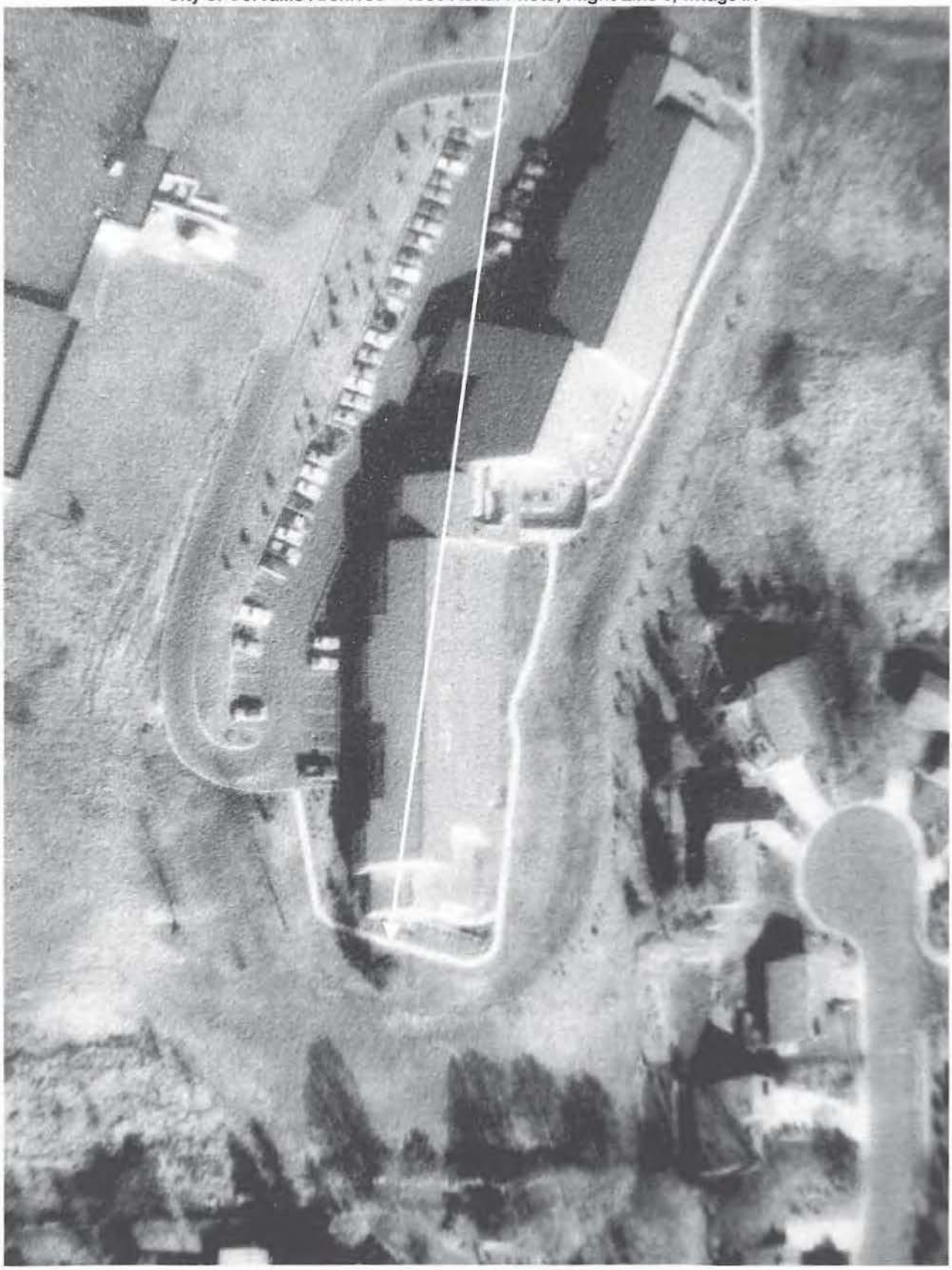


City of Corvallis Archives – 1976 Aerial Photo C-COC2-9 B5-4-10

Douglas Fir (#122) as seen in the aerial photo taken in 1982.

Aerial Photography by WAC Corp. T11S, R5W, Sec. 23 1982-83

Douglas Fir (#122) as seen in aerial photo taken in 1985.
City of Corvallis Archives – 1985 Aerial Photo, Flight Line 6, Image #7



Photos of Douglas Fir (#122) as it appears today.

ATTACHMENT D.30

It is important to note that this Douglas fir:

- Is over 65 feet tall, 40 feet wide, and is more than 50 years old,
- Was on the site in 1976, prior to construction of the Regent, and was protected throughout the construction process,
- Was designated as a Significant Tree to be preserved as a condition of approval under for the Coronado Subdivision (SUB05-0009),
- Was designated as a Significant Tree to be preserved on the approved Landscape Plan for Coronado Subdivision (LND07-00001),
- Was identified as a Significant Tree and required to be in the Arborist report required for BLD08-01196 and PLD07-00010 the previous Major Modification of the Regent Planned Development to expand parking, and
- Is identified a tree #122, to be removed, in the current arborists report for the proposed Tract B Apartments.

The current Arborist Report and Tree Management Plan (attachment "M" of the subject application) identifies tree #122 (the Douglas Fir) as a 32 foot tall tree, to be removed, in only "fair" condition. However, the casual observer can see that the identified tree is far taller than 32 feet and appears to be quite healthy. The Arborist Report required under PLD07-00010 Regent Parking Expansion identifies the same tree as being greater than 65 feet tall and in "good condition" (see attached Arborist Report for BLD08-01196). These inconsistencies call into question the validity of the entire proposed Tree Management Plan, as it seems to be significantly skewed in favor of tree minimization and favors tree removal over integration into the site development plan, as required

Corvallis LDC 4.2.20(d)(1) requires that Significant Trees should *"be preserved to the greatest extent practicable and integrated into the design of a development"*.

Corvallis LDC 4.2.20(d)(2)(b) requires that *"Where the preservation of Significant Trees or Significant Shrubs is required by this Code, by a particular proposal, and/or by Conditions of Approval, no development permits shall be issued until a preservation plan has been reviewed and approved by the Director. The preservation plan shall be developed by a certified arborist and shall comply with the purposes clause and specific standards in this Chapter and any proposal(s) and/or Conditions of Approval that apply to the particular project."*

The proposed project does not make any reasonable effort preserve the majority of the existing Significant Trees on the site "to the greatest extent practical", and the proposed site design does not effectively integrate the existing trees into the design of the development. The proposed project does not comply with LDC 4.2.20(d)(1) or LDC 4.2.20(d)(2)(b) as required under LDC 2.5.40.04(a)(14) Compatibility Factors - Preservation and/or protection of Significant Natural Features, and must be **denied.**.

Variances and Pedestrian Oriented Design Standards

The applicant has requested two variances from code requirements for the proposed development. The requested variances are for conditions which are the result of site conditions which the owner/developer created when the Tract B was originally platted. It is a fundamental tenant of planning that variances from development standards cannot be granted for self-created conditions. These are self-created conditions which should prevent the granting of any variances.

Tract B was created by the applicant or his predecessor in its current configuration with the recording of the Coronado Subdivision Plat. If the configuration of Tract B now renders it an undevelopable tract, then this condition was created by the original subdivision developer, for whom the applicant is a successor. The applicant is requesting a variance from a self-created condition which should prevent the granting of any variations. Therefore, the application should be denied.

Pedestrian Oriented Design Code Violation **(No Variance Requested)**

The applicant has proposed to place the too narrow "accessway" between the proposed building and the street (NW Mirador Place) to which the buildings are primarily oriented. This is in direct violation of LDC 4.10.60.01(a)3, which states,

> *"Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented."*

The proposed development does not comply with applicable code and no variance has been requested.

Tract B was created by the applicant or his predecessor in its current configuration with the recording of the Coronado Subdivision Plat. If the configuration of Tract B now renders it a difficult to develop tract, then this condition was created by the original subdivision developer, for whom the applicant is a successor. The applicant is requesting a variance from a self-created condition which should prevent the granting of any variations. Therefore, the application should be **denied**.

Coronado Subdivision Approval and Home Owners' Association

Tract B is a tract noted on the Coronado Subdivision Plat. This subdivision was approved under Planning Commission Order #2006-025 as ZDC05-00009/SUB05-00005. The associated Conditions of Approval designate Tract B as a Tree Preservation and Landscape Maintenance Tract to be perpetually maintained by the Coronado Home Owners' Association.

The Coronado Home Owners' Association CC&Rs and Association Bylaws were originally recorded in Benton County as document number 2007-423440, subsequently replaced by document recorded as 2010-468791. A review of these documents reveals the intent of the original approval and the declarants to designate Tract B as a permanent Tree Preservation and Landscape Maintenance Tract to be maintained as a Common Maintenance area by the Coronado Home Owners' Association.

Condition of Approval #2

Tree Preservation and Replanting – As proposed by the applicant and shown on Attachment G-46, 13 existing significant trees will be preserved on the subject site.

Condition of Approval #3d Landscape Installation and Maintenance

Home Owners' Association Landscape Maintenance Responsibilities – "The Home Owners' Association created for this subdivision will be responsible for the perpetual maintenance of landscaping within the following areas:

5. Tract 'A', Tract 'B', and Tract 'C'."

Condition of Approval #4 Review of Home Owners' Association CC&Rs

"A Home Owners' Association shall be established to help assure appropriate maintenance of… the landscaped areas within the subdivision… The Homeowners' Association's CC&Rs or bylaws shall include language from each of the following Conditions of Approval:

Condition of Approval No.2 – Tree Preservation and Replanting

Condition of Approval No. 3, Part d – Home Owners' Association Landscape Maintenance Responsibilities"

From the above references, it is clear that the maintenance of Tract B as Tree Preservation and Landscape Maintenance tract was an important consideration of the Planning Commission in approving the Coronado Subdivision in 2006.

Coronado Subdivision CC&Rs

The original approved Coronado CC&Rs were recorded in Benton County as document 2007-423440 (Attachment H). The Coronado Subdivision was originally intended to be exclusively single-family residences. The first sentence of the CC&Rs which were required as a condition of approval to be reviewed and approved by the City prior to recording states the intent of the subdivision:

"Now, therefore, Declarant hereby declares that the purpose of these covenants and restrictions is to insure the use of the property for attractive single-family residential purposes only…"

The next paragraph reads…

"No lot shall be used except for single family residential purposes… No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling…"

The original approved CC&Rs were subsequently amended in 2010 and the new document recorded in Benton County as document 2010-468791.

"Residential Use – All Lots and Units shall be kept and maintained primarily for single family residential purposes."

The 2010 amended CC&Rs supersede and revise statements made on the plat map and make several important changes relating to the status of Tract B as a Common Maintenance Area.

*"**Common Maintenance Areas" shall mean any** areas within public rights-of-way, **Tracts**, easements (public or private) **or other property that the board is required to maintain...for the common benefit of the members**" (Page 3, Section 1.5)*

*"The Association shall establish a Maintenance Fund composed of annual maintenance assessments and shall use the proceeds of such fund in providing for normal, recurring maintenance charges for **Common Maintenance Areas for the use and benefit of all members of the Association.**" (Page 8, Section 3.4)*

*"**From the date of responsibility for any Common Maintenance Area vests in the Association**, the Association may purchase and carry a general public liability insurance policy for the benefit of the Association and its members." (Page 11, Section 5.1)*

*"Without limitation to the Association's overall maintenance and other obligations, **the Association will permanently maintain and repair the Common Maintenance Areas depicted on the plat**..." (Page 11, Section 5.2)*

The 2006 Corvallis Land Development Code applicable in 2010 at the time of the recording of the amended CC&Rs defines a "tract" as follows:

*"**Tract** - A piece of land created and designated as part of a land division that is not a lot, lot of record, or parcel. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private access tracts, private street or alley tracts, tree preservation tracts, landscaping or common area tracts, environmental resource tracts, and open space tracts, etc." (underline emphasis added)*

Taken together, it is clear that Tract B is defined as a Common Maintenance Area in the amended CC&R's, as well as a "Tract" under the Corvallis LDC in effect at the time the revised CC&Rs were recorded. As such, it is "not a lot, lot of record, or parcel"; rather, it is a "tree preservation tract", "landscaping or common area tract", "and open space tract" dedicated for that purpose as a condition of approval under the Coronado Subdivision approval and its previous designation as a building setback/open area under PD-81-1.

Tract B cannot be developed as proposed due to its status as a tract (not a lot, lot of record, or parcel) under the management and control of the Coronado Home Owners' Association as a Common Maintenance Area, as defined by the CC&Rs and required by the Conditions of Approval for the Coronado Subdivision, as well as it being a required building setback/open area required for the Corvallis Congregate Care (Regent) Center PD-81-1. For these reasons, application 2012-00005 must be denied.

Oregon Revised Statutes

ORS Chapter 92

Tract B was not intended to be a legal lot or parcel at the time of the creation of the tract when the Coronado subdivision was recorded. If the original developer had intended to designate the tract as a legal lot or parcel he would have numbered the tract on the plat map, as require by ORS 92.050

> ***"92.050 Requirements of survey and plat of subdivision and partition.*** *(1) A person shall not submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.*
>
> ***(b) Each lot or parcel is numbered consecutively"***

Tract B was not designated by the developer as a lot or parcel, instead it was labeled as a tract with specific purpose as stated in the Conditions of Approval and CC&Rs.

ORS Chapter 94

The Coronado Subdivision was declared in both CC&Rs and Association Bylaws to be for single-family residential uses only (see ORS 94.580(m) below).

> ***94.580 Declaration; recordation; contents.*** *(1) A declarant shall record, in accordance with ORS 94.565, the declaration for a planned community in the office of the recording officer of each county in which the planned community is located.*
>
> *(2) The declaration shall include:*
>
> *(e) A legal description, as required under ORS 93.600, of the real property included in the planned community;*
>
> *(f) A legal description, as required under ORS 93.600, of any real property included in the planned community which is or must become a common property;*
>
> ***(m) A statement of the use, residential or otherwise, for which each lot is intended;***

(n) A statement as to whether or not the association pursuant to ORS 94.665 may sell, convey or subject to a security interest any portion of the common property and any limitation on such authority;

The Common Maintenance Area by definition in the CC&Rs includes Tract B, and there is no conversion plan to convert or annex Tract B from common property to become a lot within the subdivision, nor does the declarant reserve such rights as would be required to do so as described under ORS 94.580(3) or ORS 94.580(4). Relevant sections of ORS Chapter 94 are included below for reference:

(3) ***If the declarant reserves the right to expand the planned community by annexing lots or common property or by creating additional lots or common property by developing existing property in the planned community, the declaration shall contain,*** *in addition to the provisions required under subsections (1) and (2) of this section,* ***a general description of the plan of development including:***

(a) The procedure by which the planned community will be expanded;

(b) The maximum number of lots and units to be included in the planned community or a statement that there is no limitation on the number of lots or units which the declarant may create or annex to the planned community;

(c) A general description of the nature and proposed use of any common property which the declarant agrees to create or annex to the planned community or a statement that there is no limitation on the right of the declarant to create or annex common property;

(d) The method of allocation of votes if additional lots are to be created or annexed to the planned community; and

(e) The formula to be used for reallocating the common expenses if additional lots are to be created or annexed to the planned community, and the manner of reapportioning the common expenses if lots are created or annexed during the fiscal year.

(4) If the declarant may withdraw property from the planned community, the declaration shall include in addition to the provisions required under subsections (1), (2) and (3) of this section:

(a) The procedure by which property will be withdrawn;

(b) A general description of the property which may be withdrawn from the planned community;

(c) The method of allocation of votes if lots are withdrawn from the planned community;

(d) The formula to be used for reallocating the common expenses if the property to be withdrawn has been assessed for common expenses prior to withdrawal; and

(e) The date after which the right to withdraw property from the planned community shall expire or a statement that such a right shall not expire.

In order to comply with the requirements of ORS 95.580, in order to convert Tract B from a Common Maintenance Area to a developable "lot", the original decalarant (and by extension his successor, the current applicant) would have had to reserve such a right under section 3 above. The declarant did not do so and therefore does not have the right to develop Tract B as a lot.

Conclusion

The application for a Major Modification to the Planned Development (PD-81-1) Detailed Development Plan for the Corvallis Congregate Care Center (The Regent) must be denied as it does not comply with applicable Land Development Code. As proposed, the Major Modification would develop Tract B in violation of the intent and letter of the following Corvallis Land Development Code Sections, Previous Land Use Decisions, Oregon Revised Statues, and the Federal Fair Housing Act:

1980 LDC 101.03	Definition of Open Space
1980 LDC 204.04.08	Open Area, Landscaping and Screening
2006 LDC 1.6.30	Definition of a Planned Development Modification (Major)
2006 LDC 1.6.30	Definition of an Open Space and Tract
2006 LDC 2.5.60.01	Purpose of a Planned Development Modification
2006 LDC 2.5.40.01	Conceptual Development Plan Application Requirements
2006 LDC 2.5.50.01	Detailed Development Plan Application Requirements
2006 LDC 2.5.60.03	Procedures for a Major Planned Development Modification
2006 LDC 4.4.30.01(a)3	Accessway Width Requirements
2006 LDC 4.10.60.01(a)1	PODS – Maximum Building Setback (variance requested)
2006 LDC 4.10.50.01(a)2	PODS – Building Orientation (variance requested)
2006 LDC 4.10.60.01(a)3	PODS – Vehicle Circulation (No variance requested)
Planning Commission Order #81-23	Regent Planned Dev. Conditions of Approval
Planning Commission Order #2006-25	Coronado Subdivision Conditions of Approval
Planning Commission Order #2008-72	Regent Planned Dev. Major Modification Appeal
Oregon Revised Statute 92.050(1)(b)	Requirements of survey and plat of subdivision
Oregon Revised Statute 94.580(m)	Declaration, Statement of use - Residential
Oregon Revised Statute 94.580(3)	Annexing lots, creating lots, converting property
Oregon Revised Statute 94.580(4)	Withdrawal of property from planned development

07-430

SANDROCK
Sustainable Landscapes for the Pacific Northwest
3045 NW Johnson Ave.
Corvallis, OR 97330
541-207-6399
dsandrock@sandrockscapes.com

LCB# 8707 CCB# 182497 ISA# PN-6575A

TREE PRESERVATION REPORT

CLIENT: Devco Engineering Inc.
245 NE Conifer Blvd.
P.O. Box 1211
Corvallis, OR 97339

TO BE MICROFILMED

ATTENTION: Patricia Weber

PROJECT: The Regent Access and Parking Lot Extension
440 NW Elks Dr.
Corvallis, OR

DATE OF ASSESSMENT: December 15, 2008 ARBORIST: David Sandrock

HISTORY AND STATEMENT OF UNDERSTANDING:
I have been asked by Patricia Weber, of Devco Engineering Inc., to provide an arborist report concerning two trees at the project site. The purpose of this report is to provide a tree preservation plan and recommendations regarding the two trees affected by the proposed development.

I have been advised by Ms. Weber that the project site is scheduled for construction that includes a parking lot extension and additional access to the Regent per the i) Clearing and Grubbing and Erosion Control Plan and ii) Grading and Storm Drainage Plan provided by Devco Engineering Inc.

I understand that my service is to:

1. Assess the two trees affected by the proposed project, evaluate their condition and determine if they are suitable for preservation
2. Determine the extent of interaction between the trees and the proposed development
3. Provide guidelines and recommendations for tree preservation
4. If necessary, be available as the Project Consulting Arborist (PCA) for additional guidance beyond this report (consulting fees apply)

TO BE SCANNED

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DEC 19 2008
DEVELOPMENT SERVICES

FILE COPY
BLD08-01196

TREE ASSESSMENT SUMMARY (See Appendix A for original field notes):

TREE #1

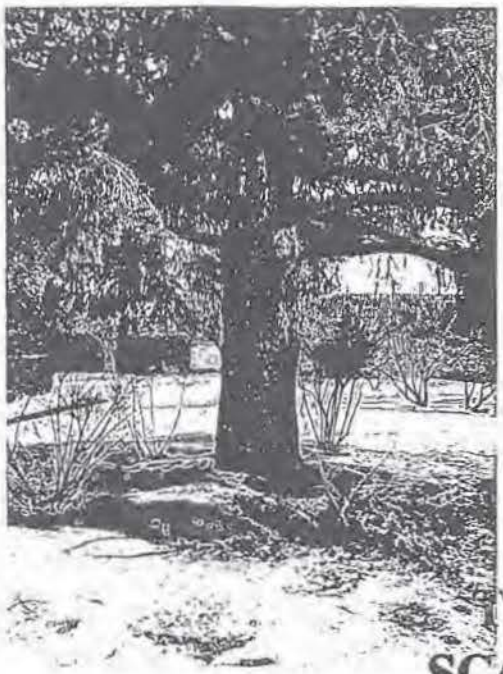
Taxon: *Pseudotsuga menziesii* (Douglasfir)

DBH: 30 inches Crown spread: 40 feet Height: ~65 feet

Habit: Generally symmetrical, single leader with an 85% live crown ratio

General notes: As of this report, the tree is a semi-mature specimen in good condition with no obvious abnormalities except that the lowest branch on the north side of the tree was headed back with an improper pruning cut in recent years. This should be corrected by i) an appropriate drop-crotch cut or ii) removing the limb entirely with a proper cut at the trunk. The site allows for adequate root extension and growth. The tree is a suitable candidate for preservation.

Interaction with proposed construction: The proposed sidewalk on the Southeast corner of the parking lot will intrude into the dripline of the tree 3 to 4 feet. While this is not desirable, careful planning and diligent adherence to protection recommendations will minimize the intrusion and long-term impact on the tree.



SCANNED

TREE PRESERVATION RECOMMENDATIONS:

Given the location and the condition of the above noted trees, and that they are suitable for preservation, the following recommendations will help eliminate or significantly reduce construction injury.

1. Interactions between equipment and trees shall be anticipated. A plan for tying/roping any branches that might be hit by equipment will be established and communicated to all construction personnel. If necessary, the tying of branches for clearance will be conducted by the PCA (Sandrock).

2. Trees are to be irrigated prior to and during construction as required by the season and weather conditions.

3. Establish and build a tree protection zone (TPZ)
   a. Tree roots commonly extend 2 to 3 times the radius created by the dripline of the tree. Therefore, the larger the TPZ, the easier it is to preserve the tree.
   b. The purpose of the TPZ is to:
      i. prevent cutting or damaging roots,
      ii. prevent damage to the trunk, branches and foliage
      iii. avoid soil compaction
      iv. avoid soil contamination
      v. prevent grade changes in the trees root zone
   c. Fencing for the tree protection zone will be constructed as follows:
      i. Diameter and placement – The minimum diameter of the TPZ will be the greater of i) the dripline or ii) 1.5 feet for every inch of DBH.
         1. **The minimum diameter of the TPZ for the Douglasfir will be 45 feet (1.5' x 30"DBH = 45').**
         2. **The minimum diameter of the TPZ for the Red Maple will be 24 feet (follows the dripline).**
         3. The TPZ fence will be placed so that the circumference of the TPZ is equidistant from the subject tree trunk on all sides (see Appendix B for diagram).
      ii. Height
         1. The TPZ fence will be a minimum of 5 feet high.
      iii. Material
         1. The TPZ fence will be constructed of galvanized welded wire (with 2" x 4" openings) or chainlink attached to 6' minimum "T"- steel posts, driven at least 18" into the ground at 10 foot intervals or equivalent. Where posts cannot be driven into the ground, they may be held upright by suitable metal or concrete weights and standards. Brightly colored flagging shall be attached to

TO BE SCANNED

top of fence to ensure visibility. Snow fence, plastic flexible fence, erosion fence or the like is not adequate for the TPZ.

iv. Signage

1. Signs shall be laminated or otherwise weatherproof and printed in bold text so as to be easily read from a distance of 20 feet. Wording on signage shall be provided in both English and Spanish.
2. Signs will be a minimum of 12 x 18 inches and read, "TREE PROTECTION ZONE - No grade change, trenching, excavation, storage of materials or equipment is permitted within this area." Signs should be in English and Spanish.
3. Signs are to be attached to the TPZ fence every 20 feet with a minimum of four signs per tree.

4. TPZ guidelines
   a. Tree protection barriers are to be erected prior to the commencement of any grubbing, grading or construction activities on the site and are to remain in place in good condition for the duration of the project.
   b. The project manager will notify the PCA (Sandrock) prior to commencement of any construction activities to confirm that the tree protection barriers are in place.
   c. No fill, equipment or supplies are to be stored within the tree protection zone.
   d. No driving or parking in the TPZ.
   e. Access is not permitted within the TPZ.
   f. No objects may be attached to tree(s) in any way.
   g. All underground utilities, downspouts or irrigation lines and landscape lighting shall be routed outside the tree protection zone. If utility lines must cross through the protection area, they shall be tunneled or bored under the tree.

5. Excavation and construction in and near the TPZ (This will apply to the removal of the crosstie wall near the Red Maple, excavation for the parking south of the Red Maple and excavation for the sidewalk inside the TPZ of the Douglasfir). If necessary, the PCA will be available to oversee this phase of construction and perform the root pruning (sufficient notice for scheduling is required and consulting fees will apply).
   a. Hand dig areas where excavation intrudes on the TPZ to prevent any unnecessary tearing or pulling of roots.
   b. Roots that are severed, exposed, dead or diseased shall be pruned as follows:

i. Preserve the root bark ridge (similar in structure to the branch bark ridge).
ii. Objectionable and severely injured roots shall be exposed to sound tissue and pruned cleanly (preferably cut to a lateral root that is growing downward or in a favorable direction).
iii. All roots needing to be pruned or removed shall be cut cleanly with sharp hand tools.
    1. Large or small loppers
    2. Hand pruners
    3. Small pruning hand saws
iv. No wound dressings or pruning paint shall be used to cover the ends of each cut.

c. Avoid prolonged exposure of tree roots during construction - keep exposed roots moist and dampened with mulching materials, irrigation or wrap in burlap if exposed for longer than 4 hours.

6. Any damage to trees due to construction activities shall be reported to the PCA or a Certified Arborist within 6 hours so that remedial action can be taken. Timeliness is critical to tree health.

NOTE ON POST-CONSTUCTION LANDSCAPING

Any landscaping within the tree preservation zones after construction is completed and the TPZ fence has been removed cannot cause damage to any of the trees or their roots. The trees must be protected for the same reasons listed above but without using TPZ fencing.

ASSUMPTIONS AND LIMITING CONDITIONS

1. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however Sandrock can neither guarantee nor be responsible for the accuracy of information provided by others.

2. Unless otherwise required by law, possession of this report or a copy thereof does not imply right of publication or use for any purpose in whole or in part by any other than the person to whom it is addressed, without the prior expressly written or verbal consent of the author or his company.

3. Excerpts or alterations to the report, without the authorization of the author or his company invalidates its intent and/or implied conclusions. This report may not be used for any expressed purpose other than its intended purpose and alteration of any part of this report invalidates the report.

4. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflect the condition of those items at the time of inspection; and 2) the inspection was made using accepted arboricultural techniques and is limited to visual examination of accessible items

TO BE SCANNED

without climbing, dissection, probing or coring and detailed root examination involving excavation. While reasonable efforts have been made to assess trees outlined in this report, there is no warranty or guarantee, expressed or implied, that problems or deficiencies with the tree(s) or any part(s) of them may not arise in the future. All trees should be inspected and re-assessed periodically.

5. The determination of ownership of any subject tree(s) is the responsibility of the owner and any legal issues which may exist between property owners with respect to trees must be resolved by the owner. A recommendation to remove or maintain tree(s) does not grant authority to encroach in any manner onto adjacent private properties.

CLOSING

I trust this report meets your needs. If you have any questions or require further information, please do not hesitate to contact me directly at 541-207-6399 or dsandrock@sandrockscapes.com.

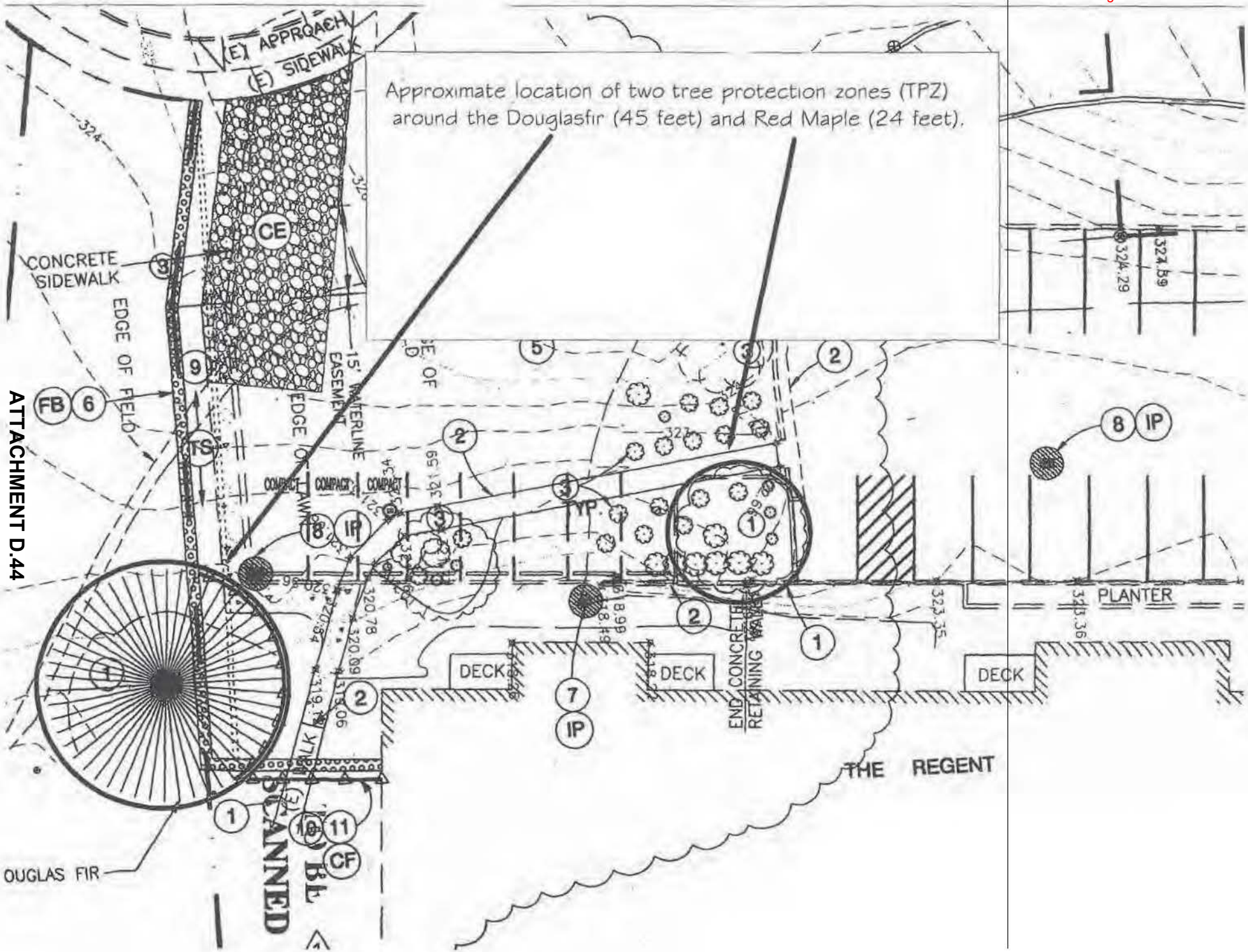
Sincerely,

Dave Sandrock

David Sandrock
ISA Certified Arborist # PN-6575A

December 16, 2008
Date

TO BE SCANNED



ATTACHMENT D.44

Rec'd @ PC mtg
Date 1/21/2015
City of Corvallis

My name is George Pearson and we have lived at 477 NW Survista Ave for ~~41~~ 43 years. We also own a lot at 520 Mirador Place. Both of these properties abut Tract B on which the proposed Coronado Apartments would be built. The property which became the Coronado subdivision contained more than 1400 trees before it was developed. Only 13 of these trees, 0.1% of the total, and none of the other vegetation were preserved, resulting in a complete denuding of the Coronado property. Replacement trees were very small and many of them have not survived.

In 2013, several of these same Coronado developers proposed to build a 10 unit apartment building on Tract B next to the Coronado development. This property contained 24 significant trees defined in the Land Development Code as located outside any area inventoried by the Natural Features Inventory and having a trunk size that is eight in. or greater in caliper at four feet above existing grade. Condition of Approval #2 of the Coronado development stated that significant trees shown on Attachment G-46 from that approval were to be saved as part of the subdivision plat approval. The trees located on Tract B are identified as Nos. 100, 119, and 122. In the applicants' proposal for Tract B, trees 119 and 122 were to be removed while trees Nos 100 and 101 (on lot 22 of the Coronado Development) were to be retained. This meant that only 16% of the significant trees were to be preserved and in fact the largest of these trees, an oak, was removed in early spring of that year. This proposal was denied by the Planning Commission in part because of a "Failure to protect significant trees on the site 'to the greatest extent practicable' and to integrate said trees into the design of the development per LDC Section 4.2.20.d.

In the current proposal, which appears to be almost identical to the previous one, once again no attempt has been made by these developers to save and integrate significant trees into the design of the development described in the proposal. In fact a letter to the developers from Planning Division Staff dated February 2, 2013 states: "Based on compatibility review criteria, there may be some benefits to considering preservation of additional existing significant trees on the site". Instead the developers are proposing to provide dense plantings and a 6 foot fence to buffer the south portion of the development from the existing neighborhood. Such a solution hardly replaces the significant trees that will be removed to provide the parking for this development.

At a neighborhood meeting held in 2013 concerning the first proposal for Tract B (the developers did <u>not</u> meet with the neighborhood regarding this most recent application), the neighbors unanimously agreed that preservation of existing trees on the perimeter of the property is required for preserving both the privacy and appearance of the surrounding homes. In fact the intent of the 135 foot/55 foot setbacks from the properties south and east of the Regent Retirement Center as required by Condition of Approval #12 was to provide a buffer or transition zone between the RS-12 Regent Retirement Center and the surrounding low density residential neighborhoods. The current proposal for a 10 unit apartment building on Tract B with 20 parking spaces surrounding it subverts the intent of Condition of Approval # 12 and is not compatible with the surrounding neighborhoods as defined by LDC 2.5.40.04. For all of the above reasons this proposal to build apartments on Tract B should be denied.

PETITION

Rec'd @ PC mtg
Date 1/21/2015
City of Corvallis

TO: THE CITY OF CORVALLIS PLANNING COMMISSION

SUBJECT: TRACT "B" OF CORONADO SUBDIVISION – MAJOR MODIFICATION (TAX LOT6400)

WE THE UNDERSIGNED RESIDENYS OF THE REGENT RETIREMENT COMMUNITY LOCATED AT 440 NW ELKS DRIVE, CORVALLIS, OREGON, 97330, STRONGLY URGE THAT THE PLANNING COMMISSION REJECT THE BUILDING OF ANY STRUCTURE ON THIS BLIND LOT. PLEASE DENY THE OWNER/APPLICANTS REQUEST.

WE ARE ASKING THIS REJECTION BECAUSE OF THE FOLLOWING;

THERE WILL BE AN INCREASE OF TRAFFIC.
THERE WILL BE A RISE IN NOISE.
THERE WILL BE ADDITIONAL LIGHT CAST ON OUR APARTMENTS.
THERE WILL BE A HIGHER DANGER TO PEDESTRIANS WHO ENJOY THIS CULDESAC.
THERE WILL BE A DECLINE IN THE HABITAT FOR OUR LOCAL DEER POPULATION.

SIGNATURE	SPELLING OF NAME
Eleanor Kidd	ELEANOR KIDD
P.M. de Laubenfels	P.M. de LAUBENFELS
Joy E Bautz	Joy E Bautz
Dorothy J. Shaw	Dorothy J. Shaw
William R. Muir	William R. Muir
Herman R. Stalberg	HERMAN R STALBERG
Theodore R Albert	Arthur W Anderson
Aileen G. Gellatly	Aileen G. Gellatly
Joanne P. Anderson	Joanne P. Anderson
Sue Mason	Sue Mason
Joan M. Pelto	JOAN M. PELTO
Betty Wallace	BETTY WALLACE
Jeanne E. Anderson	Jeanne E ANDERSON
Celia Roberts	Celia Roberts
Margaret Robinson	

ATTACHMENT D.46

Sally Payne	SALLY PAYNE
Dorothy Van Bergen	DOROTHY VAN BERGEN
Eleanor Otley	Ref A Sel
Helen F Miller	Virginia Yates
Eileen M Fulle	Elaine Smith
Pat Ayers	Patricia G Phillips
Grace Richardson	Patricia G Phillips
Wanda Walter	
Paula I Dengler	PAULA DENGLER
[illegible]	Louise H Wang
James A. Vomocil	James A. Vomocil
Cynthia C Sonick	Cynthia C Sonick
Edward H Mary	Debra Vaagai
James E Long	E M M
Barbara Watkins	Thelma Clapp
Annabell Jensen	Patricia A. Fry
Iona Seitz	
Miriam D. Wicks	MIRIAM D. WICKS
Pamela Hawkes	PAMELA HAWKES
Stephanie Mengle	
Thomas L. Yates	THOMAS L. YATES
Anita Van Kirk	Eleanore M. Parowski
Ida Anne Yates	
Gordon [illegible]	JAMES QUINTANA
C J Sprecher	

Geneva Regele

Dorothy M Chambers

Geneva Regele

Dorothy M. Chambers

Hello, my name is Nathan Smith. I live at 662 NW Mirador Pl with my wife Kara and two young daughters.

The current Coronado Tract B Major Modification (PLD14-00005) is the same proposal that was denied by the Planning Commission less than 2 years ago. It was denied based on 4 findings as listed by the Planning Commission involving inconsistencies and failures regarding cul-de-sac standards, significant trees, compensating benefits for variations, and lack of compatibility. The new application has not shown any changes to meet these standards rather has tried to use word play to muddy the waters and make these failures look insignificant. In fact the only major change I see in Group B, LLC's application is a threat and another attempt to bully the public and the city of Corvallis. Group B, LLC used scare tactics like this in their first go around by stating that "if they (Group B, LLC) didn't build this complex someone else would purchase the tract and would build on it without asking us for our input". The Coronado Tract B Major Modification (PLD14-00005) is only a repeated attempt to bully property owners and the City into moving forward with their agenda rather than playing by the rules and doing business in an ethical and moral manner.

Please seriously consider denying this proposal.

Thank you,
Nathan Smith

Rec'd @ PC mtg
Date 1/21/2015
City of Corvallis

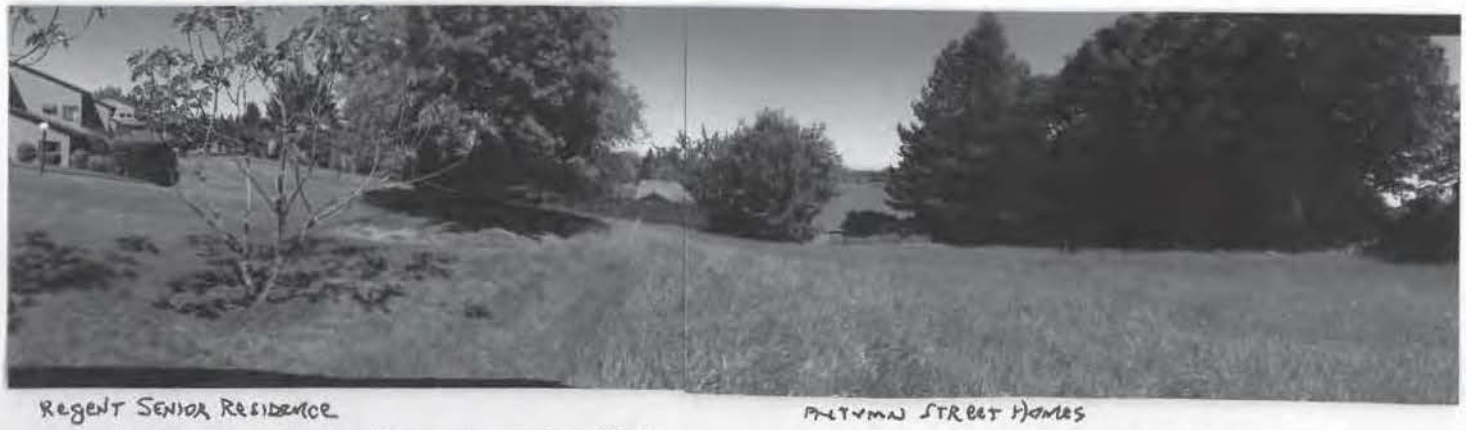
TRACT B

Rec'd @ PC mtg + 1/21/2015
Date 6/5/2013
City of Corvallis

REGENT

SHOW STEEP SLOPE 15% - 25%
PLAN IS TO GRADE OVER 75% OF SITE
STEEP WALLS TO BE BUILT TO LEVEL SITE FOR CONSTRUCTION

3098 NW AUTUMN



Regent Senior Residence

APARTMENTS - 10, 2-Bedroom UNITS WILL BE ON LEFT SIDE OFF PHOTO - TREES CUT DOWN

AUTUMN STREET HOMES

PARKING LOT FOR 20 CARS WILL BE BUILT ON THIS SIDE
TREES WILL BE CUT DOWN

REGENT
TREES WILL ALL BE CUT

VIEW TOWARD EAST

HOMES ON AUTUMN ST.
TREE TO BE CUT

TREES TO BE CUT

3098 NW AUTUMN

SOUTH BOUNDARY ON TRACT B – MOST TREES WILL BE CUT DOWN FOR A PARKING LOT IN UPPER AREA
THIS AREA IS ON HAZARDOUS SLOPE
APT. BUILDING WILL BE ON LOWER RIGHT OF PHOTO

CORVALLIS CLINIC REGENT HOME HOMES ON AUTUMN STREET

James Kline
3098 NW Autumn St
Corvallis OR 97330
541-754-3075

FILE COPY

DEVCO engineering inc.

245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

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JAN - 7 2015

Community Development
Planning Division

06 January 2015

Ms. Amber Bell, Assistant Planner
Community Development
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

SUBJECT: Coronado Tract B Apartments
(PLD14-00005)

Dear Ms. Bell:

Accompanying this letter per your January 2nd, 2015 email request and as supplemental information to the application is a site plan drawing which shows one of the possible ways the site design could meet the parking standards as proposed by the Applicant and meet City Staff's interpretation of LDC 4.10.60.06(d) and (f). The parking dimensions shown on this drawing are consistent with the supplemental information provide in our December 31st, 2014 letter, concerning ITE and City compact space parking dimension standards.

We have also attached hereto, as requested, the project Architect's review of the building code standards relative to accessibility.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 abell 01-06-2015.docx

Enclosures

RDG

REITER DESIGN GROUP
ARCHITECTS, INC.

MEMORANDUM

To: Lyle Hutchens
DEVCO Engineering, Inc.

From: Scott A. Reiter
President
Reiter Design Group Architects, Inc.

Subject: Tract B Planned Development Apartments
ADA Accessible Requirements

Date: January 05, 2015

The following is a clarification and explanation as to the ADA Compliance requirements for the proposed Tract B Planned Development Apartments.

Building and Living Unit Accessibility:

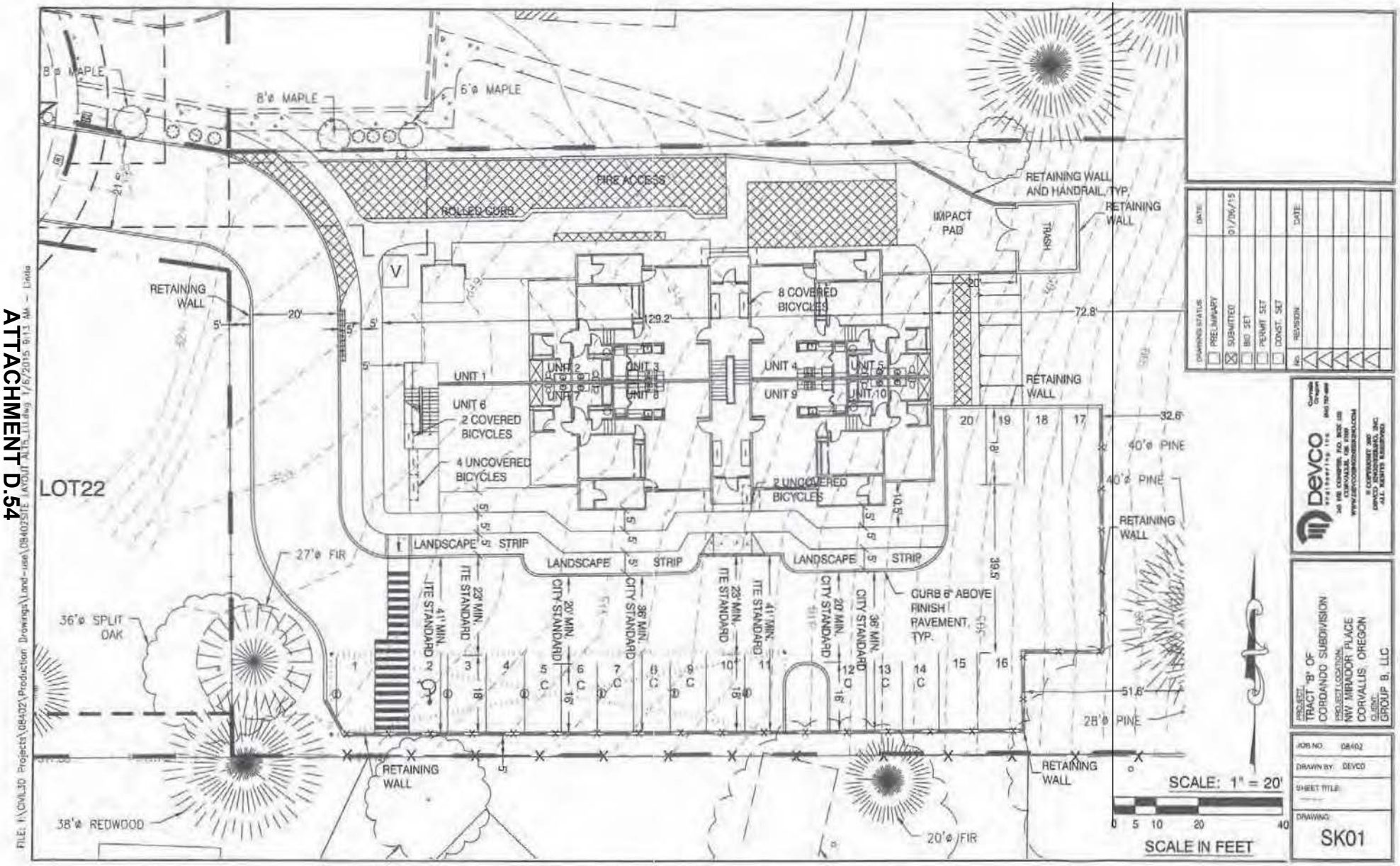
Type 'A' dwelling units: Per OSSC 1107.6.2.1, in Group R-2 occupancies, Type 'A' dwelling units are required in projects containing more than 20 dwelling units. This project contains only 10 dwelling units, therefore no Type 'A' units are required.

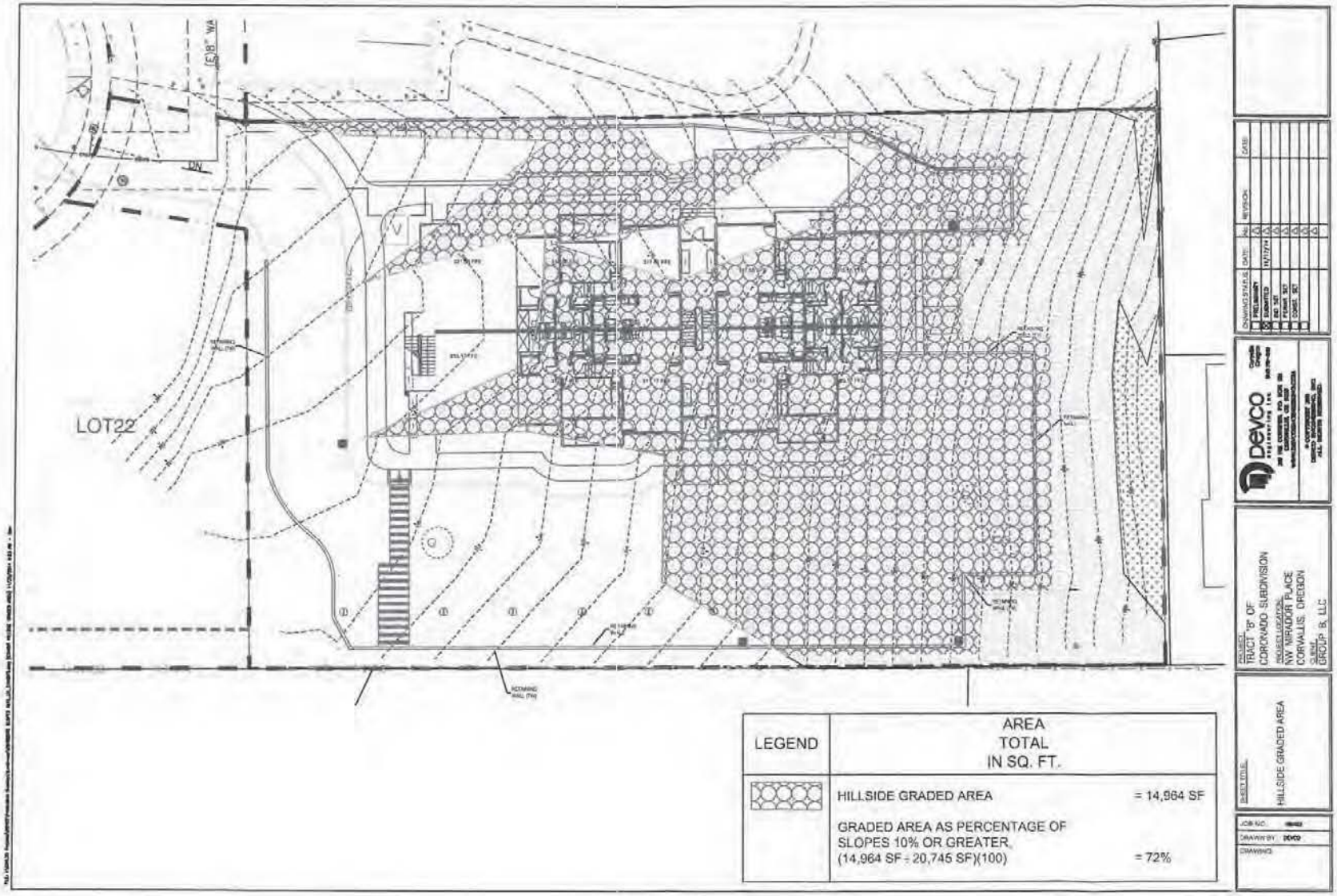
Type 'B' dwelling units: Per OSSC 1107.7.2 Multistory dwelling units are not required to be Type 'B' dwelling units. All of the living units in the proposed design are multistory or multi-level units. OSSC 1102 defines "multistory units" to have habitable space located on more than one story. OSSC 202 defines story as "that portion of a building included between the upper surface of a floor and the upper surface of a floor above". The end Type A unit is clearly a multistory unit and is exempt. The Type B units are also multi level and they are "multistory" and exempt.

Site Access, Accessible Route, Accessible Parking:
The proposed design provides an accessible route from the public way to the primary building entrances and provides an accessible parking space with an accessible route to the secondary building entrances. As noted above, the building is exempt and the living units are not required to be accessible or adaptable.

7965 SW CIRRUS DRIVE • BEAVERTON, OREGON 97008 • (503) 574-3036 • FAX (503) 574-2916

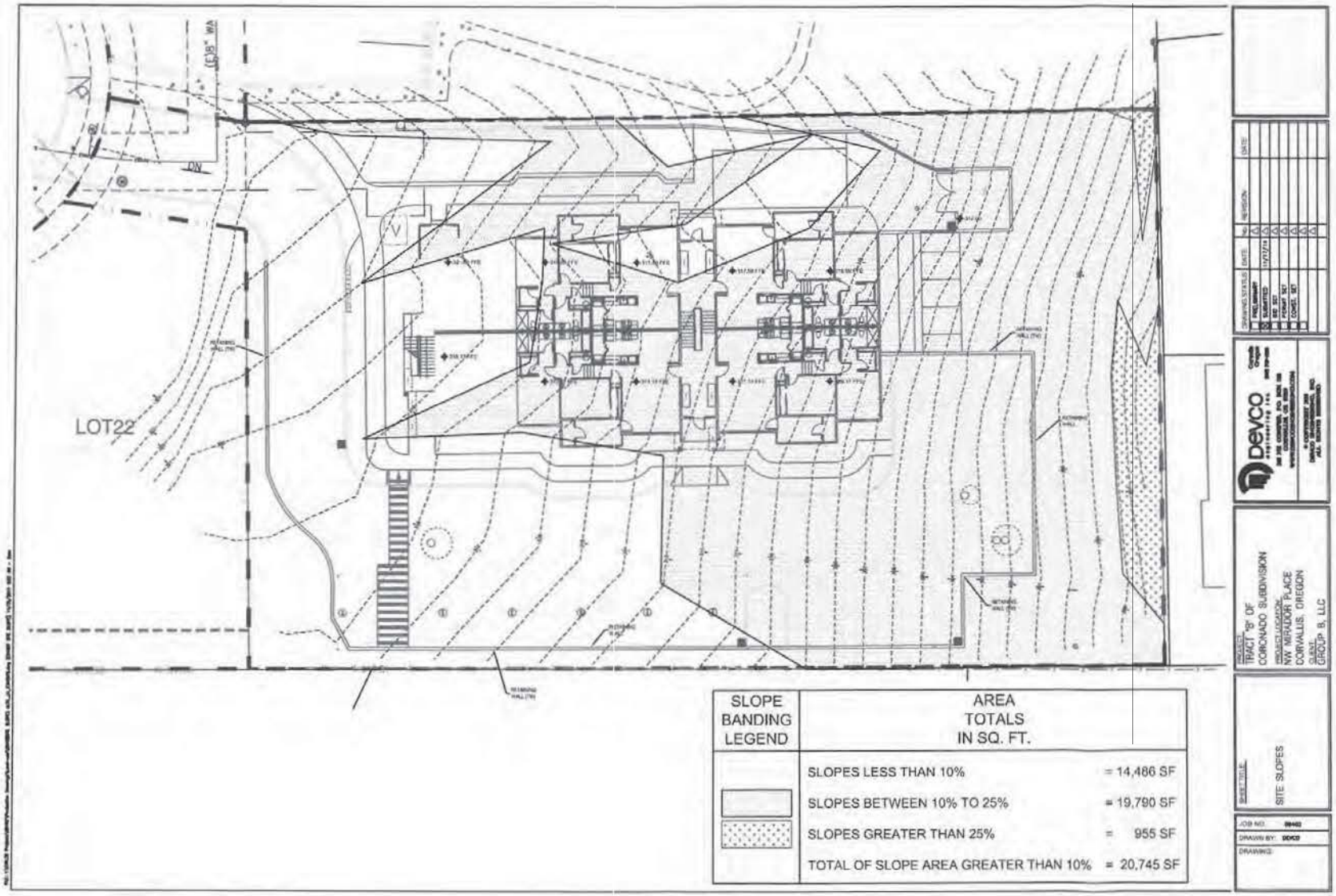
ATTACHMENT D.54





ATTACHMENT D.55

ATTACHMENT D.56



ATTACHMENT D.57

CORONADO

BEING A REPLAT OF PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08 LOCATED IN THE NORTHEAST ¼ AND SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, CITY OF CORVALLIS, BENTON COUNTY, OREGON

CITY OF CORVALLIS ORDER: 2006-025
17 JANUARY 2007
SHEET 1 OF 5

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO REPLAT/SUBDIVIDE PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08 INTO LOTS, TRACTS, STREET RIGHT OF WAYS, AND EASEMENTS FOR THE PURPOSES SHOWN. THE BOUNDARY BETWEEN PARCEL 1 AND PARCEL 2 OF PARTITION 1992-22 IS DEFINED BY HOLDING FOUND MONUMENTS 4, 5, 6, 7, AND 8. THE EAST LINE OF PARCEL 2 OF PARTITION PLAT 1992-22 WAS ESTABLISHED BY HOLDING FOUND MONUMENTS 7 AND 19. THE EAST PORTION OF THE SOUTH BOUNDARY WAS ESTABLISHED BY HOLDING FOUND MONUMENTS 19, 15, AND 3. THE WESTERN PORTION OF THE SOUTH LINE WAS ESTABLISHED BY HOLDING FOUND MONUMENT 3 AND EXTENDING A LINE WESTERLY TO THE INTERSECTION OF THE OF THE WEST LINE AS ESTABLISHED BELOW. THE NORTH BOUNDARY WAS ESTABLISHED BY USING RECORD DATA FROM PARTITION PLAT 2002-08, C.S. 9450, AND C.S. 6078. THE WEST BOUNDARY WAS ESTABLISHED USING RECORD DATA FROM C.S. 9450 AND C.S. 6078.

SHEET INDEX

1 - COVER SHEET
2 - LOTS 1-11 AND 43-57
3 - LOTS 32-41 AND TRACT A
4 - LOTS 12-31 AND TRACTS B AND C
5 - CERTIFICATE, DECLARATION, ACKNOWLEDGEMENT, APPROVALS AND NOTES

RECORD DATA TABLE

- RECORD DATA PER C.S. 6078
- RECORD DATA PER C.S. 9450
- RECORD DATA PER PARTITION PLAT 1992-22
- RECORD DATA PER PARTITION PLAT 2002-8
- RECORD DATA PER JAY HARMAN ADDITION
- RECORD DATA PER C.S. 7030
- RECORD DATA PER C.S. 9450
- RECORD DATA PER C.S. 3012
- RECORD DATA PER CLARK ADDITION
- RECORD DATA PER C.S. 10000

FOUND MONUMENT TABLE

1. 5/8" IRON ROD PER C.S. 6078 HELD AS FOUND
2. 5/8" IRON ROD PER ELKS ADDITION HELD AS FOUND. FOUND MONUMENT (2) HAS BEEN LOST DURING CONSTRUCTION
3. 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "JACOBS P.L.S. 2287" PER PARTITION PLAT 1992-22. HELD AS FOUND.
4. HAS IRON BRASS WASHER MARKED "P.L.S. 2287" IN ASPHALT PER PARTITION PLAT 1992-22. HELD AS FOUND.
5. 1/2" IRON ROD PER THE JAY HARMON ADDITION. HELD AS FOUND.
6. 1" IRON ROD, JAY HARMON ADDITION CALLS A 3" PIPE BUT SUBSEQUENT SURVEYS CALL 1" IRON PIPE. HELD AS FOUND
7. 5/8" IRON ROD PER THE JAY HARMON PLAT HELD AS FOUND
8. 5/8" IRON ROD WITH THE YELLOW PLASTIC CAP MARKED "JACOBS" PER PARTITION PLAT 2002-8. HELD AS FOUND
9. 5/8" IRON ROD PER ELKS ADDITION. HELD AS FOUND.
10. 5/8" IRON ROD WITH RED PLASTIC CAP MARKED "HORNICKAS PLS 2823" PER U.S. 10000. HELD AS FOUND. FOUND MONUMENT (10) IS 0.04' SOUTH OF LINE.

LEGEND

- SET 5/8"X30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "J.C. SPARKS L.S. 57173"
- SET 5/8"X30" IRON ROD WITH ALUMINUM CAP MARKED "J.C. SPARKS L.S. 57173"
- FOUND MONUMENT AS NOTED ON FOUND MONUMENT TABLE
- REFERENCE TO FOUND MONUMENT TABLE SHEET 2
- U.E. UTILITY EASEMENT
- REFERENCE TO CURVE DATA TABLE
- REFERENCE TO RECORD DATA TABLE
- W.C. WITNESS CORNER SET ON LINE AT DISTANCE SHOWN

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JERALD C. SPARKS
JULY 13, 1989
57173
RENEWAL: JUNE 30, 2006

azTech SURVEYING, INC
305 SW C AVENUE, SUITE 3
CORVALLIS, OREGON 97333
☎ 541 752-9660 FAX 541 752-9660

I, THE UNDERSIGNED HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
JERALD C. SPARKS
P.L.S. 57173

DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT D.58

DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION

CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT D.59

CORONADO

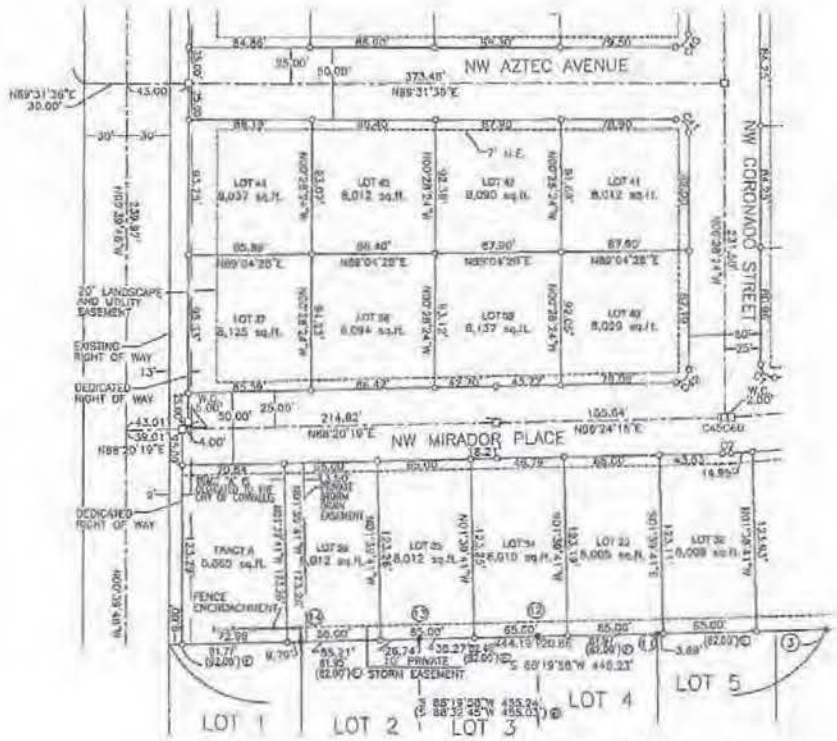
BEING A REPLAT OF PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08 LOCATED IN THE NORTHEAST ¼ AND SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 8 WEST, WILLAMETTE MERIDIAN, CITY OF CORVALLIS, BENTON COUNTY, OREGON.

CITY OF CORVALLIS ORDER: 2005-023
17 JANUARY 2007
SHEET 1 OF 5

RECORD DATA TABLE

LEGEND

FOUND MONUMENT TABLE



REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JERALD C. SPARKS
JULY 13, 1999
RENEWAL JUNE 30, 2008

azTech
SURVEYING, INC.
305 SW D AVENUE, SUITE 5
CORVALLIS, OREGON 97333
541.752.9583 FAX 541.752.9583

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.

JERALD C. SPARKS
P.L.S. 57173

DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT D.60

DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT D.61

SURVEYOR'S CERTIFICATE

I, JERALD C. SPARKS, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THIS SUBDIVISION MAP, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08 LYING IN THE NE 1/4 AND SE 1/4 OF SECTION 33, TOWNSHIP 11 S., RANGE 5 WEST, WILLAMETTE MERIDIAN, CITY OF CORVALLIS, BENTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE "INITIAL POINT", A 5/8 INCH IRON ROD MARKING THE SOUTHWEST CORNER OF PARCEL 1 OF PARTITION PLAT 1992-22; THENCE SOUTH 88°01'37" EAST, 232.29 FEET TO A NAIL WITH BRASS WASHER MARKED P.L.S. 2081 IN BRANCH; THENCE SOUTH 00°34'56" EAST, 168.72 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 87°46'37" EAST, 338.00 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 00°34'56" EAST, 144.01 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 88°01'37" WEST, 52.49 FEET TO A 1 INCH IRON PIPE; THENCE SOUTH 00°32'49" WEST, 604.18 FEET TO A 5/8 INCH IRON ROD, SAID ROD MARKS THE SOUTHWEST CORNER OF PARCEL 2 OF PARTITION PLAT 1992-22; THENCE SOUTH 88°19'58" WEST, 455.34 FEET TO A POINT ON THE EAST RIGHT OF WAY OF SATINWOOD STREET; THENCE ALONG SAID EAST RIGHT OF WAY NORTH 00°39'49" WEST, 821.72 FEET; THENCE ALONG THE ARC OF A 1403.40 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS NORTH 04°55'21" EAST, 133.84 FEET) 138.01 FEET; THENCE SOUTH 79°26'45" EAST, 83.07 FEET; THENCE ALONG THE ARC OF A 370.00 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS SOUTH 82°43'01" EAST, 184.21 FEET) 186.15 FEET; THENCE SOUTH 33°48'18" EAST, 60.74 FEET; THENCE ALONG THE ARC OF A 343.00 FOOT RADIUS CURVE TO THE LEFT (LONG CHORD BEARS SOUTH 70°41'31" EAST, 203.55 FEET) 217.83 FEET; THENCE SOUTH 00°28'56" EAST, 550.52 FEET TO A 5/8 INCH IRON ROD, THE "INITIAL POINT" AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

NOTES

1. RIGHT OF WAY EASEMENT GRANTED TO CONSUMERS POWER, INC. BOOK 158, PAGE 330, DEED RECORDS. NOT SHOWN, INDETERMINATE.
2. RIGHT OF WAY EASEMENT GRANTED TO BENTON-LINCOLN ELECTRIC COOPERATIVE, INC. BOOK 176, PAGE 553, DEED RECORDS. NOT SHOWN, INDETERMINATE.
3. 10' UNDERGROUND EASEMENT GRANTED TO CONSUMERS POWER, DOC. M-19118, MICROFILM RECORDS. NOT SHOWN, INDETERMINATE.
4. EASEMENT GRANTED TO CONSUMERS POWER, DOC. M-19245, MICROFILM RECORDS. NOT SHOWN, INDETERMINATE.
5. ALL LOTS AND TRACTS ARE SUBJECT TO THE CONDITIONS, COVENANTS AND RESTRICTIONS AS RECORDED OHTENWLY ON AS AMENDED IN THE FUTURE, DOCUMENT NO. 2003-[illegible]
6. 10' PRIVATE STORM DRAIN EASEMENT BENEFITS LOTS 27-31.
7. EASEMENT GRANTED TO TCI CABLEVISION OF OREGON, INC., M-22603-87, MICROFILM RECORDS. NOT SHOWN, INDETERMINATE.
8. PACIFICORP UTILITY COMPANIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR FACILITIES AND ALL OTHER RELATED FACILITIES WITHIN THE UTILITY EASEMENTS (U.E.) CONTAINED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN SERVING THE LOTS CONTAINED HEREIN, INCLUDING THE RIGHT TO ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE THE REMOVAL OF ANY OBSTRUCTIONS INCLUDING TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE UTILITY EASEMENT AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE UTILITY EASEMENT, WITH THE EXCEPTION OF THE PERMANENT STRUCTURES INSTALLED BY OTHER PACIFICORP UTILITY COMPANIES.
9. TRACTS "B" AND "C" SHALL BE OWNED AND MAINTAINED BY THE DECLARANTS OF THIS PLAT OR THEIR SUCCESSORS AND ASSIGNS.
10. 15.5' PRIVATE STORM DRAIN EASEMENT LOCATED ON LOT 30 BENEFITS LOTS 27-31.
11. 10' LANDSCAPE EASEMENT MAINTAINED BY DECLARANTS OF THIS PLAT OR THEIR SUCCESSORS AND ASSIGNS.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JERALD C. SPARKS
JULY 13, 1988
87171

RENEWAL: JUNE 30, 2008

azTech
SURVEYING, INC.
[illegible] AVENUE, SUITE A
CORVALLIS, OREGON 97333
PH 541/752-9083 FAX/541/752-9684

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.

JERALD C. SPARKS
P.L.S. 87171

CORONADO

BEING A REPLAT OF PARCEL 2 OF PARTITION PLAT 1992-22 AND A PORTION OF PARCEL 1 OF PARTITION PLAT 2002-08 LOCATED IN THE

NORTHEAST 1/4 AND SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 5 WEST, WILLAMETTE MERIDIAN, CITY OF CORVALLIS, BENTON COUNTY, OREGON.

CITY OF CORVALLIS ORDER: 2006-025
17 JANUARY 2007
SHEET 3 OF 3

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT SQUARE G DEVELOPMENTS, LLC, A LIMITED LIABILITY COMPANY, IS THE OWNER OF THE LANDS REPRESENTED ON THIS SUBDIVISION PLAT MAP AND BEING MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED INTO LOTS, TRACTS, STREET RIGHTS OF WAY, AND EASEMENTS AS SHOWN AND NOTED ON THIS MAP IN ACCORDANCE WITH O.R.S. CHAPTER 92 TO BE DEDICATED AS CORONADO SUBDIVISION. WE, THE UNDERSIGNED, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER ALL STREET RIGHTS OF WAY AND EASEMENTS FOR THE PURPOSES SHOWN AND NOTED ON THIS MAP.

ROBERT L. GONZALEZ, MEMBER
SQUARE G DEVELOPMENTS, LLC

CASEY GONZALEZ, MEMBER
SQUARE G DEVELOPMENTS, LLC

ACKNOWLEDGEMENT

COUNTY OF BENTON }
STATE OF OREGON } S.S.

ON THIS 15 DAY OF June, 2007, BEFORE ME A NOTARY PUBLIC FOR THE STATE OF OREGON, DID PERSONALLY APPEAR ROBERT L. GONZALEZ AND CASEY GONZALEZ, IN THE CAPACITY SHOWN ABOVE, WHO BEING DULY SWORN EXECUTED THE ABOVE DECLARATION FREELY AND VOLUNTARILY.

(SIGNATURE) — (PRINT NAME) JoAnn James

MY COMMISSION NO.: 357335 MY COMMISSION EXPIRES: Nov 25, 2007

APPROVALS

CHAIRPERSON CITY OF CORVALLIS PLANNING COMMISSION — DATE 6/28/07

CITY OF CORVALLIS ENGINEER — DATE 6/4/07

I HEREBY CERTIFY THAT ALL ASSESSMENTS AGAINST THIS PROPERTY HAVE BEEN PAID IN FULL.

CITY OF CORVALLIS FINANCE DIRECTOR — DATE 6/18/07

CHAIRPERSON BENTON COUNTY BOARD OF COMMISSIONERS — DATE 6/22/07

BENTON COUNTY SURVEYOR — DATE 6-11-07

I HEREBY CERTIFY THAT PURSUANT TO O.R.S. 92.095, ALL AD VALOREM TAXES, FEES, AND OTHER CHARGES AS REQUIRED BY LAW TO BE PLACED ON THE 2006-2007 TAX ROLL WHICH BECAME A LIEN OR WILL BECOME A LIEN ON THIS SUBDIVISION DURING THIS TAX YEAR, BUT NOT YET CERTIFIED TO THE TAX COLLECTOR FOR COLLECTION, HAVE BEEN PAID TO ME THIS 20th DAY OF June, 2007.

DIRECTOR BENTON COUNTY DEPARTMENT OF ASSESSMENT

I HEREBY CERTIFY THAT ALL AD VALOREM TAXES AND OTHER CHARGES REQUIRED BY LAW TO BE PLACED UPON THE TAX ROLLS WHICH HAVE BECOME A LIEN ON THIS SUBDIVISION PLAT ARE NOW DUE AND PAYABLE HAVE BEEN PAID AS OF June 20, 2007.

DIRECTOR BENTON COUNTY DEPT. OF FINANCE, ASSESSING, AND TAX COLLECTION

STATE OF OREGON }
COUNTY OF BENTON } S.S.

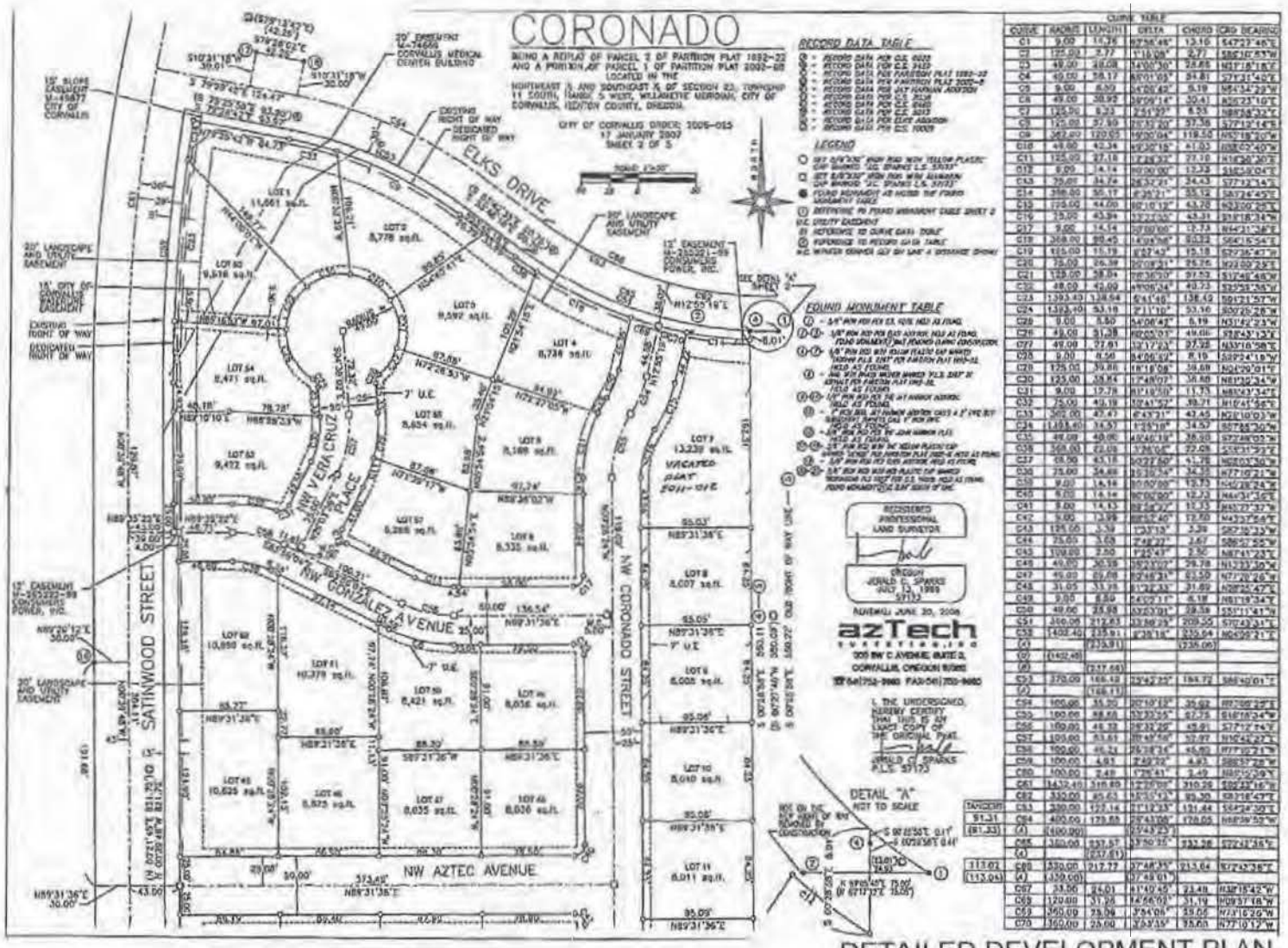
I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED AND DULY RECORDED BY ME IN THE BENTON COUNTY DEED RECORDS IN DOCUMENT NO. 2007-[illegible] ON THIS 26 DAY OF June, 2007 AT 11:48 O'CLOCK A.M.

BENTON COUNTY CLERK
Sr. Deputy Clerk

A SUBDIVISION ATTACHMENT OF CONSENT FROM VIRGINIA HAHN, BENEFICIARY OF THAT CERTAIN DEED OF TRUST RECORDED ON MARCH 20TH, 2006 AS THE MICROFILM RECORDING NO. [illegible] AND AMENDED BY INSTRUMENT NO.2006-[illegible], OFFICIAL BENTON COUNTY RECORDS.

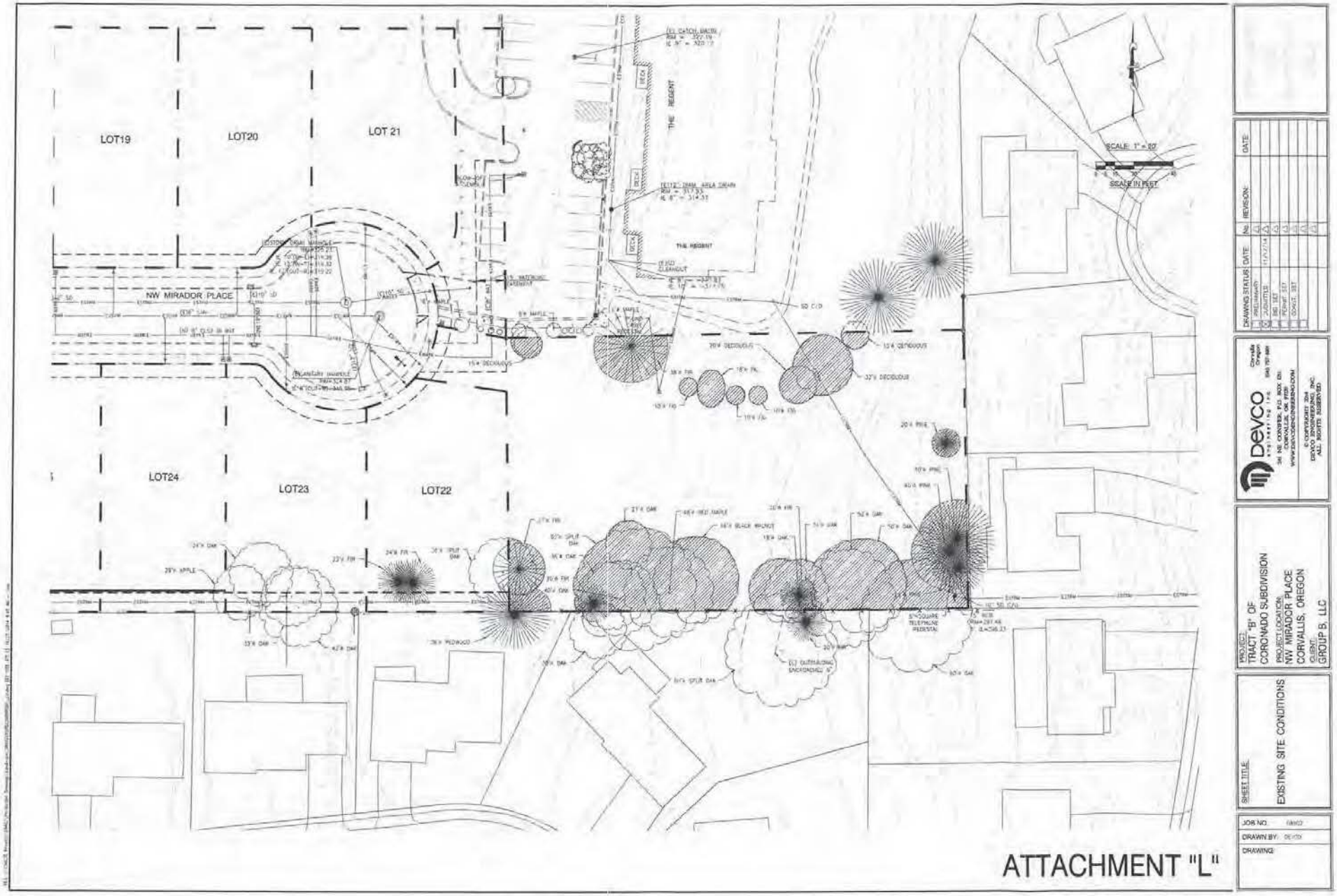
DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

ATTACHMENT D.62



DETAILED DEVELOPMENT PLAN
TRACT "B" OF CORONADO SUBDIVSION
CORONADO SUBDIVISION PLAT
ATTACHMENT "C"

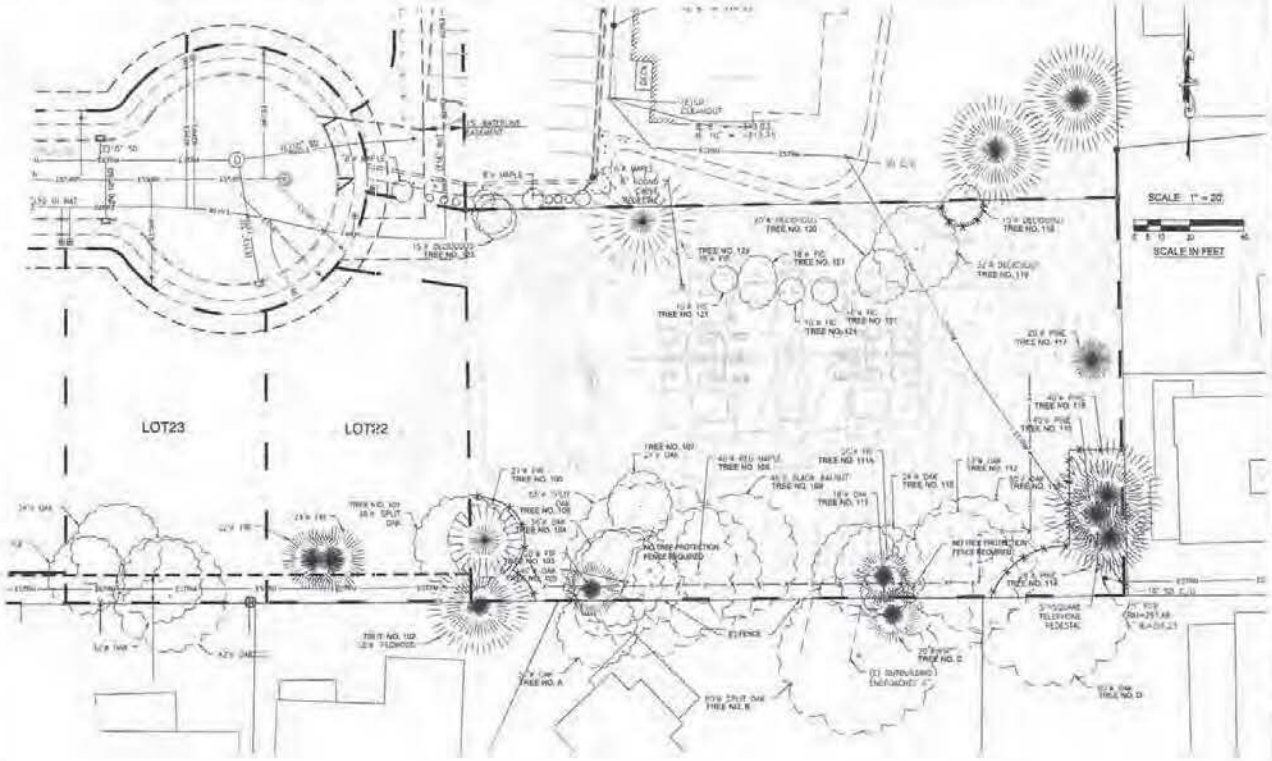
ATTACHMENT D.63



ATTACHMENT "L"

ATTACHMENT D.64

TREE IDENTIFICATION NUMBER AND SPECIES	TREE TRUNK Ø	TREE CANOPY Ø	TO BE RETAINED	TO BE REMOVED
NO. 100 DOUGLAS FIR	15"	27'	X	
NO. 101 GARRY OAK	10"/10"/6" TRIPLE STEM	36'	X	
NO. 102 COAST REDWOOD	32" EST.	38'	X	
NO. 103 DOUGLAS FIR	10"	30'		X
NO. 104 GARRY OAK	12"	38'		X
NO. 105 GARRY OAK	12"	40'		X
NO. 106 GARRY OAK	36" - 42" EST. DOUBLE STEM	69'		X
NO. 107 GARRY OAK	12" / 10.8" DOUBLE STEM	21'		X
NO. 108 RED MAPLE	15" EST.	40'		X
NO. 109 BLACK WALNUT	10"	40'		X
NO. 110 GARRY OAK	22"	34'		X
NO. 111 GARRY OAK	16"/16"/16" TRIPLE STEM	18'		X
NO. 111A DOUGLAS FIR	20"	28'		X
NO. 112 GARRY OAK	38"	52'		X
NO. 113 GARRY OAK	19" EST.	50'		X
NO. 114 PINE	11.5"	28'	X	
NO. 115 PINE	18" / 11" DOUBLE STEM	40'	X	
NO. 116 PINE	19"	40'	X	
NO. 117 PINE	4"/5"/5"/6" QUADRUPLE STEM	20'	X	
NO. 118 GOLDEN CHAIN	10" / 10" DOUBLE STEM	19'	X	
NO. 119 PLUM SP.	12.5"	32'		X
NO. 120 MT. ASH	9.5"	20'		X
NO. 121 FIG	ROW OF 4 SMALL TREES	10' - 18'		X
NO. 122 DOUGLAS FIR	32"	38'		X
NO. 123 HAWTHORNE	MULTI-STEM	15'		X
NO. A GARRY OAK	24"	20'	X	
NO. B GARRY OAK	28"/26"	16' - 18'	X	
NO. C DOUGLAS FIR	12"	38'	X	
NO. D GARRY OAK	22"	15'	X	
EXISTING TREE CANOPY COVERAGE = 10,310 SQ.FT. (29.3% OF PROJECT SITE)				



LEGEND

(E)	EXISTING
(N)	NEW
EGAS	EXISTING GAS
EIRRG	EXISTING IRRIGATION
EPOWER	EXISTING POWER
ESSW	EXISTING SANITARY SEWER
ESTEM	EXISTING STEAM AND RETURN
ESDW	EXISTING STORM DRAIN
ECOMM	EXISTING TELECOMMUNICATIONS
ECABLE	EXISTING TV CABLE
EWATER	EXISTING WATER
GAS	NEW GAS
IRRG	NEW IRRIGATION
POWER	NEW POWER
SSW	NEW SANITARY SEWER
SDW	NEW STORM DRAIN
COMM	NEW TELECOMMUNICATIONS
CABLE	NEW TV CABLE
WATER	NEW WATER
	EXISTING IMPROVEMENTS
	NEW IMPROVEMENTS
	FUTURE IMPROVEMENTS
	EXISTING PROPERTY LINE
	EXISTING NON PIPE DRAIN
	EXISTING EASEMENT
	EXISTING RIGHT-OF-WAY
	EXISTING BUILDINGS
	EXISTING BUILDING OVERHANG
	CENTERLINE
	SAWCUT LINE
	APPROXIMATE CLEARING LIMIT
	EXISTING DECIDUOUS TREE
	EXISTING EVERGREEN TREE
	EXISTING SHRUB
	FENCE
	DITCH FLOW LINE
	SANITARY SEWER MANHOLE
	STEAM AND RETURN MANHOLE
	STORM DRAIN MANHOLE
	TELECOMMUNICATIONS MANHOLE
	GAS VALVE
	WATER VALVE, AIR RELEASE VALVE
	WATER METER, GAS METER
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	HOSE BIB
	IRRIGATION SPRINKLER HEAD
	CATCH BASIN
	CURB INLET
	CLEAN OUT
	BARK DRAIN
	THRUST BLOCK
	STREET LIGHT, PARKING LOT LIGHT
	LANDSCAPE LIGHT
	UTILITY POLE
	UTILITY VAULT
	ELECTRICAL PEDESTAL
	TRANSFORMER
	CABLE PEDESTAL
	TELECOMMUNICATIONS PEDESTAL
	SIGN
	MAIL BOX
	EXISTING CONTOUR
	NEW CONTOUR
	BENCH MARK
	EXISTING SPOT ELEVATION
XXX.XX / XX.XX	EXISTING TOP OF STRUCTURE OR CURB (TOS) / TOP OF STRUCTURE (TOS) / EXISTING FINISH ELEVATION (FLOW LINE)
XXX.XX / XXX.XX	DESIGN TOP OF STRUCTURE OR CURB (DTOS) / TOP OF STRUCTURE (DTOS) / DESIGN FINISH (DFF) (FLOW LINE)
	TREE PROTECTION FENCE PER PROJECT ARBORIST

ATTACHMENT "M"

DRAWING STATUS	DATE
PRELIMINARY	
SUBMITTED	
REVISED	
FINAL SET	

No.	REVISION	DATE
A		
A		
A		
A		
A		
A		

DEVCO ENGINEERING INC.
Corvallis, Oregon
541 757-1945
345 NW CONCORD, P.O. BOX 1083
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

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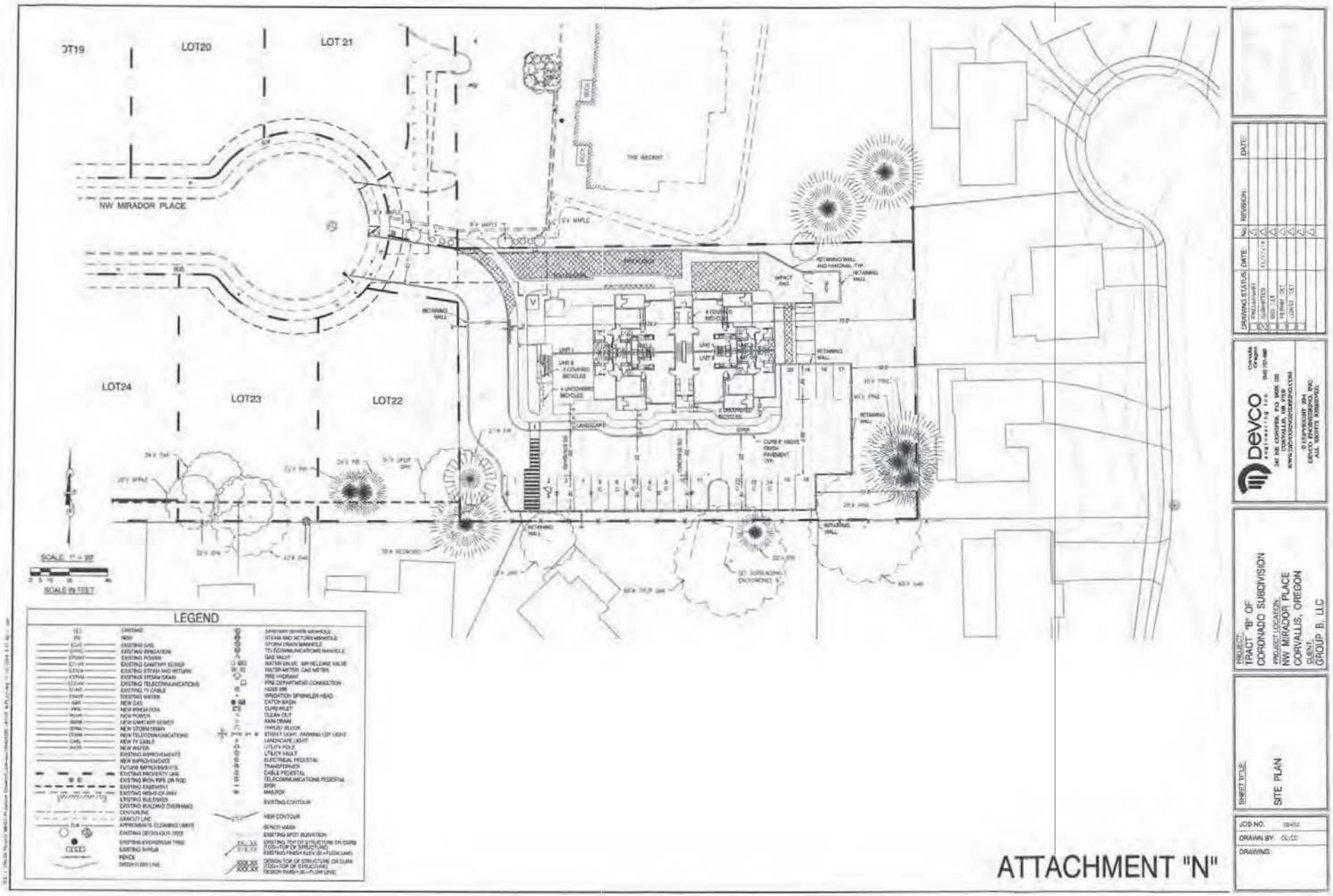
DEVCO ENGINEERING, INC.
ALL RIGHTS RESERVED.

PROJECT: TRACT "B" OF CORONADO SUBDIVISION
PROJECT LOCATION: NW MIRADOR PLACE CORVALLIS, OREGON
CLIENT: GROUP B, LLC

SHEET TITLE: TREE MANAGEMENT PLAN

JOB NO.:
DRAWN BY:
DRAWING:

ATTACHMENT D.65



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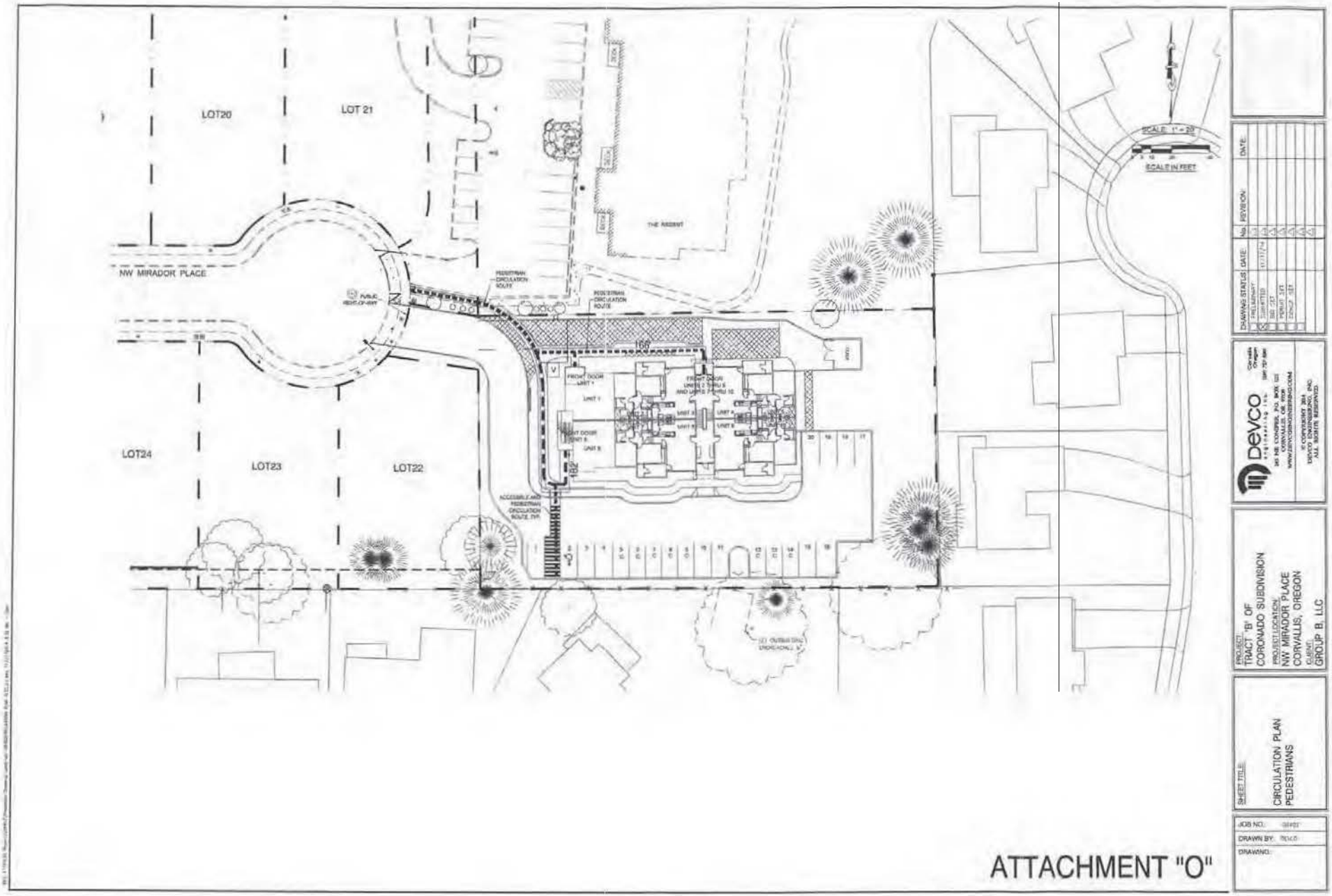
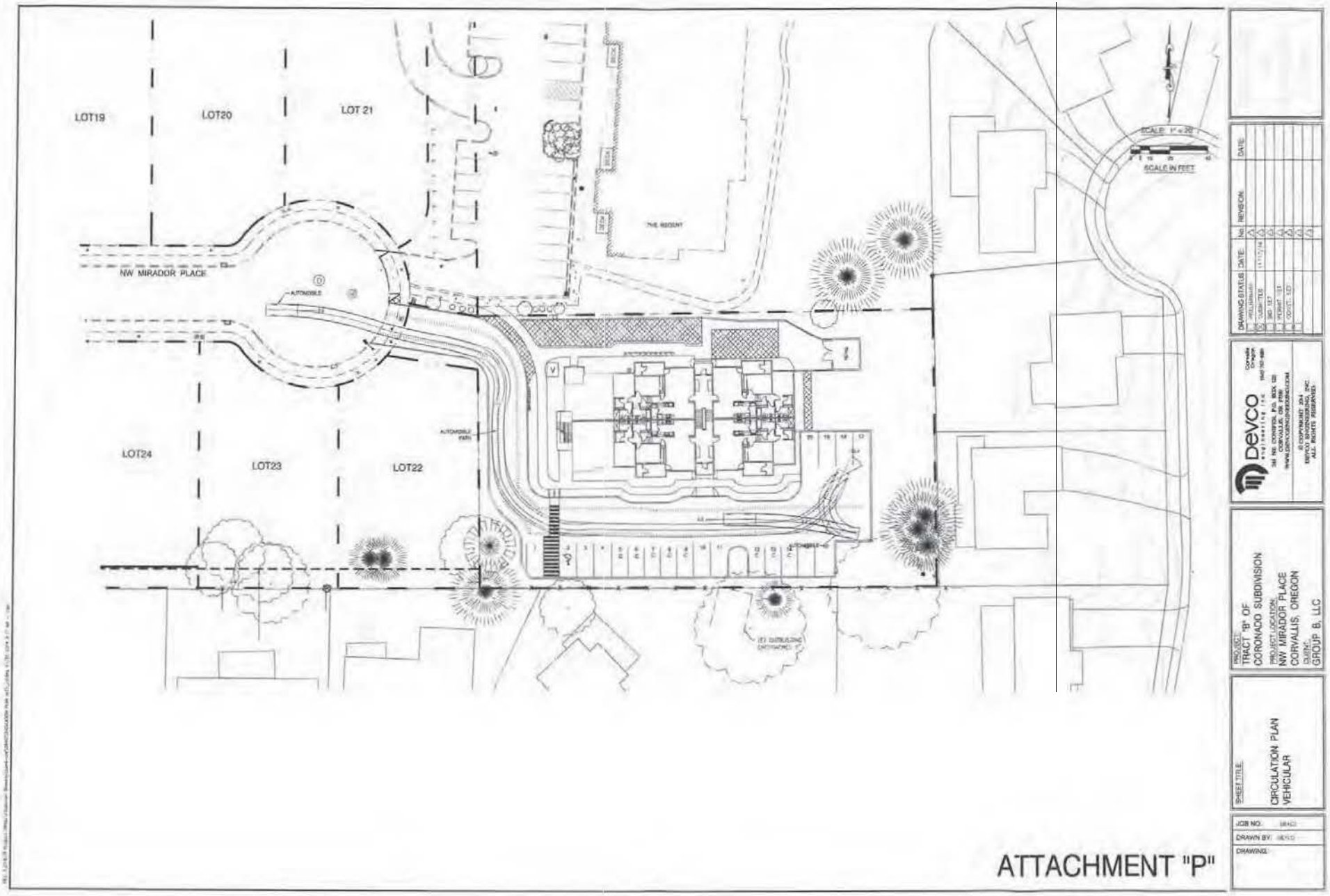


ATTACHMENT "O"

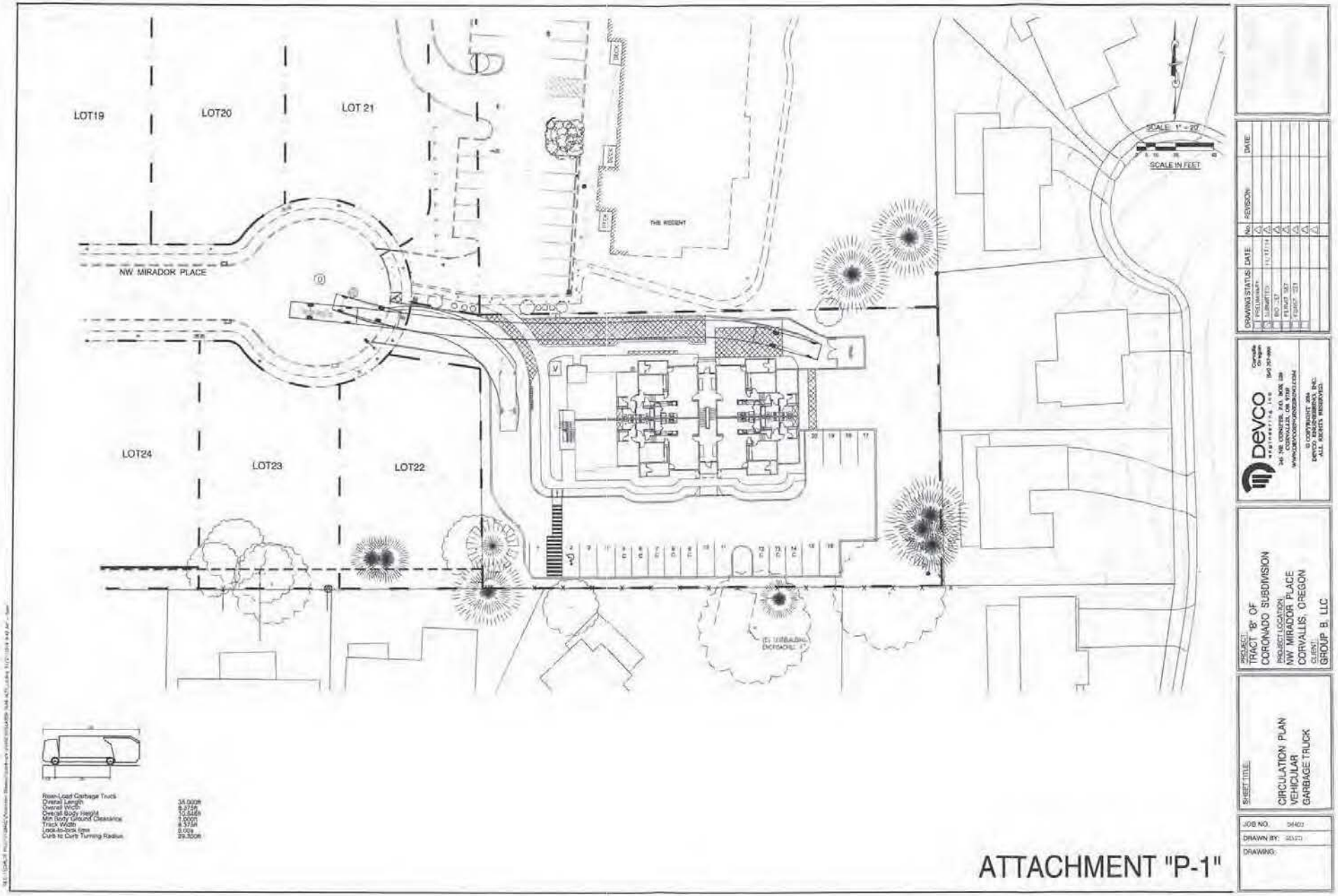
ATTACHMENT D.66



ATTACHMENT "P"

ATTACHMENT D.67

ATTACHMENT D.68



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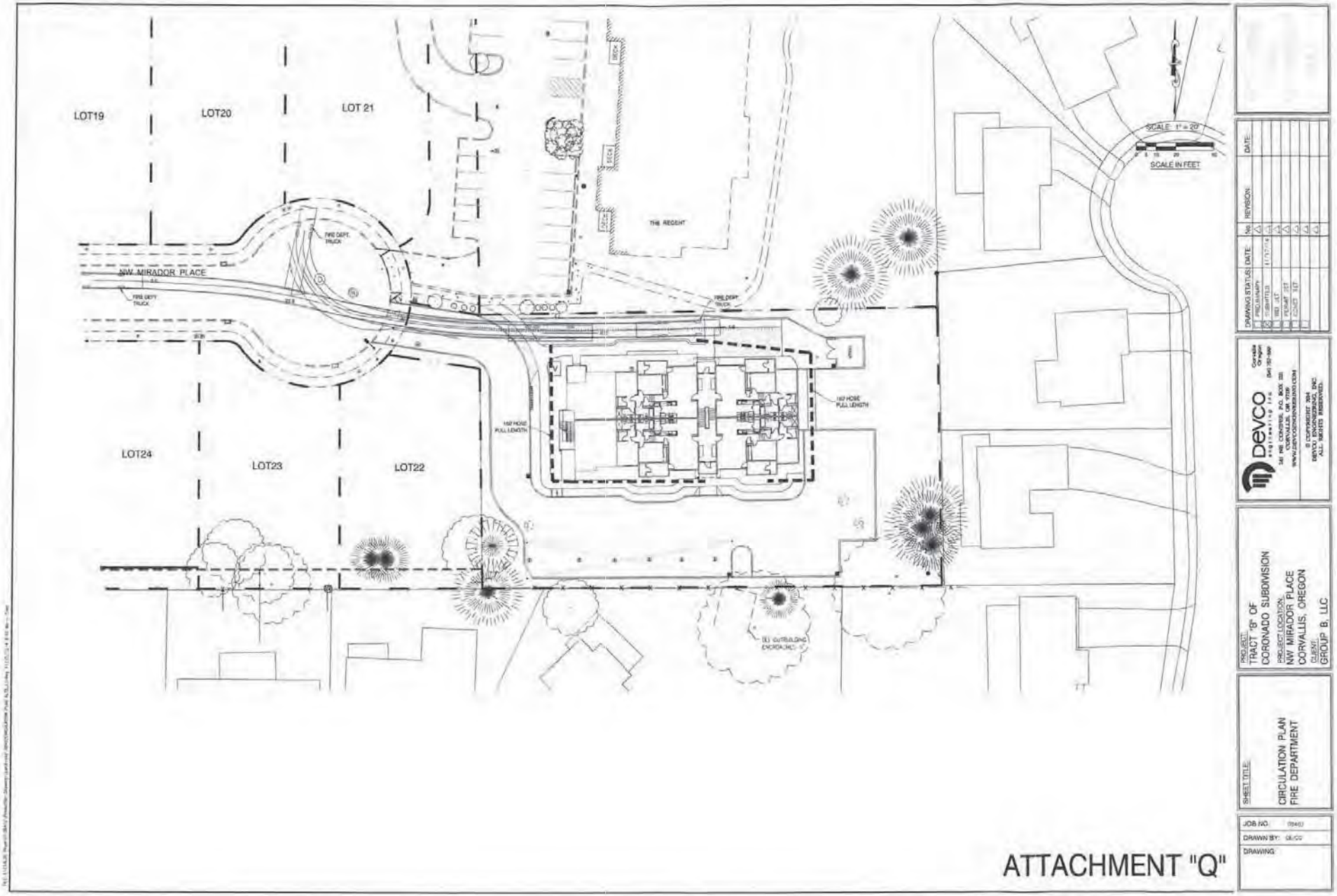
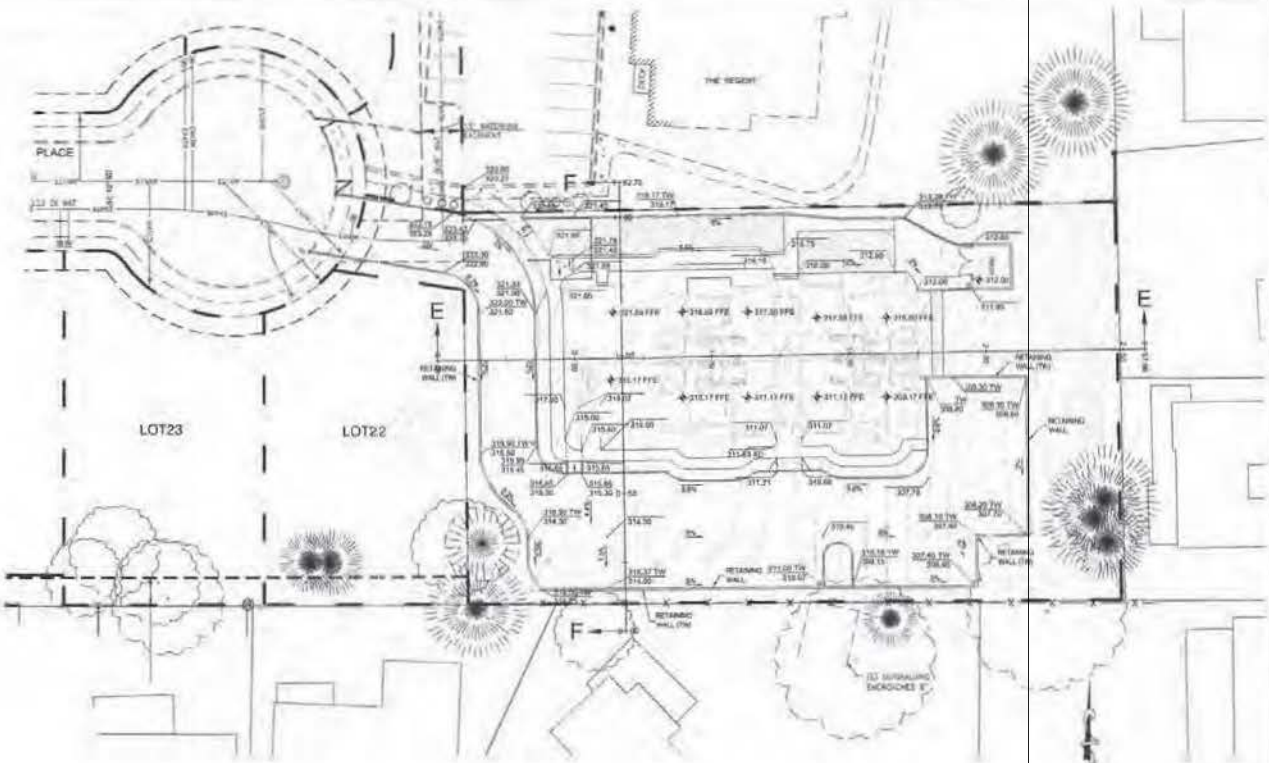


ATTACHMENT D.69

ATTACHMENT D.70



LEGEND

ATTACHMENT "R"

DRAWING STATUS | DATE | No. | REVISION | DATE

DEVCO ENGINEERING

TRACT "B" OF CORONADO SUBDIVISION

NW MIRADOR PLACE CORVALLIS, OREGON

GROUP B, LLC

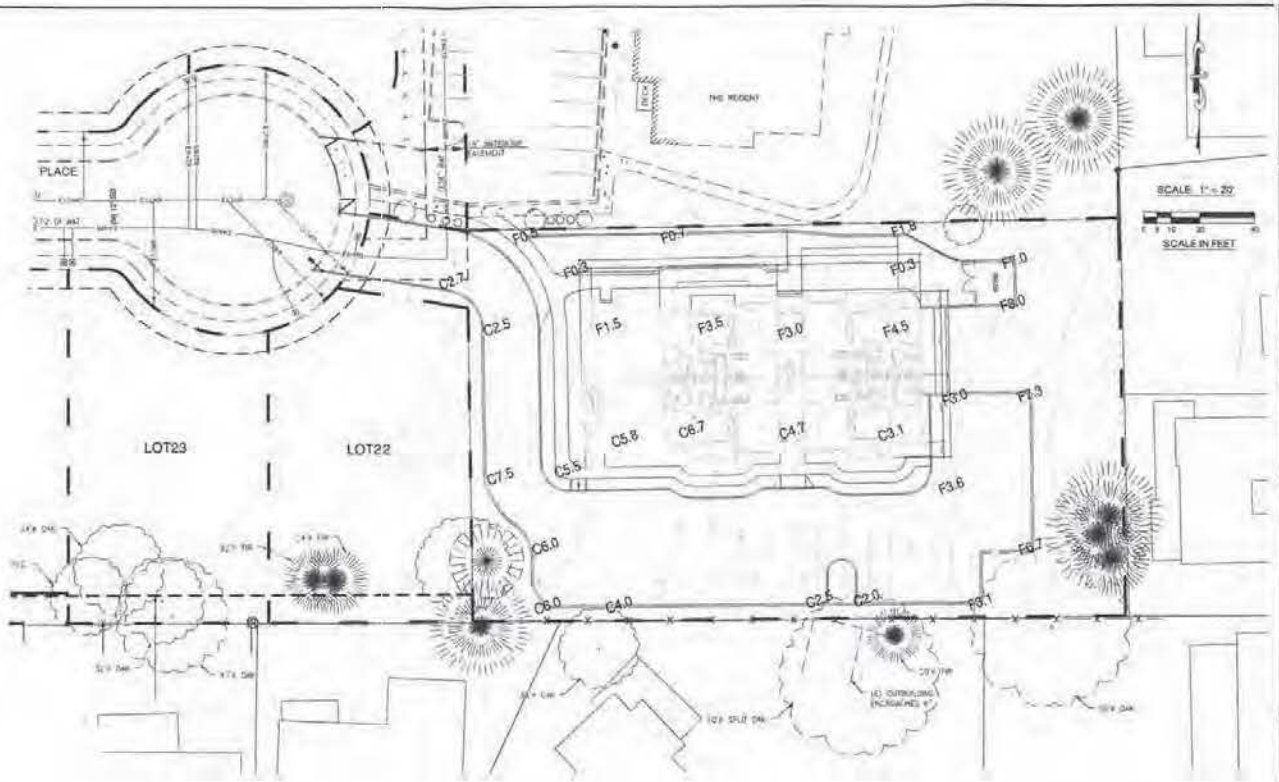
SITE GRADING PLAN

JOB NO.

DRAWN BY

DRAWING

ATTACHMENT D.71



CUT / FILL GENERAL NOTES:

CX.X CUT FROM EXISTING GRADE TO BOTTOM OF STRUCTURE FOOTING

FX.X FILL FROM EXISTING GRADE TO FINISH FLOOR OR FINISH PAVEMENT GRADE

X FEET

X TENTHS OF FEET

LEGEND

(E)	EXISTING
(N)	NEW
EGAS	EXISTING GAS
EIRRG	EXISTING IRRIGATION
EPOWR	EXISTING POWER
ESSWR	EXISTING SANITARY SEWER
ESTEM	EXISTING STEAM AND RETURN
ESTRM	EXISTING STORM DRAIN
ETELCOM	EXISTING TELECOMMUNICATIONS
ETV CABLE	EXISTING TV CABLE
EWATR	EXISTING WATER
NGAS	NEW GAS
NIRRG	NEW IRRIGATION
NPOWR	NEW POWER
NSSWR	NEW SANITARY SEWER
NSTRM	NEW STORM DRAIN
NTELCOM	NEW TELECOMMUNICATIONS
NTV CABLE	NEW TV CABLE
NWATR	NEW WATER
	EXISTING IMPROVEMENTS
	NEW IMPROVEMENTS
	FUTURE IMPROVEMENTS
	EXISTING PROPERTY LINE
	EXISTING IRON PIPE OR ROD
	EXISTING PAVEMENT
	EXISTING RIGHT-OF-WAY
	EXISTING BUILDINGS
	EXISTING BUILDING OVERHANG
	CENTERLINE
	SAWCUT LINE
	APPROXIMATE CLEARING LIMITS
	EXISTING DECIDUOUS TREE
	EXISTING EVERGREEN TREE
	EXISTING SIGNS
	FENCE
	DITCH FLOW LINE
	SANITARY SEWER MANHOLE
	STEAM AND RETURN MANHOLE
	STORM DRAIN MANHOLE
	TELECOMMUNICATIONS MANHOLE
	GAS VALVE
	WATER VALVE, AIR RELEASE VALVE
	WATER METER, GAS METER
	FIRE HYDRANT
	FIRE DEPARTMENT CONNECTION
	HOSE BIB
	IRRIGATION SPRINKLER HEAD
	CATCH BASIN
	CURB INLET
	CLEAN OUT
	RAIN DRAIN
	THRUST BLOCK
	STREET LIGHT, PARKING LOT LIGHT
	LANDSCAPE LIGHT
	UTILITY POLE
	UTILITY VAULT
	ELECTRICAL PEDESTAL
	TRANSFORMER
	CABLE PEDESTAL
	TELECOMMUNICATIONS PEDESTAL
	SIGN
	MAILBOX
	EXISTING CONTOUR
	NEW CONTOUR
	BENCH MARK
	EXISTING SPOT ELEVATION
XXX.XX	EXISTING TOP OF STRUCTURE OR CURB (TOS=TOP OF STRUCTURE)
XXX.XX	EXISTING FINISH ELEV (E=FLOW LINE)
XXX.XX / XXX.XX	DESIGN TOP OF STRUCTURE OR CURB (TOS=TOP OF STRUCTURE) DESIGN FINISH (F=FLOW LINE)

ATTACHMENT "S"

DRAWING STATUS	DATE	No.	REVISION	DATE
PRELIMINARY				
SUBMITTED	01/27/14			
BID SET				
FINAL SET				
CONST SET				

DEVCO ENGINEERING, INC.
PO BOX 1086, P.O. BOX 100
CORVALLIS, OREGON 97339
WWW.DEVCOENGINEERING.COM
Corvallis (541) 757-8991

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PROJECT: TRACT "B" OF CORONADO SUBDIVISION

PROJECT LOCATION: NW MIRADOR PLACE CORVALLIS, OREGON

CLIENT: GROUP B, LLC

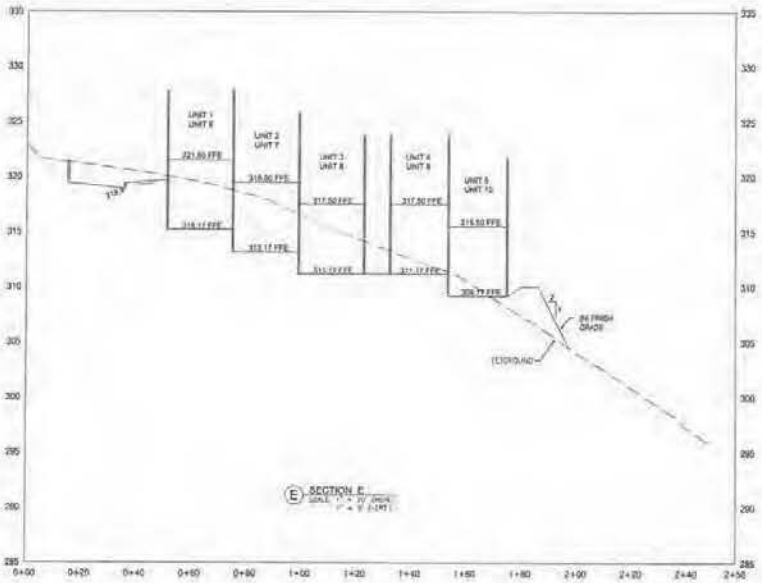
SHEET TITLE: SITE CUT / FILL PLAN

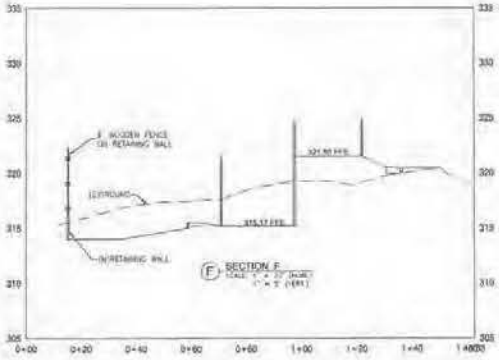
JOB NO.: 16403

DRAWN BY: [illegible]

DRAWING:

ATTACHMENT D.72





ATTACHMENT "T"

DRAWING STATUS	DATE	No.	REVISION:	DATE:
PRELIMINARY		1		
SUBMITTED	11/17/14	2		
90% SET		3		
PERMIT SET		4		
CONST. SET		5		
		6		

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Corvallis Oregon
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CORVALLIS, OREGON 97339
WWW.DEVCOENGINEERING.COM

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PROJECT:
TRACT "B" OF
CORONADO SUBDIVISION

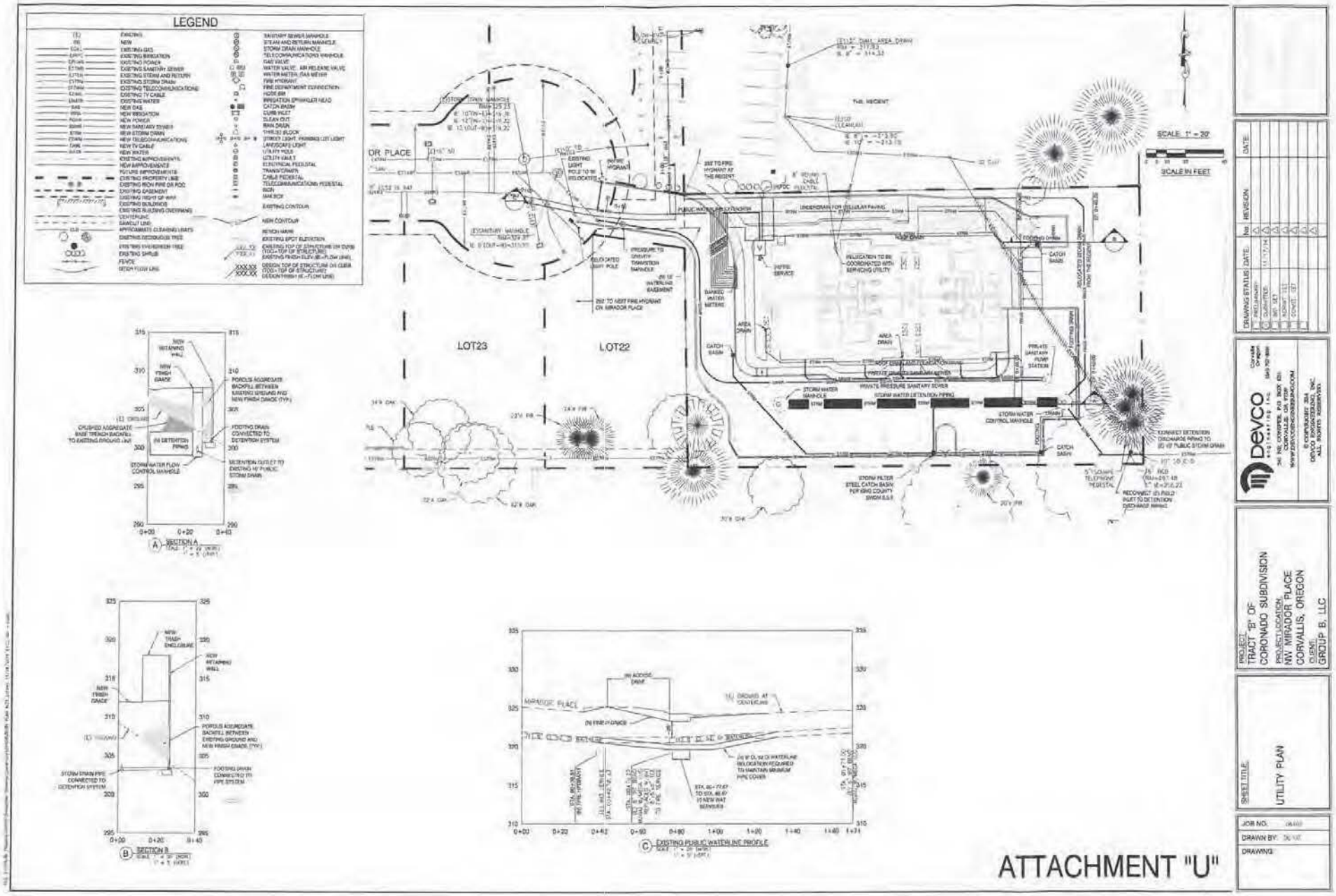
PROJECT LOCATION:
NW MIRADOR PLACE
CORVALLIS, OREGON

CLIENT:
GROUP B, LLC

SHEET TITLE:
SITE SECTIONS

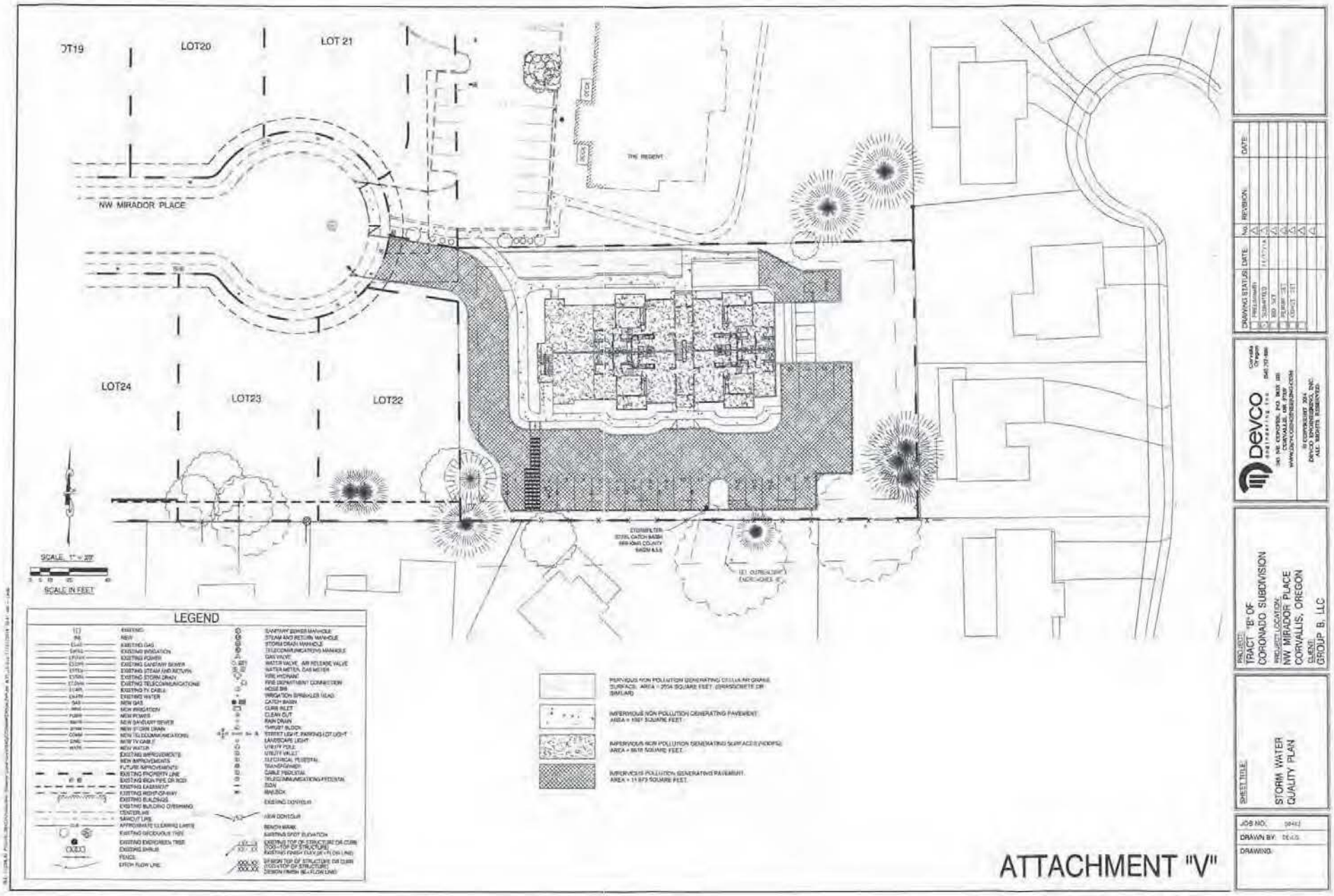
JOB NO. 08402
DRAWN BY: 08-05
DRAWING:

ATTACHMENT D.73



ATTACHMENT "U"

ATTACHMENT D.74



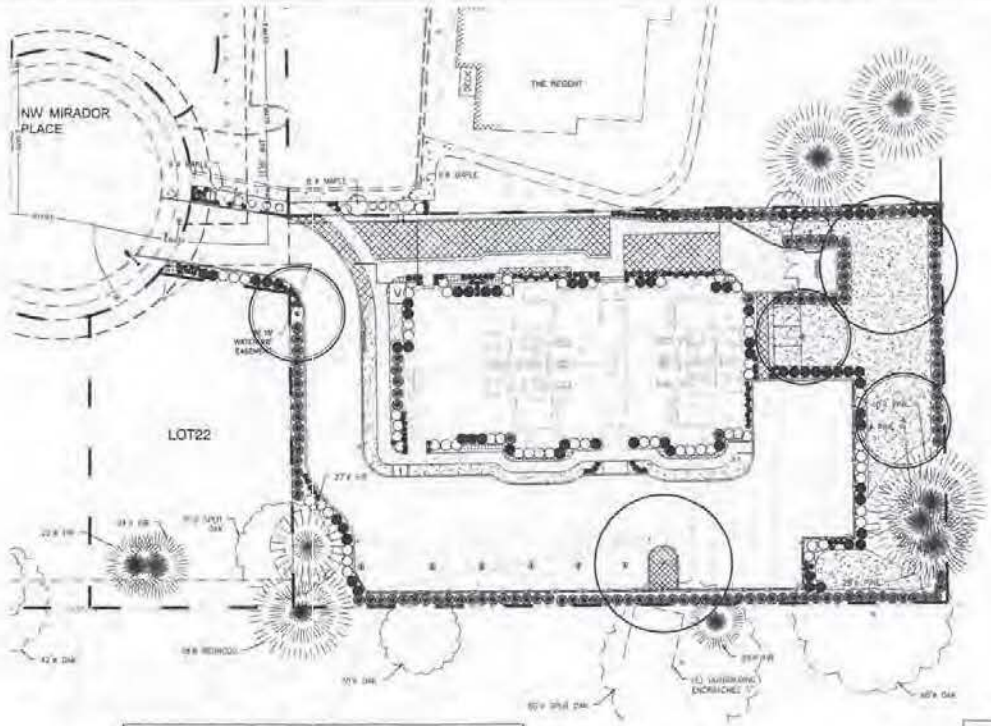
ATTACHMENT D.75

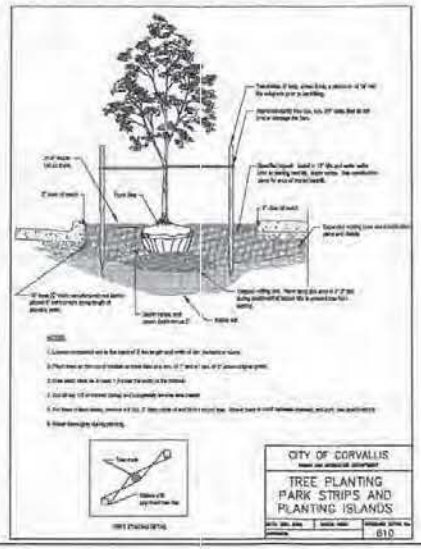
LANDSCAPING NOTES:

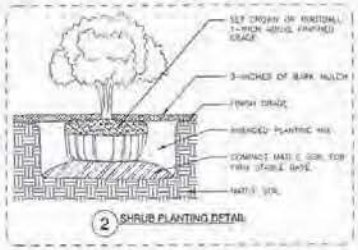
1. LANDSCAPE CONTRACTOR SHALL PROVIDE ALL MATERIALS, LABOR AND EQUIPMENT NECESSARY FOR TOPSOIL INFORMATION, PLACEMENT, SPREADING, PLANTER BACKFILL, APPLICATION OF SOIL AMENDMENTS (AS REQUIRED) AND FERTILIZERS, FINISH GRADING, AND INSTALLATION OF TREES, SHRUBS, AND GROUND COVERS, AND APPLICATION OF BARK MULCH. CONTRACTOR SHALL PROVIDE, MAINTAIN, GUARANTEE AND/OR REPLACE ANY PLANTS, AND RELATED ITEMS NECESSARY TO COMPLETE THE WORK INDICATED. WORK INCLUDES COORDINATION WITH IRRIGATION SYSTEM.
2. PROVIDE PLANT MATERIALS IN ACCORDANCE WITH SPECIES, SIZES, AND QUANTITIES INDICATED ON DRAWING(S). SUBMIT REQUEST FOR ANY PLANT MATERIAL SUBSTITUTIONS BASED ON PLANT SUITABILITY AND/OR AVAILABILITY TO ENGINEER.
3. LANDSCAPE CONTRACTOR SHALL LOCATE, VERIFY AND PROTECT ALL EXISTING UTILITIES AND FEATURES ON AND ADJACENT TO THE PROJECT SITE PRIOR TO, AND DURING WORK TASKS. LANDSCAPE CONTRACTOR SHALL REPAIR, AT THEIR OWN EXPENSE, ALL DAMAGE RESULTING FROM THEIR OPERATIONS OR NEGLIGENCE. THE CONTRACTOR SHALL USE ALL MEANS NECESSARY TO PROTECT THE PUBLIC AT ALL TIMES DURING THE INSTALLATION PROCESS.
4. LANDSCAPE CONTRACTOR SHALL GUARANTEE PLANT MATERIALS AND RELATED WORKMANSHIP ON INSTALLATION BEGINNING AFTER DATE (DATE) OF WRITTEN APPROVAL AND ACCEPTANCE OF WORK FOR ONE FULL CALENDAR YEAR, OR ONE FULL GROWING SEASON, WHICHEVER IS LONGER.
5. ALL PLANTS AND PLANTING MATERIALS SHALL MEET OR EXCEED THE SPECIFICATIONS OF FEDERAL, STATE AND COUNTY LAW, REGARDING INSPECTION FOR PLANT DISEASE AND PESTS.
6. QUALITY TERMINOLOGY AND CALIPER-TO-HEIGHT RATIOS SHALL BE NO LESS THAN THE MINIMUMS ESTABLISHED IN THE AMERICAN STANDARDS FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN. PROVIDE HEALTHY TREES IN VIGOROUS CONDITION EXHIBITING NORMAL BALANCED GROWTH PATTERNS, WELL BRANCHED AND ROOTED, FULL FOLIAGE WHEN IN LEAF, FREE OF DISEASE, INJURY, HARMFUL INSECTS, EGGS, LARVAE, WEEDS, AND WEED ROOTS. PLANTS SHALL BE NURSERY GROWN. DO NOT USE COLD STORAGE PLANTS.
7. TOPSOIL SHALL BE THAT WHICH MAY BE FOUND ON SITE IN A NATURAL STATE, FOUND AT A DEPTH OF LESS THAN 30". TOPSOIL SHALL BE FREE OF STONES, SUBSOIL, CLAY LUMPS LARGER THAN 2" DIA. (MAX.), BROWN GARDEN SNAIL, 1" DIA. BARK, WEEDS, WEED ROOTS, CONTAMINANTS, OR OTHER OBJECTIONABLE MATERIAL. IF EXISTING SOILS ARE OF INSUFFICIENT QUALITY OR QUANTITY, PROVIDE REQUEST FOR ADDITIONAL TOPSOIL TO ENGINEER AND IMPORT TOPSOIL AS APPROVED BY THE ENGINEER.
8. AREAS PLANTING MUST CONSULT OF BDS SANITY LEAN ZONE COMPOSTED MANURE, AND ZONE FINE GROWING FOR GRASS.
9. BED AREAS SHALL HAVE A MIN. OF SIX INCHES OF TOPSOIL (1-YR PLANTING AREA). ROTOTILL THOROUGHLY TO INCORPORATE TOPSOIL INTO SUBGRADE.
10. APPLY CONCRETE SLOW RELEASE FERTILIZER (OR APPROVED EQUAL) TO ALL PLANTING BEDS PER MANUFACTURER'S RECOMMENDATIONS AT TIME OF PLANT INSTALLATION.
11. INSTALL PLANTS PER LANDSCAPE PLAN AND DETAILS.
12. MULCH PLANTING BEDS AND AREAS WITH 4 PER MULCH FREE OF NOXIOUS WEEDS, WEED SEEDS AND MATERIALS HARMFUL TO PLANT LIFE, AND SHALL BE AS PER STATE AND LOCAL INDUSTRY STANDARD FOR COMMERCIAL/RESIDENTIAL ORNAMENTAL LANDSCAPE BEDS FOR WEED AND MOISTURE CONTROL. PROVIDE SURFACE MULCH AT A MINIMUM OF 3" DEPTH.
13. REMOVE ALL EXCESS WHITE MATERIAL SHALL "WEEP AND WASH" CONCRETE" CLEAN ALL BUILDINGS, WALLS, WALKS, PAVEMENTS AND LIGHTING.

GENERAL IRRIGATION DESIGN AND CONSTRUCTION NOTES:

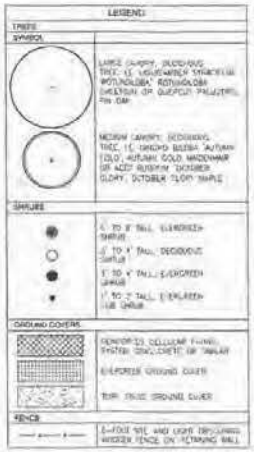
1. IRRIGATION SYSTEM SHALL BE CONTRACTOR DESIGNED AND INSTALLED PER ALL APPLICABLE LOCAL AND STATE CODES, INSPECTIONS, AND EQUIPMENT MANUFACTURER'S SPECIFICATIONS. ACCEPTABLE MANUFACTURERS: RAIN BIRD (PREFERRED) OR APPROVED EQUAL.
2. IRRIGATION SYSTEM DESIGNER/INSTALLER SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO INSTALLATION WORK.
3. ALL AREAS IRRIGATED WITH SPRAY HEADS TO RECEIVE 100% COVERAGE. MINOR ADJUSTMENTS TO HEAD LOCATIONS MAY BE NECESSARY TO ENSURE PROPER COVERAGE.
4. CONTRACTOR SHALL SUBMIT SYSTEM SHOP DRAWINGS TO THE OWNER AND TO THE OWNER'S ENGINEER FOR OWNER APPROVAL.
5. SEPARATE IRRIGATION VALVES TOGETHER WHEN POSSIBLE.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO SUPPLY THE MANUFACTURER'S SPECIFIED MINIMUM OPERATING PRESSURE TO EMITTER WATER CONNECTION.
7. MAIN LINE AND LATERAL LINES TO BE SIZED AS NECESSARY TO PART SYSTEM DESIGN, IN COMPLIANCE WITH MANUFACTURER'S MINIMUM PERFORMANCE STANDARDS.
8. IRRIGATION SYSTEM INSTALLER SHALL BE RESPONSIBLE FOR PINPOINTING LOCATION OF UNDERGROUND UTILITIES PRIOR TO ANY WORK.
9. IRRIGATION SYSTEM INSTALLER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ANY EXISTING VEGETATION AND ITS ROOT ZONES.
10. IRRIGATION SYSTEM DESIGNER/INSTALLER SHALL SUPPLY TO THE OWNER AN IRRIGATION PLUMBING SCHEDULE THAT LISTS ALL IRRIGATION ZONES AND THE GALLONS PER MINUTE (GPM) DEMAND PER EACH ZONE.
11. IRRIGATION SYSTEM INSTALLER SHALL SUPPLY TO THE OWNER, AT THE COMPLETION OF THE SYSTEM INSTALLATION: 1. AS-BUILT RECORD DRAWINGS; 2. CONTROLLER MULTIZONE CHART; 3. ALL MAINTENANCE MANUALS AND WARRANTY GUARANTEE INFORMATION.
12. ALL MATERIALS AND EQUIPMENT SHALL BE NEW. LOW VOLUME EMITTERS: PROVIDE TYPE AND RELATED "IDENTATION" SERIES COMPONENTS AS MANUFACTURED BY RAIN BIRD SPRINKLER MFG. CORP., OR APPROVED EQUAL. LATERAL LINE PVC PIPE: POLYBUTYL ENGINEER PLASTIC PVC 1120 CLASS 220, TYPE I, NORMAL IMPACT, I.P.S., NSF APPROVED PLAN AND OR BELL END, COLOR WHITE, MEETING REQUIREMENTS OF ASTM D2241 AND D1784.
13. CONNECTION TO WATER SOURCE: WATER SUPPLY SHALL BE FROM EXISTING ON-SITE WATER METER(S). (VERIFY LOCATION(S)). NOTIFY OWNER AND OWNER'S ENGINEER OF ANY WATER SERVICE INTERRUPTION A MIN OF 24 HOURS PRIOR TO ANY PLANNED SHUT-OFF.
14. DRAIN BLOCK SHALL BE CONSTRUCTED AS REQUIRED TO ALLOW SYSTEM DRAINAGE DURING FOLLOWING CONDITIONS.
15. ANY NEW SLEEVES, SLEEVES FOR IRRIGATION AND ON CONTROL WIRES UNDER NEW PAVEMENT AND/OR SIDEWALKS SHALL BE SCH 40 PVC AND WILL BE PROVIDED BY THE GENERAL CONTRACTOR AS NOTED ON GRADE DRAWING.
16. SUGGESTED WATERING REQUIREMENTS (VERIFY WITH INDUSTRY STANDARD):
    TREE SPECIES: – 2.1 GAL. DAY OR INDUSTRY STANDARD MINIMUM
    SHRUB SPECIES – 5.4 GAL. DAY OR INDUSTRY STANDARD MINIMUM
    GROUNDCOVER SPECIES – 1.0 GAL DAY OR INDUSTRY STANDARD MINIMUM
    ORNAMENTAL GRASSES – 0.5 GAL. DAY OR INDUSTRY STANDARD MINIMUM
    BUBBLE AND UPGRADED RA – 1 GAL DAY OR INDUSTRY STANDARD MINIMUM







2 SHRUB PLANTING DETAIL



ATTACHMENT "W"

DRAWING STATUS	DATE	No.	REVISION	DATE
PRELIMINARY				
CONSTRUCTION				
BID SET				
PERMIT SET				
COUNTY SET				

DEVCO engineering inc.
Corvallis Oregon
541 757-0884
541 757-0886
341 NW CONNER P.O. BOX 220
CORVALLIS, OR 97339
WWW.DEVCOENGINEERING.COM

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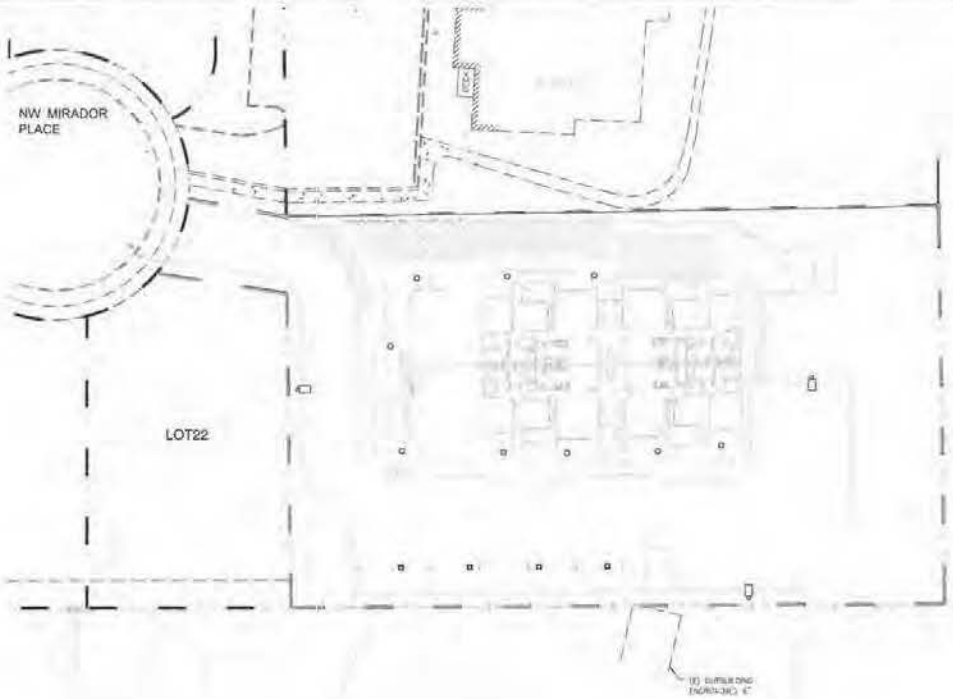
PROJECT: TRACT "B" OF CORONADO SUBDIVISION
PROJECT LOCATION: NW MIRADOR PLACE CORVALLIS, OREGON
CLIENT: GROUP 8, LLC

SHEET TITLE: CONCEPTUAL LANDSCAPE PLAN

JOB NO. 0840
DRAWN BY: DEVCO
DRAWING:



SCALE: 1" = 20'

SCALE IN FEET

LEGEND

- BOLLARD - 42" ROUND ALUMINUM WITH LOUVER & FLAT TOP, 32W TRT COMPACT FLUORESCENT LAMPING, DARK BRONZE FINISH, LITHONIA #KBR8-32TRT-LV-MVOLT OR APPROVED.
- AREA LIGHT FIXTURE - 250W METAL HALIDE LAMPING, R3 ASSYMETRIC THROW DISTRIBUTION, 20' ROUND METAL POLE. WITH HOUSE SIDE SHIELD. DARK BRONZE FINISH. LITHONIA #KAD-250M-R3-TB-HS OR APPROVED.
- CANOPY LIGHT FIXTURE - SURFACE MOUNT, 150W METAL HALIDE LAMP, HIGH ABUSE WITH CLEAR POLYCARBONATE LENS, DARK BRONZE FINISH, KENALL #H1212FD-FP-DB-100M-CV OR APPROVED.

ATTACHMENT "Z-A"

DRAWING STATUS	DATE	NO.	REVISION	DATE
1 PRELIMINARY		1		
2 SUBMITTED	11/21/14	2		
3 BID SET		3		
4 PERMIT SET		4		
5 CONST. SET		5		
6		6		

devco engineering inc.
Corvallis Portland
541 753-9160 (fax) 753-9161
247 SW CORNELL, P.O. BOX 128
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www.DEVCOENGINEERING.COM

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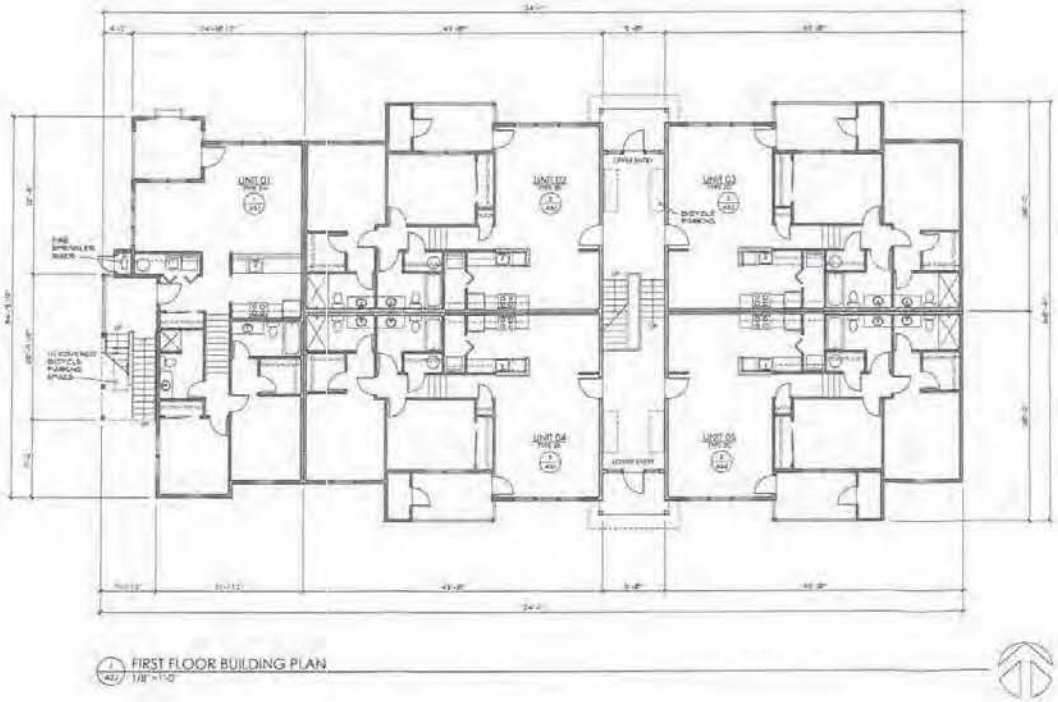
PROJECT:
TRACT "B" OF
CORONADO SUBDIVISION

PROJECT LOCATION:
NW MIRADOR PLACE
CORVALLIS, OREGON

CLIENT:
GROUP B, LLC

SHEET TITLE:
EXTERIOR LIGHTING PLAN

JOB NO: 03400
DRAWN BY: BDM
DRAWING:



ATTACHMENT X

FIRST FLOOR BUILDING PLAN

TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

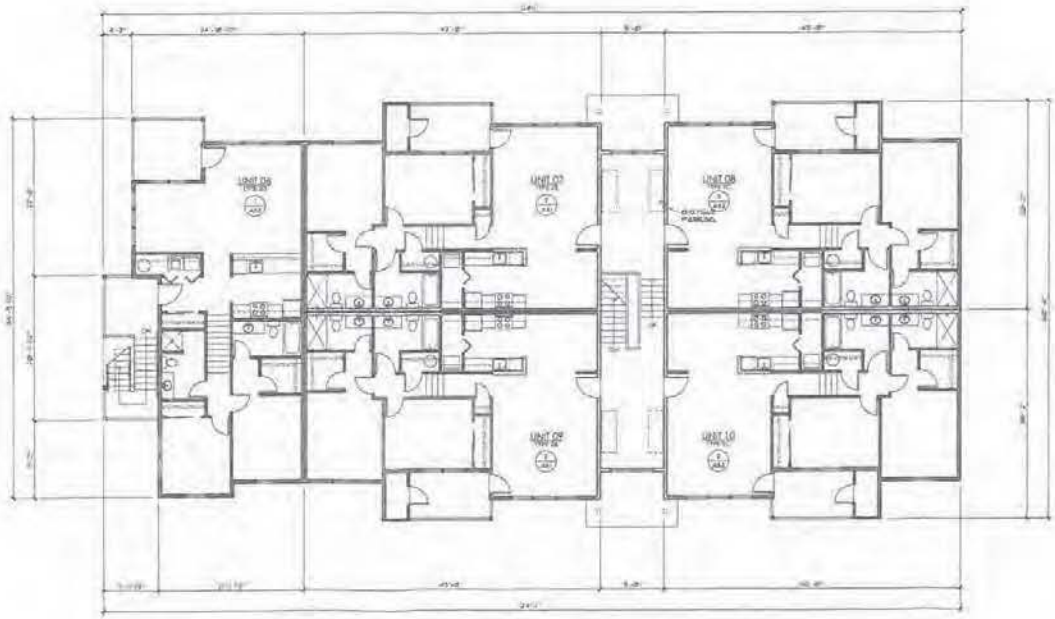
OWNER:
GROUP B LLC
333 NW 35TH ST., CORVALLIS, OREGON 97330

RDG
Richard Dragoo Group Architects, Inc.
Phone: 541-754-1000 Corvallis Drive Albany, Oregon 97321 (503) 916-1099

REGISTERED ARCHITECT
STATE OF OREGON

A
2.1

ATTACHMENT D.77



1 SECOND FLOOR BUILDING PLAN
A2.2 1/8" = 1'-0"

ATTACHMENT X-1

SECOND FLOOR BUILDING PLAN

TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

OWNER
GROUP B LLC
702 NW 26TH ST, CORVALLIS, OREGON 97330

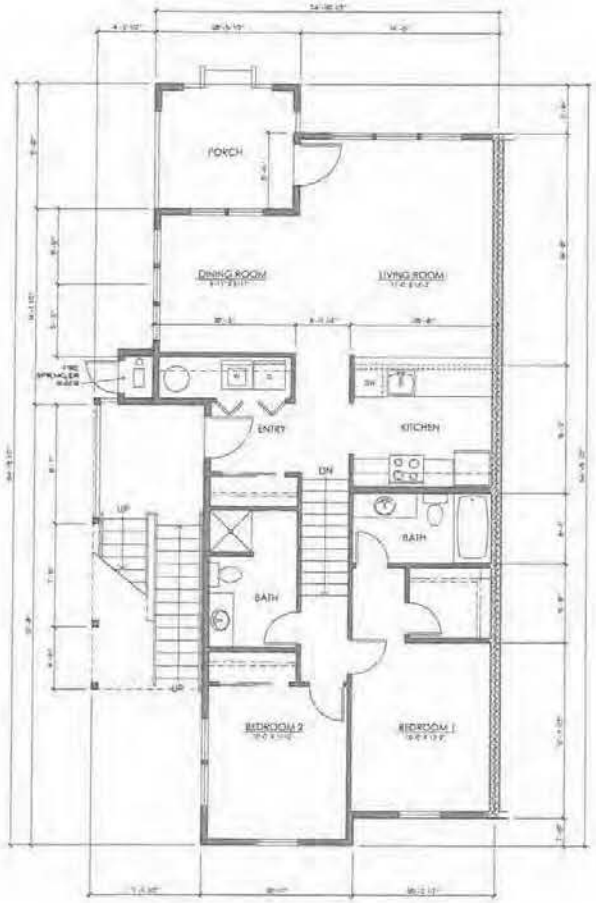
RDG
REITER DESIGN GROUP
ARCHITECTS, INC
1925 NW CORNELL DRIVE, BEAVERTON, OREGON 97006 (503) 572-8266

REGISTERED ARCHITECT
STATE OF OREGON

A
2.2

ATTACHMENT D.78

ATTACHMENT D.79



1 A3.1 UNIT TYPE 2A FLOOR PLAN
1/4" = 1'-0"

2 A3.1 UNIT TYPE 2B FLOOR PLAN
1/4" = 1'-0"

ATTACHMENT Y

REGISTERED ARCHITECT
CHRISTOPHER J. GRIFFITH
STATE OF OREGON

RDG
Richard Design Group Architects, Inc.
7955 SW Cirrus Drive Beaverton Oregon 97008 (503) 574-5700

TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

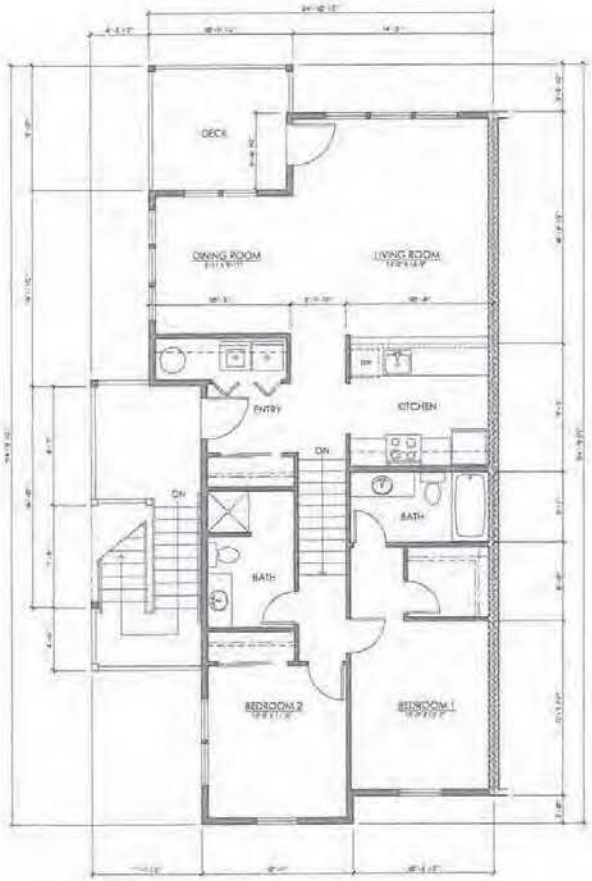
Owner:
GROUP B LLC
202 NW 53rd St., CORVALLIS, OREGON 97330

UNIT PLANS
UNIT TYPE 2A, 2B

Date: NOVEMBER 24, 2010
Scale: AS NOTED
Drawn: DAV
Job No.: 1280

A
3.1

ATTACHMENT D.80



UNIT TYPE 2D FLOOR PLAN

UNIT TYPE 2C FLOOR PLAN

ATTACHMENT Y-1

RDG
Rastin Design Group Architects, Inc

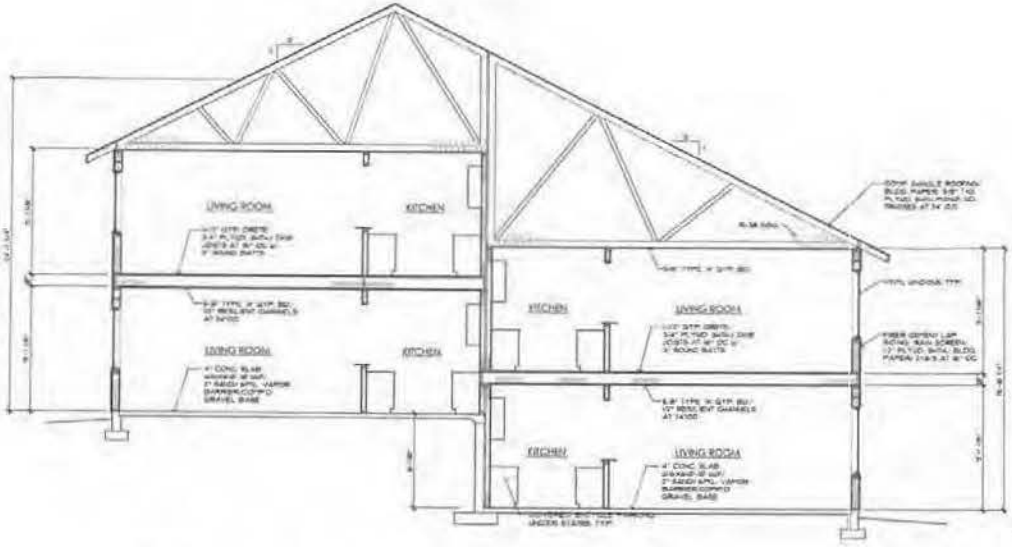
TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

OWNER:
GROUP B LLC
202 NW SIXTH ST., CORVALLIS, OREGON 97330

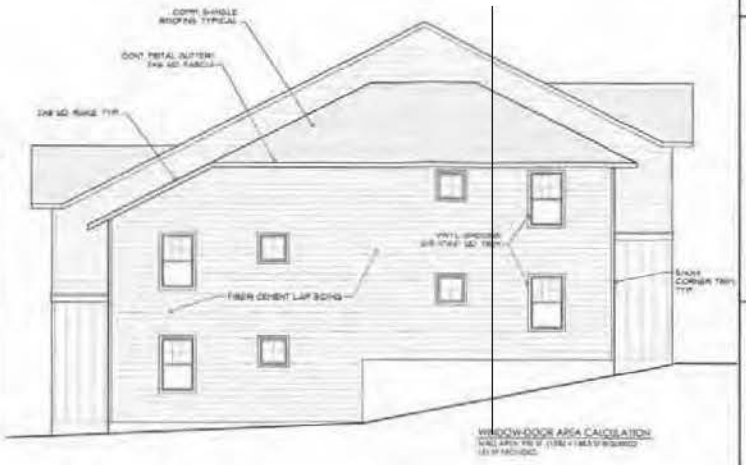
UNIT FLOOR PLANS
UNIT TYPE 2C, 2D

A
3.2

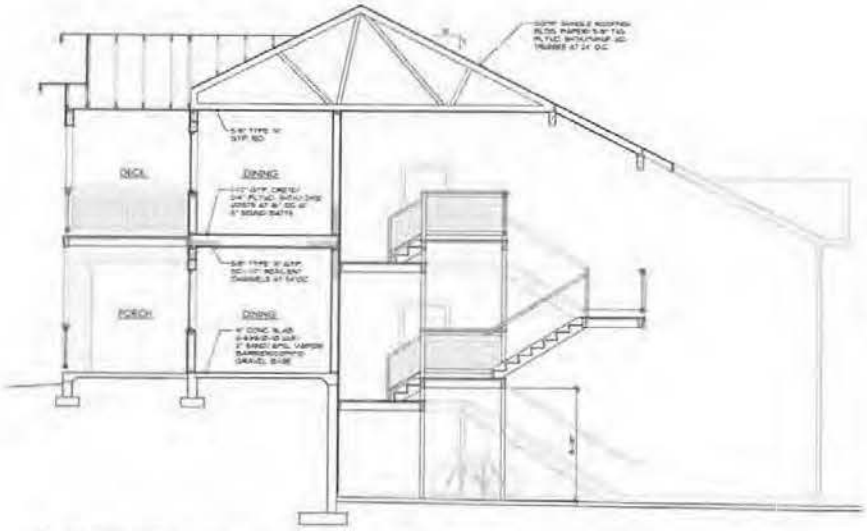
ATTACHMENT D.81



TYPICAL BUILDING SECTION



SIDE (EAST) ELEVATION



BUILDING SECTION AT STAIR

SIDE (WEST) ELEVATION

ATTACHMENT Z-1

RDG
Ruth's Design Group
Architects Inc.

TRACT 'B', CORONADO SUBDIVISION
NW MIRADOR PLACE, CORVALLIS, OREGON

OWNER
GROUP B, LLC

EAST AND WEST ELEVATIONS
TYPICAL BUILDING SECTIONS

A
6.2

ATTACHMENT D.82

ATTACHMENT Z

FILE COPY

DEVCO engineering inc.

245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

16 January 2015

Ms. Amber Bell, Assistant Planner
Community Development
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

SUBJECT: Coronado Tract B Subdivision
(PLD14-00005)

Dear Amber:

The Applicant is proposing trash collection and pick-up, for the ten unit Tract B facility, in accordance with the accompanying guidelines for the project approved by Republic Waste. Under the proposed procedures there will be no need or expectation of Republic Waste vehicles entering the site, thus Staff's determination that the fire truck access, to the north of the building, is an access drive because it accommodates garbage truck ingress and egress is no longer valid.

The Applicant will be asking the Planning Commission to delete Condition of Approval No. 18.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 abell 01-16-2015.docx

Enclosures

DEVCO engineering inc.
245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

14 January 2015

Mr. Mark Wibbens
Republic Waste
110 NE Walnut Boulevard
Corvallis, OR 97330

SUBJECT: Tract B, NW Mirador Place
PLD14-00005

Dear Mark:

The subject property is a ten-unit, two bedroom/unit, multi-family residential facility which the City of Corvallis is presently reviewing under the case number above. The owner proposes to install a trash collection enclosure as shown on the accompanying drawing which would accommodate a two cubic yard trash compactor with container, and separate recycle carts.

Operationally, the facility manager would be responsible to wheel the trash container and the recycle carts to the NW Mirador Place curb at the designated collection times.

As we understand the industry standards, a typical two or three bedroom residential unit generates approximately 0.5 cubic yards of un-compacted trash weekly. Ten percent of this volume is typically recyclables. The trash compactor is rated to reduce this volume by a factor of 4 to 5. Thus the maximum weekly volume of compacted trash from this facility will be:

(10 units x 0.5 cy/unit) ÷ 4 = 1.2 cubic yards of compacted trash per week

This quantity will easily fit in a two cubic yard rolling container.

If you are in agreement that the approach outlined above meets with Republic Waste's service expectations and requirements, please sign below, and we will forward a copy of this letter to the City.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
08-402 wibbens 01-14-2015.docx

Concurrence by: Mark Wibbens, on behalf of Republic Waste

Attachments: (1) Site Plan
(1) Trash compactor product sheet

WasteCare Corporation is your source for commercial trash compactors, balers, waste equipment, recycling equipment, industrial shredders and grinders, and other waste related products and services.

Home > Sitemap > Compactors > Outdoor

2 YARD VERTICAL OUTDOOR COMPACTORS

Two Yard Steel Container Holds roughly 8 - 10 yards of Compacted Trash

Helpful Info for Deciding on 2 Yd Vertical Compactors:

About Compactors
Industrial Trash Compactors
Waste Compactors: Reduce the Trash Burden
Trash Compactors: Not Glamorous But Very Useful
Trash Compactors: Purchase Considerations and Tips
Trash Compactors: Preliminary Considerations Checklist
Waste Generated by Industry & Building Type (in lbs)
Waste Generated by Industry & Building Type (in C.Y.)

2-VOC - 2 YARD VERTICAL COMPACTORS

Request Automated Response with general pricing (Secure)

Request Info on Multiple Products (Secure Area)

Jump to Vertical Outdoor Compactors Overview Page showing all Models

2 Yard Vertical Outdoor Compactor - Standard Features

115V-Single Phase
Twin 3" Cylinders
Two Stage Pump

2 Yard Vertical Outdoor Compactor - Options

Ozone Sanitizer
3 Phase Power Unit
Through The Wall Chutes
Additional Colors Available
Right/Left Side Control Panel

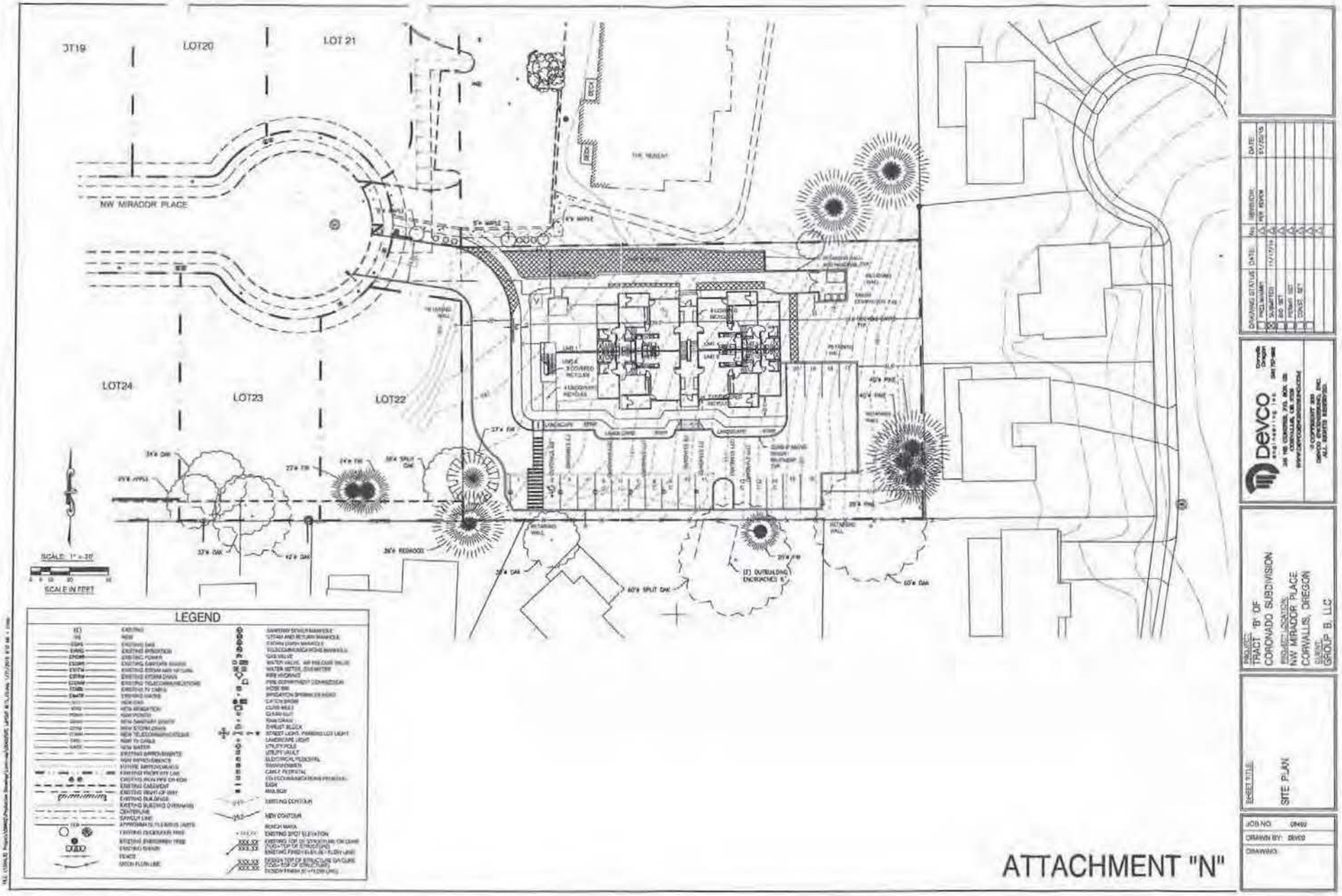
Note: Our Compactors Preliminary Considerations Checklist **may be helpful**

Great for Parking Garage Applications where the Compactor can be positioned in the garage and the containers rolled out to the hauler area for tipping.

COMPACTOR SPECIFICATIONS

2VOC - Specifications		
Container Capacity	2VOC-CAP	2 Cubic Yard
Ram Face	2VOC-RFC	27" x 48" (69cm x 122cm)
Ram Pressure @ 2000	2VOC-RPR	28,300 lbs.
Cycle Time	2VOC-CTI	28 seconds
Twin Cylinders	2VOC-CYL	7" Bore, 37.5" Stroke, 1.5" Rod
Motor	2VOC-MTR	2 hp
Pump	2VOC-PMP	Two Stage
Electric Power	2VOC-PWR	115/230V-1Ph-60Hz.
Oil Capacity	2VOC-OIL	8 Gallons
2VOC - Dimensions		
Loading Door Opening	2VOC-LDO	85"x 24"
Overall Height	2VOC-OHT	102"
Overall Depth	2VOC-ODP	58"
Overall Width	2VOC-OWD	95"
Shipping Weight -Compactor	2VOC-WTC	3,250 lbs.
Shipping Weight -Container	2VOC-WTB	740 lbs.

ATTACHMENT D.86



WATERSHED MANAGEMENT ADVISORY BOARD
MINUTES
January 28, 2015
DRAFT

Present
Jessica McDonald, Chair
David Hibbs, Vice-Chair
Charlie Bruce
Sheryl Stuart
Jacque Schreck
Joel Hirsch, City Council Liaison

Excused
Creed Eckert
David Zahler

Staff
Jennifer Ward, Public Works
Tom Hubbard, Public Works
Mike Hinton, Public Works
Mary Steckel, Public Works

Visitors
Frank Davis, Siuslaw National Forest
Xan Augerot, Marys River Watershed Council

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Introductions	X		
II. Review of Agenda			Discussed "Board v. Committee" at start of meeting.
III. Review of December 17, 2014 Minutes			Approved
IV. Visitor Propositions	X		
V. City Council Report	X		
VI. New Business • Date for annual tour			Set for May 28
VII. Old Business • Board v. Committee			Recommended remaining an advisory board
VIII. Staff reports	X		
IX. Commission Requests and Reports	X		
X. Adjourn			

CONTENT OF DISCUSSION

I. Call Meeting to Order/Introductions
Chair McDonald called the meeting to order and those present introduced themselves.

II. Review of Agenda

The Board moved the discussion of whether it preferred to remain a Board or become a Department Committee to the beginning of the meeting.

III. Review of Minutes

Board Member Schreck moved to approve the December 17, 2014 minutes. Board Member Hibbs seconded the motion and the minutes were approved unanimously.

IV. Visitor Propositions

Frank Davis reported that Barb Ellis is retiring.

V. City Council Report

Ms. Steckel reported that Council is in the process of setting their goals for the next two years. She noted that one of the potential goals involves creating a strategy for water stability into the future, but she did not know how that would impact the Watershed or if it will make it through the goal filtering process.

VI. New Business

Date for annual tour

The Board set the annual tour for Thursday, May 28.

VII. Old Business

Board v. Committee

After much discussion and debate, the Board recommended continuing as an Advisory Board rather than becoming a Department Committee. Frank Davis noted that the Forest Service had some of the same kinds of discussions regarding advisory bodies, noting that the Siuslaw functions well with a less formalized structure.

VIII. Staff Reports

Ms. Ward reported the following:

- The harvest has brought in just over $500,000 in revenue. The logger reports that the harvest should be complete by mid-February.
- She and Mark Miller met with representatives from the Eugene Water and Electric Board (EWEB), who are working on a stewardship plan for their forest.
- Trout Mountain Forestry had an annual audit to maintain their Forest Stewardship Council (FSC) certification, which included a tour of the Corvallis Forest.
- All of the stewardship groups associated with the Siuslaw National Forest met last week in Yachats. The main speaker was an expert on Marbled Murrelets, who was impressed with the City of Corvallis's management of the birds' habitat.
- Last Friday the OSU Hydrophiles club toured the watershed.

Mr. Hinton reported that Linn-Benton Community College has created a watershed class that has been taking tours and will perform studies at the watershed.

IX. Commission Requests and Reports

Board Member Schreck stated that she will not be at the next meeting and suggested including some old growth stops on the annual tour.

Board Member Bruce reported that Dr. Eric Forsman is retiring from his position coordinating the federal effort to monitor northern spotted owls at the end of the month. He also reported that there is a study to look at the interaction between spotted owls and barred owls which will involve the removal of a large number of barred owls. The Coast Range is one of the study areas and the Corvallis watershed will be part of the control area.

X. Adjourn

The meeting was adjourned at 6:32 p.m.

NEXT MEETING: February 25, 5:15 p.m., Madison Avenue Meeting Room

MEMORANDUM

To: City Council Members

From: Biff Traber, Mayor

Date: February 25 2015

Subject: Appointments to Community Relations Advisory Group

I am appointing the following persons to the Community Relations Advisory Group for the terms of office shown:

Jonathan Stoll – Director of OSU Office of Community Relations
Term expires June 30, 2017

Tracy Bentley-Townlin – Interim Dean of OSU Student Life
Term expires June 30, 2017

Rob Reff – Coordinator of OSU Substance Abuse Program
Term expires June 30, 2016

Tracey Yee – member of OSU Faculty Senate Executive Committee
Term expires June 30, 2017

Erika Bellingham – President of OSU Panhellenic (student)
Term expires June 30, 2017

Cassie Huber – ASOSU Executive Director of Community Resources (student)
Term expires June 30, 2015

Michael Conan – President of OSU Interfraternity Council (student)
Term expires June 30, 2016

Gary Evans – General Manager of Clodfelter's Pub on NW Monroe Avenue
Term expires June 30, 2016

Dan Hendrickson, Captain of Corvallis Police Department
Term expires June 30, 2015

Jerry Duerksen – member of Corvallis Rental Property Management Group
Term expires June 30, 2017

Karen Berg – representative of Corvallis neighborhood
Term expires June 30, 2017

Charlyn Ellis – representative of Corvallis neighborhood
Term expires June 30, 2016

Suki Meyer – representative of Corvallis neighborhood
Term expires June 30, 2015

Roen Hogg – Council Liaison
Term expires December 31, 2016

Jeff Davis – Regional Director for Benton County, Linn-Benton Community College
Term expires June 30, 2016

Jonathan Stoll and Roen Hogg will serve as co-chairs of the Advisory Group.

I will ask for confirmation of these appointments at our next Council meeting, March 16, 2015.

MEMORANDUM

February 25, 2015

TO: Mayor and City Council

FROM: Mary Beth Altmann Hughes, Human Resources Director

SUBJECT: **City Manager Recruitment Executive Session for March 16, 2015**

Following City Manager candidate interviews and community "Meet and Greet" on March 10 and 11, Council will meet on March 16 at 5:30 pm to discuss the City Manager finalists and consider making a job offer.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Memorandum

To: Mayor and City Council

From: Kevin Young, Planning Division Manager

Date: March 2, 2015

Subject: Scheduling a Public Hearing for Consideration of a Comprehensive Plan Amendment and Adoption of the 2013 Parks and Recreation Master Plan (**CPA14-00001**)

The City Council is asked to schedule a public hearing to consider the above-referenced case with respect to two considerations; 1) The adoption of the 2013 Parks and Recreation Master Plan as the guiding document for the Parks and Recreation Department, and 2) The approval of a Comprehensive Plan Amendment to incorporate the 2013 Parks and Recreation Master Plan as a supporting document to the Corvallis Comprehensive Plan. As part of the Comprehensive Plan Amendment request, the City Council is also asked to consider some revisions to associated Comprehensive Plan Findings and Policies as a result of the development of the 2013 Parks and Recreation Master Plan.

The Planning Commission conducted a public hearing on February 18, 2015, on these issues, and voted to recommend the City Council adopt the 2013 Parks and Recreation Master Plan, and approve the Comprehensive Plan Amendment.

The City Council is asked to consider scheduling a public hearing on March 16, 2015, to consider this land use case.

MEMORANDUM

From: Ken Gibb, Community Development Director

To: Mayor and City Council

Date: February 25, 2015

Re: Appeal of Historic Resources Commission's Decision to Deny a Historic Preservation Permit: Formal Findings and Notice of Disposition (HPP14-00019)

On February 17, 2015, the City Council deliberated on the above referenced case and decided to deny the request, and deny the appeal, subject to adoption of Formal Findings and Conclusions. City Council consideration of the Formal Findings for this case is scheduled for March 2, 2015.

Enclosed with this memorandum are Formal Findings and Conclusions, and a Notice of Disposition. Staff recommend the following motion to adopt the enclosed Formal Findings and Conclusions for the Farra House Historic Preservation Permit (HPP14-00019):

MOTION: **I move to adopt the Formal Findings and Conclusions, attached to the February 25, 2015, memorandum from the Community Development Director to the Mayor and City Council, in support of the City Council's decision to deny the Historic Preservation Permit, and deny the appeal of the Historic Resources Commission's decision (HPP14-00019).**

Review and Concur:

Nancy Brewer, City Manager

EXHIBITS:

A	-	Formal Findings & Conclusions
B	-	City Council Notice of Disposition

BEFORE THE CITY COUNCIL
THE CITY OF CORVALLIS

FINDINGS – FARRA HOUSE
HISTORIC PRESERVATION PERMIT

In the matter of a City Council decision to deny a Historic Preservation Permit; and to uphold the Historic Resource Commission's decision, and deny the appeal.	)))))	**HPP14-00019**

PREAMBLE

The matter before the Corvallis City Council is a decision regarding an appeal of the Historic Resource Commission's denial of a Historic Preservation Permit (HPP) to replace seven wood windows on the north, south, and east facades of the Farra House with fiberglass-clad wood insert windows.

The Corvallis Historic Resources Commission (HRC) conducted a hearing on the above-referenced Historic Preservation Permit on November 25, 2014, and deliberated on the request after the public hearing was closed. The Historic Resources Commission voted to deny the request. A notice of disposition was signed on November 26, 2014 (Order # 2014-066).

On December 3, 2014, Bob Hamilton of Bashful Bob's Windows and Doors (hereinafter referred to as "Appellant"), filed an appeal of the Historic Resource Commission's decision to deny the Historic Preservation Permit. The LDC specifies that the City Council hear appeals of Historic Resource Commission decisions regarding this type of land use application.

The City Council held a duly advertised *de novo* public hearing on the application on February 2, 2015. The City Council deliberated after the public hearing was closed on February 2, 2015. A final written argument was provided to the City by the Appellant on February 9, 2015.

The City Council reached a tentative decision on February 17, 2015. After consideration of all the testimony and evidence, the City Council voted to deny the Historic Preservation Permit request.

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the public notices for the November 25, 2014 and February 2, 2015 public hearings; the

Staff Report to the Historic Resource Commission, dated November 18, 2014; the minutes of the Historic Resource Commission hearing and deliberations held on November 25, 2014; the staff memorandum to the City Council dated January 14, 2015; and the draft minutes of the City Council public hearing and deliberations dated February 2, 2015 and February 17, 2015, respectively.

FINDINGS AND CONCLUSIONS RELATED TO THE APPEAL OF THE FARRA HOUSE HISTORIC PRESERVATION PERMIT (HPP14-00019)

I. General Discussion

1. The City Council accepts and adopts those findings made in the January 14, 2015, staff memorandum to the City Council that support denying the Historic Preservation Permit. The City Council also adopts as findings, those portions of the draft Minutes of the City Council meetings dated February 2, 2015 and February 17, 2015, that demonstrate support for denying the Historic Preservation Permit. The City Council specifically accepts and adopts as findings the rationale given by Councilors Beilstein, Hann, and Hogg expressing their support for denying the appeal during deliberations held on February 17, 2015. All of the above-referenced documents shall be referred to in these findings as the "Incorporated Findings." The findings below, (the "Supplemental Findings"), supplement and elaborate the findings contained in the materials noted above, all of which are incorporated herein, by reference. The Supplemental Findings include all of the applicable criteria needed to evaluate the proposed Historic Preservation Permit. When there is a conflict between the Supplemental Findings and the Incorporated Findings, the Supplemental Findings shall prevail.

2. The City Council notes during the February 17, 2015, meeting, Council deliberated on the application and a motion to deny the request was made by Councilor Beilstein, and seconded by Councilor Hirsch. The Council notes that the motion made by Councilor Beilstein to deny the application was passed with a six-to-three vote.

3. The City Council notes the record contains all information needed to evaluate the Historic Preservation Permit decision for compliance with the relevant criteria. The Council notes that it considered issues raised through public testimony, and that the basis for its decision is limited to the considerations identified in the Supplemental Findings below, in addition to the findings in support of denying the application in the Incorporated Findings.

4. The City Council notes that the Council considered the grounds of the appeal and other issues properly raised during the proceedings.

5. The City Council finds that the Historic Resources Commission appropriately applied the applicable review criteria of Chapter 2.9 – Historic Preservation Provisions.

6. The City Council finds the incorporated findings demonstrate noncompliance with the applicable decision criteria pertaining to the Historic Preservation Permit, specifically as it relates to the consideration of the Façades, Building Materials, Architectural Detail, and Pattern of Window and Door Openings compatibility considerations. The City Council adopts those findings in support of its decision to deny the Historic Preservation Permit request.

SUPPLEMENTAL FINDINGS

The following Supplemental Findings specifically address the applicable HPP review criteria and issues raised by the Appellant in the appeal to the City Council.

II. HRC-level Preservation Permits

Applicable Criteria

2.9.90.06 – Review Criteria

a. **General Review Criteria for All Historic Preservation Permits – All Historic Preservation Permits shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of this Code. When authorized by the Building Official, some flexibility from conformance with Building Code requirements may be granted for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure. In considering whether or not to authorize this flexibility from some Building Code standards, the Building Official will check to ensure that: the building or structure is a Designated Historic Resource; any unsafe conditions as described in the Building Code are corrected; the rehabilitated building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and the advice of the State of Oregon Historic Preservation Officer has been received.**

1. The City Council notes the application materials have been preliminarily reviewed for consistency with the applicable Codes and ordinances identified in LDC Section 2.9.90.06.a. The City Council finds that the decision to deny the application was not based on the application's compliance or noncompliance with the review criterion above.

2.9.100.04 - Alteration or New Construction Parameters and Review Criteria for an HRC-level Historic Preservation Permit

Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to ensure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions. Flexibility in new building design may be considered to accommodate contemporary

uses, accessibility requirements, compliance with current zoning and development standards, and cultural considerations.

2. The City Council notes that the Historic Resources Commission's decision to deny the complete application originally submitted on September 29, 2014, and revised October 30, 2014, is because the application failed to satisfy the review criteria in LDC Chapter 2.9 – Historic Preservation Provisions. The Council notes the specific compatibility considerations not met by the Appellant's application include the Façades, Building Materials, Architectural Detail, and Pattern of Window and Door Openings.

3. The Council notes that a public notice was provided inviting public testimony for the November 25, 2014 HRC public hearing, and the February 2, 2015 City Council public hearing in accordance with Chapter 2.0 – Public Hearings of the Land Development Code.

A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria listed below. Such Alteration or New Construction activities are classified as an HRC-level Historic Preservation Permit.

b. Review Criteria

1. General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Consideration shall be given to:

a) Historic Significance and/or classification;

b) Historic Integrity;

c) Age;

d) Architectural design or style;

e) Condition of the subject Designated Historic Resource;

f) Whether or not the Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design or style, or type of construction; and

g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction.

4. The City Council notes the structure is listed on the Corvallis Register of Historic Landmarks and Districts and National Register of Historic Places.

5. The City Council notes that the Designated Historic Resource is described as a two and one-half story, wood frame house constructed in 1903 in the Queen

Anne architectural style, and that most of the windows are 1/1, double hung sash. The Council also notes that all of the windows that are proposed to be replaced match this description. The Council notes that the structure appears to be in good repair, and that there is no indication whether or not the building is a prime example or one of the few remaining examples of the Queen Anne style. Further, the Council notes that the Queen Anne style would not qualify as either rare or unusual. The Council will consider these circumstances and conditions when considering the balance of the review criteria considerations.

2. In general, the proposed Alteration or New Construction shall either:

a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or

b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource.

6. The City Council notes that the proposal is to replace seven original wood windows with seven fiberglass-clad wood windows. Consequently, the Council finds the proposal would not more closely approximate the original historic design or style, appearance, or material composition of the existing resource and thus does not satisfy LDC Section 2.9.100.04.b.2 (a).

The Council finds as demonstrated below, that the proposal is not generally compatible with the historic characteristics of the Designated Historic Resource based on a consideration of the historic design or style, appearance, and material composition of the resource, and that the proposal does not satisfy LDC Section 2.9.100.04.b.2(b).

3. Compatibility Criteria for Structures and Site Elements - Compatibility considerations shall include the items listed in "a -n," below, as applicable, and relative to the applicable Period of Significance. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain; and any existing surrounding comparable Designated Historic Resources. Notwithstanding these provisions and "a-n," below, for Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District or resources within such Historic District that are not classified because the nomination for the Historic District is silent on the issue, Alteration or New Construction activities shall be evaluated for compatibility with the architectural design or style of any existing Historic/Contributing resource on the site or, where none exists, against the attributes of the applicable Historic District's Period of Significance.

a) <u>Facades</u> - Architectural features, such as balconies, porches, bay windows, dormers, or trim details shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades that are significantly visible from public areas, excluding alleys. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.

7. In considering the Façades compatibility consideration, the Council finds that three of the seven windows proposed to be replaced front onto, and are significantly visible from, Madison Avenue, a public street and the proposed window replacements do not retain, restore or complement the historic resource.

b) **Building Materials - Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design or style, or structure of the Designated Historic Resource.**

8. The City Council finds that the Designated Historic Resource's primary materials are painted wood shingle siding, masonry accents and chimneys, and painted wood windows.

9. The City Council notes that the HRC found that all of the Designated Historic Resource's existing windows are of wood construction, and that the proposal to install fiberglass-clad wood windows is not reflective of, and complementary to, building materials found on the existing Designated Historic Resource. The City Council finds the Historic Resource Commission expressed in its Minutes (and/or opponent testimony) rationale persuasive and thus adopts the same. The City Council finds the proposed use of fiberglass-clad wood window material is not historically compatible, and does not satisfy the Building Materials compatibility consideration.

c) **Architectural Details - Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.**

10. The City Council finds that windows are a character-defining element of the Designated Historic Resource, that the proposal is to replace existing wood windows with fiberglass-clad wood insert windows, and that the replacement windows would result in approximately two inches less visible light, vertically, than the existing windows, and thus changing the historic character of the resource.

11. The Council finds that the proposed replacement windows are not consistent with the resource's design, and that the Architectural Details compatibility consideration is not satisfied.

d) **Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in**

part to remain, and with any surrounding comparable structures. New additions or New Construction shall generally be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or New Construction is proposed to be larger than the original Designated Historic Resource, it shall be designed such that no single element is visually larger than the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.

12. The City Council notes that the Scale and Proportion compatibility consideration most directly applies to additions or new construction, and that the proposal does not include an addition or new construction. The Council finds the Scale and Proportion compatibility consideration does not apply to the subject application

e) **Height - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.**

13. The City Council notes that the proposal does not include construction or alteration relevant to the Height compatibility consideration. The Council finds the Height compatibility consideration does not apply to the subject application.

f) **Roof Shape - New roofs shall match the pitch and shape of the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding compatible Designated Historic Resources.**

14. The City Council notes that the proposal does not include construction or alteration of a roof. The Council finds the Roof Shape compatibility consideration does not apply to the subject application.

g) **Pattern of Window and Door Openings - To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.**

15. The Council notes that the HRC found that the proposed replacement windows are not compatible with the original windows of the Designated Historic Resource in form (size, proportion, and detailing) and materials.

16. The Council finds that the Pattern of Window and Door Openings compatibility consideration is not satisfied.

h) **Building Orientation - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited to minimize impacts to facade(s) of the Designated Historic Resource that are significantly visible from public areas, excluding alleys.**

17. The City Council notes that the proposal does not include construction or alteration that would affect the Designated Historic Resource's building orientation. The Council finds the Building Orientation compatibility consideration does not apply to the subject application.

i) **Site Development - To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.**

18. The City Council notes that the proposal does not include construction or alteration that would affect the Designated Historic Resource's existing site development patterns. The Council finds the Site Development compatibility consideration does not apply to the subject application.

j) **Accessory Development/Structures - Accessory development as defined in Chapter 4.3 - Accessory Development Regulations and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable.**

19. The City Council notes that the proposal does not include construction or alteration of an accessory development or structure. The Council finds the Accessory Development/Structure compatibility consideration does not apply to the subject application.

k) **Garages - Garages, including doors, shall be compatible with the Designated Historic Resource site's primary structure, if in existence and proposed in part to remain, based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights–of-way or private street rights-of–way, shall also be compatible with the design or style of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance.**

20. The City Council notes that the proposal does not include construction or alteration of a garage. The Council finds the Garages compatibility consideration does not apply to the subject application.

l) **Chemical or Physical Treatments - Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.**

21. The City Council notes that the proposal does not involve the use of chemical or physical treatments. The Council finds the Chemical or Physical Treatments compatibility consideration does not apply to the subject application.

m) **<u>Archeological Resources</u> - Activities associated with archeological resources shall be carried out in accordance with all State requirements pertaining to the finding of cultural materials, including ORS 358.905, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as amended, which describe requirements for cultural materials found on public verses private land, respectively.**

22. The City Council notes that the proposal does not involve any ground disturbing activity. The Council finds the Archeological Resources compatibility consideration does not apply to the subject application.

n) **<u>Differentiation</u> - New freestanding buildings and additions to buildings shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, they also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. The differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the Historically Significant and the new portions.**

23. The City Council notes that the proposal does not involve a new freestanding building or addition. The Council finds the Differentiation compatibility consideration does not apply to the subject application.

III. PUBLIC TESTIMONY

1. The City Council notes that Ann Smart, representing the owner First Christian Church, verbally testified in support of the application at the February 2, 2015, City Council hearing. The City Council notes that the testimony was considered as part of the public record in reaching a final decision.

2. The City Council notes that Matt Gordon, Senior Pastor at First Christian Church, verbally testified in support of the application at the February 2, 2015, City Council hearing. The City Council notes that the testimony was considered as part of the public record in reaching a final decision.

3. The City Council notes that BA Beierle verbally testified in opposition of the application at the February 2, 2015, City Council hearing. The City Council notes that a piece of written testimony was also submitted by BA Beierle the day of the City Council hearing held on February 2, 2015. The Council notes that the testimony was in opposition of the application and the appeal of the HRC's decision to deny the application.

IV. SUMMARY AND CONCLUSION

The HRC found the proposal did not satisfy the review criteria in LDC Chapter 2.9 – Historic Preservation Provisions. The applicant appealed this decision to the City Council.

Based on the Council's analysis, informed by staff's January 14, 2015, Memorandum to the City Council, informed by staff's February 11, 2015, Memorandum to the City Council, the information introduced during the February 2, 2015 public hearing held by City Council, and City Council's February 17, 2015 deliberations, the City Council finds that the proposal does not satisfy the applicable review criteria in LDC Chapter 2.9 – Historic Preservation Provisions.

As the body charged with hearing appeals of a Historic Preservation Permit decision, the City Council, having reviewed the record associated with the subject Historic Preservation Permit application, considered de novo the evidence supporting and opposing the application, the Council finds that the proposal does not satisfy the applicable review criteria and is found to be inconsistent with the applicable sections of the Land Development Code. The Council finds that the proposal does not demonstrate compliance with the criteria that the Council believes apply to the application. Therefore, the Historic Preservation Permit application (HPP14-00019) application is DENIED.

Dated: _____

_____
Biff Traber, MAYOR

ATTACHMENT:

City Council Notice of Disposition

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER NO. 2015-008

CASE: **Farra House (HPP14-00019)**

REQUEST:
The applicant requests Historic Preservation Permit approval to replace seven (7) wood windows on the north, south, and east facades with fiberglass-clad wood windows of the Farra House.

APPLICANT/APPELLANT:
Bob Hamilton
Bashful Bob's Window's & Doors
550 SW 7th St.
Corvallis, OR 97333

OWNER:
First Christian Church
602 SW Madison Ave
Corvallis, OR 97333

LOCATION:
The subject site is the Farra House, located at 660 SW Madison Ave. The site is on tax lot 6900 of Benton County Assessor's map 11-5-35 CD.

DECISION:
The Corvallis City Council held a duly-advertised, de novo public hearing, deliberated, and reached a tentative decision on the appeal on February 17, 2015. After consideration of all the testimony and evidence, the City Council voted to deny the Historic Preservation Permit. On March 2, 2015, the City Council adopted Formal Findings in support of its decision.

If you with to appeal this decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision. The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

_____
Biff Traber,
Mayor, City of Corvallis

Signed: March 2, 2015

LUBA Appeal Deadline: March 23, 2015

Effective Period: March 23, 2017 (if not appealed)

Historic Preservation Permits shall be effective for a two-year period from the date of approval. In the event that the applicant has not begun the development or it's identified and approved phases prior to the expiration of the established effective period, the approval shall expire.

MEMORANDUM

From: Ken Gibb, Community Development Director

To: Mayor and City Council

Date: February 25, 2015

Re: Appeal of Historic Resources Commission's Decision to Approve a Historic Preservation Permit with Conditions: Formal Findings and Notice of Disposition (HPP14-00020)

On February 17, 2015, the City Council deliberated on the above referenced case and decided to approve the request with the same conditions as the Historic Resources Commission's approval, and deny the appeal, subject to adoption of Formal Findings and Conclusions. City Council consideration of the Formal Findings for this case is scheduled for March 2, 2015.

Enclosed with this memorandum are Formal Findings and Conclusions, and a Notice of Disposition. Staff recommend the following motion to adopt the enclosed Formal Findings and Conclusions for the William Lane House Historic Preservation Permit (HPP14-00020):

MOTION: **I move to adopt the Formal Findings and Conclusions, attached to the February 25, 2015, memorandum from the Community Development Director to the Mayor and City Council, in support of the City Council's decision to approve the Historic Preservation Permit, as conditioned, and deny the appeal of the Historic Resources Commission's decision (HPP14-00020).**

Review and Concur:

Nancy Brewer, City Manager

EXHIBITS:

A	-	Formal Findings & Conclusions
B	-	City Council Notice of Disposition

BEFORE THE CITY COUNCIL
THE CITY OF CORVALLIS

FINDINGS – WILLIAM LANE HOUSE
HISTORIC PRESERVATION PERMIT

In the matter of a City Council decision to approve a Historic Preservation Permit; and to reverse the Historic Resource Commission's decision, and uphold the appeal.	)))))	**HPP14-00020**

PREAMBLE

The matter before the Corvallis City Council is a decision regarding an appeal of the Historic Resource Commission's denial of a Historic Preservation Permit (HPP) to replace six wood windows on the east, south, and west facades of the William Lane House with fiberglass-clad wood insert windows.

The Corvallis Historic Resources Commission (HRC) conducted a hearing on the above-referenced Historic Preservation Permit on November 25, 2014, and deliberated on the request after the public hearing was closed. The Historic Resources Commission voted to approve the request with conditions, and a condition denying the replacement of three windows on the west building facade. A notice of disposition was signed on November 26, 2014 (Order # 2014-067).

On December 2, 2014, property owner Jennifer Nash (hereinafter referred to as "Appellant"), filed an appeal of the Historic Resource Commission's decision to modify the scope of the proposal with its approval of the Historic Preservation Permit. The LDC specifies that the City Council hear appeals of Historic Resource Commission decisions regarding this type of land use application.

The City Council held a duly advertised *de novo* public hearing on the application on February 2, 2015. The City Council deliberated after the public hearing was closed on February 2, 2015. A final written argument was provided to the City by the Applicant on behalf of the Appellant on February 9, 2015.

The City Council reached a tentative decision on February 17, 2015. After consideration of all the testimony and evidence, the City Council voted to approve the Historic Preservation Permit request, as conditioned, with one condition denying the proposed west building façade window replacements.

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the public notices for the November 25, 2014 and February 2, 2015 public hearings; the Staff Report to the Historic Resource Commission, dated November 18, 2014; the minutes of the Historic Resource Commission hearing and deliberations held on November 25, 2014; the staff memorandum to the City Council dated January 14, 2015; and the draft minutes of the City Council public hearing and deliberations dated February 2, 2015 and February 17, 2015, respectively.

FINDINGS AND CONCLUSIONS RELATED TO THE APPEAL OF THE FARRA HOUSE HISTORIC PRESERVATION PERMIT (HPP14-00019)

I. General Discussion

1. The City Council accepts and adopts those findings made in the January 14, 2015, staff memorandum to the City Council that support approving the Historic Preservation Permit request, as conditioned, and denying the proposed west building façade window replacements. The City Council also adopts as findings, those portions of the draft Minutes of the City Council meetings dated February 2, 2015 and February 17, 2015, that demonstrate support for denying the appeal, except that Councilor Hann's motion and Councilor Hirsch's second, reflected language in Option 1 of the February 17, 2015, staff's memorandum to the City Council pertaining to the Farra House HPP (HPP14-00019), not that of Option 1 of the of the February 17, 2015, staff's memorandum to the City Council pertaining to the subject William Lane House HPP (HPP14-00020). Council discussions subsequent to the motion clearly expressed Council's intent to approve Option 1 for the William Lane House. The Council's intent is incorporated in these Findings. The City Council specifically accepts and adopts as findings the rationale given by Councilors Hann, and Beilstein expressing their support for denying the appeal during deliberations held on February 17, 2015. All of the above-referenced documents shall be referred to in these findings as the "Incorporated Findings." The findings below, (the "Supplemental Findings"), supplement and elaborate the findings contained in the materials noted above, all of which are incorporated herein, by reference. The Supplemental Findings include all of the applicable criteria needed to evaluate the proposed Historic Preservation Permit. When there is a conflict between the Supplemental Findings and the Incorporated Findings, the Supplemental Findings shall prevail.

2. The City Council notes during the February 17, 2015, meeting, Council deliberated on the application and a motion to deny the appeal request, and approve the Historic Preservation Permit application (HPP14-00020) with a condition, similar to the HRC's condition, to deny the proposed replacement of three street-facing windows, was made by Councilor Hann, and seconded by Councilor Hirsch. The Council notes that the motion made by Councilor Hann to approve the application, with conditions, was passed with a unanimous vote.

3. The City Council notes the record contains all information needed to evaluate the Historic Preservation Permit decision for compliance with the relevant criteria. The Council notes that it considered issues raised through public testimony, and that the basis for its decision is limited to the considerations identified in the Supplemental Findings below, in addition to the findings in support of denying the appeal in the Incorporated Findings.

4. The City Council notes that the Council considered the grounds of the appeal and other issues properly raised during the proceedings.

5. The City Council finds that the Historic Resources Commission appropriately applied the applicable review criteria of Chapter 2.9 – Historic Preservation Provisions.

6. The City Council finds the incorporated findings demonstrate partial compliance with all applicable decision criteria pertaining to the Historic Preservation Permit. The City Council adopts those findings in support of its decision to approve the Historic Preservation Permit request, as conditioned and modified.

SUPPLEMENTAL FINDINGS

The following Supplemental Findings specifically address the applicable HPP review criteria and issues raised by the Appellant in the appeal to the City Council.

II. HRC-level Preservation Permits

Applicable Criteria

2.9.90.06 – Review Criteria

a. **General Review Criteria for All Historic Preservation Permits – All Historic Preservation Permits shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of this Code. When authorized by the Building Official, some flexibility from conformance with Building Code requirements may be granted for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure. In considering whether or not to authorize this flexibility from some Building Code standards, the Building Official will check to ensure that: the building or structure is a Designated Historic Resource; any unsafe conditions as described in the Building Code are corrected; the rehabilitated building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and the advice of the State of Oregon Historic Preservation Officer has been received.**

1. The City Council notes the application materials have been preliminarily reviewed for consistency with the applicable Codes and ordinances identified in LDC Section 2.9.90.06.a. The Council notes that Condition of Approval 2 requires the Appellant to obtain building permits prior to construction activities associated with

the HPP. The City Council finds that as conditioned, the proposal complies with the review criterion above.

2.9.100.04 - Alteration or New Construction Parameters and Review Criteria for an HRC-level Historic Preservation Permit

Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to ensure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions. Flexibility in new building design may be considered to accommodate contemporary uses, accessibility requirements, compliance with current zoning and development standards, and cultural considerations.

2. The City Council notes that the Historic Resources Commission's decision to approve the complete application originally submitted on September 29, 2014, and revised October 30, 2014, with modifications is because the application accomplished only partially satisfying the review criteria in LDC Chapter 2.9 – Historic Preservation Provisions. The Council finds the specific compatibility considerations not met by the Appellant's application include the Façades, Building Materials, Architectural Detail, and Pattern of Window and Door Openings.

3. The Council notes that a public notice was provided inviting public testimony for the November 25, 2014 HRC public hearing, and the February 2, 2015 City Council public hearing in accordance with Chapter 2.0 – Public Hearings of the Land Development Code.

A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria listed below. Such Alteration or New Construction activities are classified as an HRC-level Historic Preservation Permit.

b. Review Criteria

1. General - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Consideration shall be given to:

a) Historic Significance and/or classification;

b) Historic Integrity;

c) Age;

d) Architectural design or style;

e) Condition of the subject Designated Historic Resource;

f) Whether or not the Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design or style, or type of construction; and

g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction.

4. The City Council notes the structure is listed on the Corvallis Register of Historic Landmarks.

5. The City Council notes the structure is described as a 1 1/2 story, wood frame house constructed in 1909 in a "Homestead" architectural style, that the windows are 1/1, double hung sash, that few changes have been made to the resource, and that the structure appears to be in good repair. The Council also notes that it is not clear if the architectural style, referred to as "Homestead Style" in the historic survey on file, is a discernible architectural style, but a type of vernacular style instead. The Council notes that while vernacular styles are common within Corvallis, generally, this resource's mix of Classic and Gothic revival elements may be seen as rare or unusual, and that it is an exceptionally intact example of this "Homestead Style." The Council will consider these circumstances and conditions when considering the balance of the review criteria considerations.

2. In general, the proposed Alteration or New Construction shall either:

a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or

b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource.

6. The City Council notes that the proposal is to replace six original wood windows with six fiberglass-clad wood windows, and therefore would not more closely approximate the original historic design or style, appearance, or material composition of the existing resource. Accordingly, the Council finds the proposal does not satisfy LDC Section 2.9.100.04.b.2(a).

7. The Council notes that the proposal, as conditioned in part, is compatible with the historic characteristics of the Designated Historic Resource based on a consideration of the historic design or style, appearance, and material composition of the resource, and that the proposal, in part, does not satisfy LDC Section 2.9.100.04.b.2(b). The Council finds that the proposal, as conditioned to deny the proposed west building façade window replacements, satisfies LDC Section 2.9.100.04.b.2(b).

3. Compatibility Criteria for Structures and Site Elements - Compatibility considerations shall include the items listed in "a -n," below, as applicable, and relative to the applicable Period of Significance. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain; and any existing

surrounding comparable Designated Historic Resources. Notwithstanding these provisions and "a-n," below, for Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District or resources within such Historic District that are not classified because the nomination for the Historic District is silent on the issue, Alteration or New Construction activities shall be evaluated for compatibility with the architectural design or style of any existing Historic/Contributing resource on the site or, where none exists, against the attributes of the applicable Historic District's Period of Significance.

a) **Facades - Architectural features, such as balconies, porches, bay windows, dormers, or trim details shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades that are significantly visible from public areas, excluding alleys. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.**

8. In considering the Façades compatibility consideration, the Council adopts the analysis at page 7 of Exhibit D of the staff's January 14, 2015, Memorandum to the City Council, and statements made during the February 17, 2015 deliberations held by City Council, conclude that three of the six windows proposed to be replaced front onto, and are significantly visible from, 4th Street, a public street.

9. The City Council notes that the HRC approved the proposal with a condition that disallowed the replacement of the three street-facing windows. The City Council also finds that this condition is warranted with respect to the proposed replacement of significantly visible windows, and that, with this condition, the Facades compatibility consideration is satisfied.

b) **Building Materials - Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design or style, or structure of the Designated Historic Resource.**

10. The City Council notes that the Designated Historic Resource's primary materials are painted wood shiplap and shingle siding, painted wood trim and posts, and painted wood windows, and adopts the analysis at page 7 of Exhibit D of the staff's January 14, 2015, Memorandum to the City Council, and information introduced during the February 2, 2015 public hearing held by City Council. The Council also notes that all of the existing windows appear to be original 1/1, single pane, double hung wood.

11. The City Council notes that the HRC expressed concern with the replacement of significantly visible windows, and added a condition to disallow the replacement of the three street-facing windows.

12. The City Council finds the proposal to install fiberglass-clad wood windows at locations not significantly visible from public areas and, as conditioned, including

a condition requiring the windows to be painted to match the other windows of the resource is sufficiently reflective of, and complementary to, building materials found on the existing Designated Historic Resource.

13. The City Council finds the proposed use of fiberglass-clad wood window material, as conditioned, and limited to areas not significantly visible from public areas is historically compatible, and satisfies the Building Materials compatibility consideration.

c) **Architectural Details - Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.**

14. The City Council finds that windows are a character-defining element of the Designated Historic Resource, supported by statements made during the February 17, 2015 deliberations held by City Council, that the proposal is to replace existing wood windows with fiberglass-clad wood insert windows, and that the replacement windows would result in approximately two inches less visible light vertically than the existing windows, and thus changing the historic character of the resource.

15. The City Council notes that the HRC expressed particular concern with the replacement of significantly visible windows, and added a condition to disallow the replacement of the three street-facing windows.

16. The Council finds that the proposal, as conditioned and limited to proposed windows not significantly visible from public areas, is consistent with the resource's design, and that the Architectural Details compatibility consideration is satisfied.

d) **Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or New Construction shall generally be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or New Construction is proposed to be larger than the original Designated Historic Resource, it shall be designed such that no single element is visually larger than the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.**

17. The City Council notes that the Scale and Proportion compatibility consideration most directly applies to additions or new construction, and that the proposal does not include an addition or new construction. The Council finds the Scale and Proportion compatibility consideration does not apply to the subject application

e) **<u>Height</u> - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.**

18. The City Council notes that the proposal does not include construction or alteration relevant to the Height compatibility consideration. The Council finds the Height compatibility consideration does not apply to the subject application.

f) **<u>Roof Shape</u> - New roofs shall match the pitch and shape of the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding compatible Designated Historic Resources.**

19. The City Council notes that the proposal does not include construction or alteration of a roof. The Council finds the Roof Shape compatibility consideration does not apply to the subject application.

g) **<u>Pattern of Window and Door Openings</u> - To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.**

20. The Council notes that the HRC found that the proposed replacement windows are not compatible with the original windows of the Designated Historic Resource in form (size, proportion, and detailing) and materials, and that the HRC expressed concern with the replacement of significantly visible windows, and added a condition to disallow the replacement of the three street-facing windows, as informed by Exhibit B and pages 12-13 of Exhibit C of the staff's January 14, 2015, Memorandum to the City Council.

21. The Council finds persuasive the rationale expressed by the HRC and finds the proposal, as conditioned and limited to proposed windows not significantly visible from public areas satisfies the Pattern of Window and Door Openings compatibility consideration.

h) **<u>Building Orientation</u> - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited to minimize impacts to facade(s) of the Designated Historic Resource that are significantly visible from public areas, excluding alleys.**

22. The City Council notes that the proposal does not include construction or alteration that would affect the Designated Historic Resource's building orientation. The Council finds the Building Orientation compatibility consideration does not apply to the subject application.

i) **Site Development - To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.**

23. The City Council notes that the proposal does not include construction or alteration that would affect the Designated Historic Resource's existing site development patterns. The Council finds the Site Development compatibility consideration does not apply to the subject application.

j) **Accessory Development/Structures - Accessory development as defined in Chapter 4.3 - Accessory Development Regulations and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable.**

24. The City Council notes that the proposal does not include construction or alteration of an accessory development or structure. The Council finds the Accessory Development/Structure compatibility consideration does not apply to the subject application.

k) **Garages - Garages, including doors, shall be compatible with the Designated Historic Resource site's primary structure, if in existence and proposed in part to remain, based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights–of-way or private street rights-of–way, shall also be compatible with the design or style of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance.**

25. The City Council notes that the proposal does not include construction or alteration of a garage. The Council finds the Garages compatibility consideration does not apply to the subject application.

l) **Chemical or Physical Treatments - Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.**

26. The City Council notes that the proposal does not involve the use of chemical or physical treatments. The Council finds the Chemical or Physical Treatments compatibility consideration does not apply to the subject application.

m) **Archeological Resources - Activities associated with archeological resources shall be carried out in accordance with all State requirements pertaining to the finding of cultural materials, including ORS 358.905, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as**

amended, which describe requirements for cultural materials found on public verses private land, respectively.

27. The City Council notes that the proposal does not involve any ground disturbing activity. The Council finds the Archeological Resources compatibility consideration does not apply to the subject application.

n) **<u>Differentiation</u> - New freestanding buildings and additions to buildings shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, they also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. The differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the Historically Significant and the new portions.**

28. The City Council notes that the proposal does not involve a new freestanding building or addition. The Council finds the Differentiation compatibility consideration does not apply to the subject application.

III. PUBLIC TESTIMONY

1. The City Council notes that one piece of written testimony was submitted by BA Beierle the day of the City Council hearing held on February 2, 2015. The Council notes that the testimony was in opposition of the application and the appeal of the HRC's decision to deny the application.

2. The City Council notes that Jennifer Nash, Appellant who did not participate in the Applicant's presentation, verbally testified in support of the application at the February 2, 2015, City Council hearing. The City Council notes that the testimony was considered as part of the public record in reaching a final decision.

3. The City Council notes that BA Beierle verbally testified in opposition of the application at the February 2, 2015, City Council hearing. The City Council notes that the testimony was considered as part of the public record in reaching a final decision.

4. The City Council notes that Jeff Hess verbally testified in neither support nor opposition of the application at the February 2, 2015, City Council hearing. The City Council notes that the testimony was considered as part of the public record in reaching a final decision.

IV. ISSUES RAISED ON APPEAL

1. The City Council notes that the Appellant states, in their appeal request, that the Historic Resources Commission's decision to amend the approval was an error because the Commission had motioned to adopt the findings of the staff report prior to the inclusion of the amended approval condition, and the decision to allow the replacement of some windows and not others, with no additional findings as to why one would be permitted over the others, is inconsistent with these findings. The Council notes the Appellant's statement, but finds that the particular attention and sensitivity is to be paid to alterations that impact significantly visible areas of a resource, is supported by the *Facades* compatibility consideration language in Section 2.9.100.04.b.3(a), and find the limitation of the alteration to building facades not visible from a public area, such as a street, is appropriate. Moreover, the Council finds that in this de novo hearing, the Council's findings resolve this issue.

2. The City Council notes that the Appellant states, in their appeal request, that the staff and applicant erroneously informed the Commission that there had never been approvals for wood window replacement with non-metal-clad windows for historic buildings, and that if the Commission had been informed that they had previously approved this type of window multiple times, they would have approved it. The Council notes that the HRC was not provided information regarding previous approvals of the use of fiberglass or fiberglass-clad wood materials with window replacements, that, as reflected in staff's January 14, 2015, Memorandum to the City Council, staff have identified five cases where fiberglass material were approved for window replacements, and that, in each case, the fiberglass or fiberglass-clad wood windows had limited or no visibility from a public area. The Council, understands the Appellant's statement, but notes that the HRC's decision to prohibit window replacements on the street-facing façade is not inconsistent with these previous approvals, and that the HRC is not bound by past decisions in this matter, as each application likely has unique characteristics that would not prompt the same decisions. Moreover, in this de novo appeal the Council's findings adequately address, but reject the contention and thus resolve this issue.

3. The City Council notes that the Appellant states, in their appeal request, that the Commission introduced facts into its deliberations regarding lead paint abatement that were new and based on a Commissioner's belief of how other jurisdictions handle lead-based paint issues. The Council notes that any real or

perceived procedural issue is rendered moot by the Council's de novo review and consideration of the applicable criteria.

4. The City Council notes that the Appellant states, in their appeal request, that the HRC erroneously interpreted the Code when it made findings and relied on a belief that the replacement materials had to match existing window materials or that the replacement materials had to have been in existence at the time the resource was constructed. The Council notes that the HRC, like the City Council, is authorized to consider how the *Building Materials* compatibility language stating that "building materials shall be reflective of, and complementary to, those found on the existing" resource is to be applied to HPP requests. The Council further notes that the HPP review criteria do not prohibit the introduction of all new materials and new materials not expressly prohibited may be found compatible, following an evaluation of all the applicable review criteria compatibility considerations. The Council agrees with the Appellant's statement that the applicable review criteria may allow for the introduction of new materials at a historic resource, and finds that the introduction of new materials are subject to the consideration of various compatibility factors, and finds that the Council's decision to deny the replacement of the three street-facing windows is consistent with the discretion and judgment afforded to the decision maker in their consideration of the applicable review criteria. The City Council's decision renders this issue moot.

V. CONDITIONS OF APPROVAL

The City Council notes that with the included Conditions of Approval the proposal is consistent and compatible with the OSU Historic District and satisfies the applicable review criteria. The Council notes the following as applicable Conditions of Approval:

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal (**Attachment A**) except as modified by the following conditions of approval, or future Historic Preservation Permits.

2. **Building Permits and other LDC Standards** – The applicant shall obtain required Building Permits associated with the proposal. Work associated with the proposal shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of the Land Development Code.

3. **Window Finish** – The new windows' exterior shall be painted to match the structure's other windows.

4. **Window Horns** – Window horns shall be installed on all of the new windows' top sashes.

5. **Amended Scope of Alteration** – The approved alteration activities shall be limited to the replacement of windows located on the east and south facades, as described in **Attachment A**. The three (3) windows located on the west (front) façade shall not be replaced as proposed.

VI. SUMMARY AND CONCLUSION

The HRC found the proposal, as conditioned and modified, satisfied the review criteria in LDC Chapter 2.9 – Historic Preservation Provisions. The applicant appealed the HRC's decision to approve the proposal with a condition that eliminated the replacement of three street-facing windows to the City Council.

Based on the Council's analysis, informed by staff's January 14, 2015, Memorandum to the City Council, informed by staff's February 11, 2015, Memorandum to the City Council, the information introduced during the February 2, 2015 public hearing held by City Council, and City Council's February 17, 2015 deliberations, the City Council finds that the proposal, as conditioned and limited, satisfies the applicable review criteria in LDC Chapter 2.9 – Historic Preservation Provisions.

As the body charged with hearing appeals of a Historic Preservation Permit decision, the City Council, having reviewed the record associated with the subject Historic Preservation Permit application, considered evidence supporting and opposing the application and finds that the proposal, as conditioned and limited, satisfies the applicable review criteria and is found to be consistent with the applicable sections of the Land Development Code. The Council finds that the proposal, as conditioned and limited, complies with the criteria that the Council believes apply to the application. Therefore, the City Council concludes that the Historic Preservation Permit is APPROVED for non-street facing subject to the conditions of approval set forth above and is DENIED for the proposed replacement of three street-facing windows.

Dated: _____

_____
Biff Traber, MAYOR

ATTACHMENT:

City Council Notice of Disposition

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER NO. 2015-009

CASE: **William Lane House (HPP14-00020)**

REQUEST:
The applicant requests Historic Preservation Permit approval to replace six (6) wood windows on the east, south, and west facades of the William Lane House with fiberglass-clad wood windows.

APPLICANT:
Bob Hamilton
Bashful Bob's Window's & Doors
550 SW 7th St.
Corvallis, OR 97333

APPELLANT:
Jennifer Nash
615 NW Jackson Ave.
Corvallis, OR 97330

OWNER:
Jinno, LLC
435 NW 4th St.
Corvallis, OR 97330

LOCATION:
The subject site is the William Lane House, located at 435 NW 4th St. The site is on tax lot 12000 of Benton County Assessor's map 11-5-35 DB.

DECISION:
The Corvallis City Council held a duly-advertised, de novo public hearing, deliberated, and reached a tentative decision on the appeal on February 17, 2015. After consideration of all the testimony and evidence, the City Council voted to approve the request subject to conditions, including a condition to disallow the proposed replacement of three street-facing windows on the west building elevation. On March 2, 2015, the City Council adopted Formal Findings in support of its decision.

If you with to appeal this decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision. The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

_____

Biff Traber,
Mayor, City of Corvallis

Signed: March 2, 2015

LUBA Appeal Deadline: March 23, 2015

Effective Period: March 23, 2017 (if not appealed)

Historic Preservation Permits shall be effective for a two-year period from the date of approval. In the event that the applicant has not begun the development or it's identified and approved phases prior to the expiration of the established effective period, the approval shall expire.

Conditions of Approval

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal (**Attachment A**) except as modified by the following conditions of approval, or future Historic Preservation Permits.

2. **Building Permits and other LDC Standards** – The applicant shall obtain required Building Permits associated with the proposal. Work associated with the proposal shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of the Land Development Code.

3. **Window Finish** – The new windows' exterior shall be painted to match the structure's other windows.

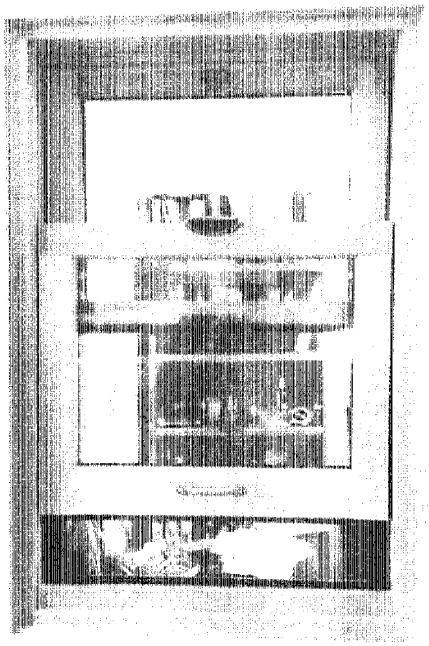
4. **Window Horns** – Window horns shall be installed on all of the new windows' top sashes.

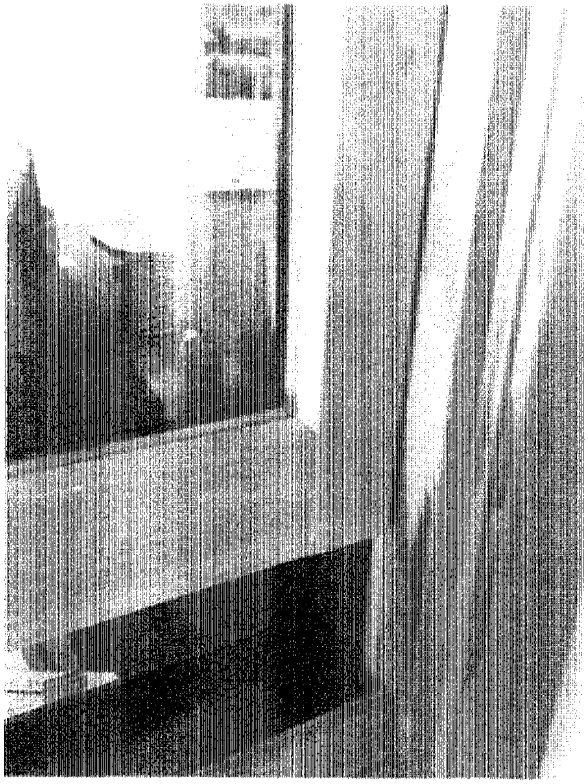
5. **Amended Scope of Alteration** – The approved alteration shall be limited to the replacement of windows located on the east and south facades, as described in **Attachment A**. The three (3) windows located on the west (front) façade shall not be replaced as proposed.

Attachments

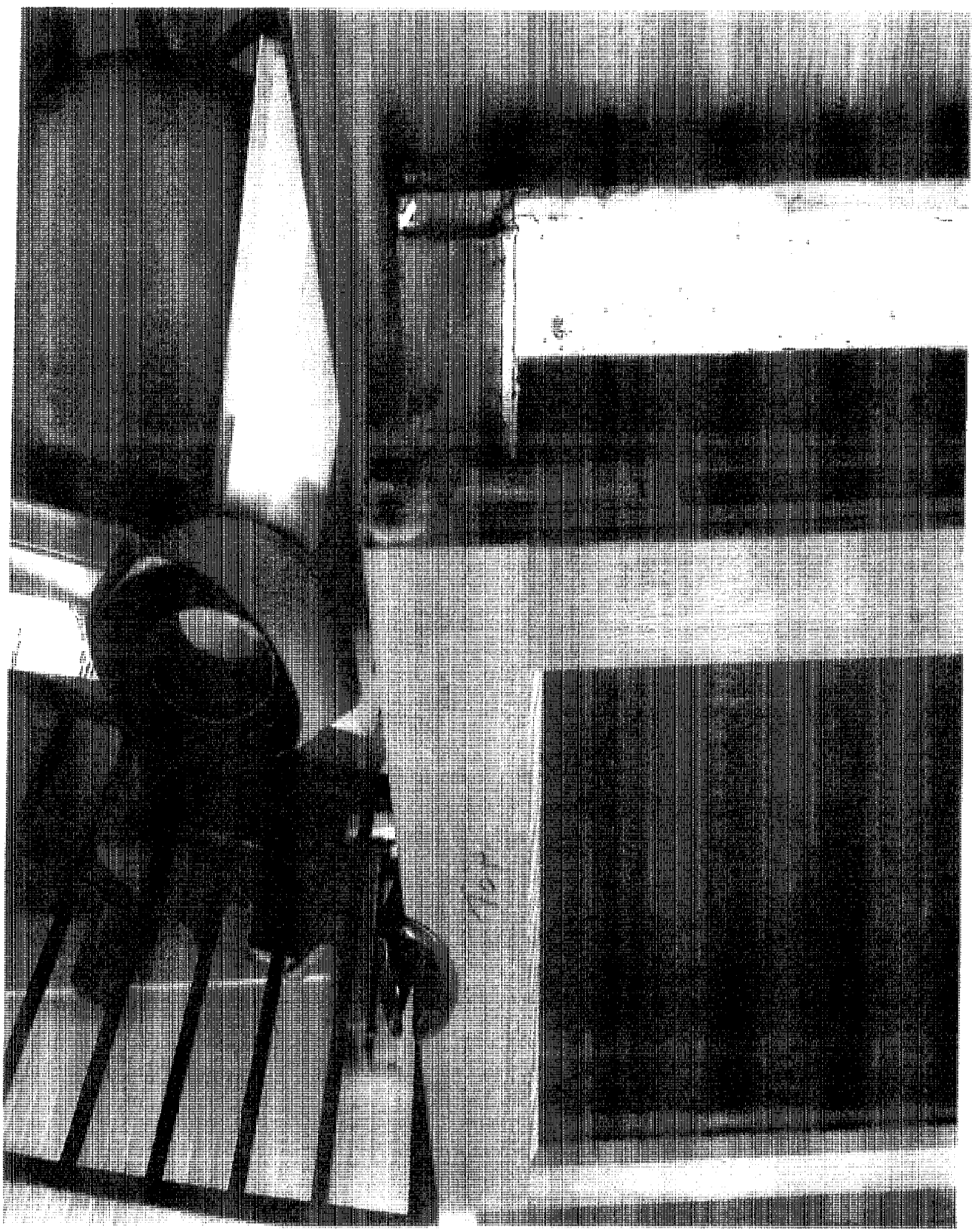
A. Selected graphics of the approved alteration

Essence Fiberglass clad
looking from the inside

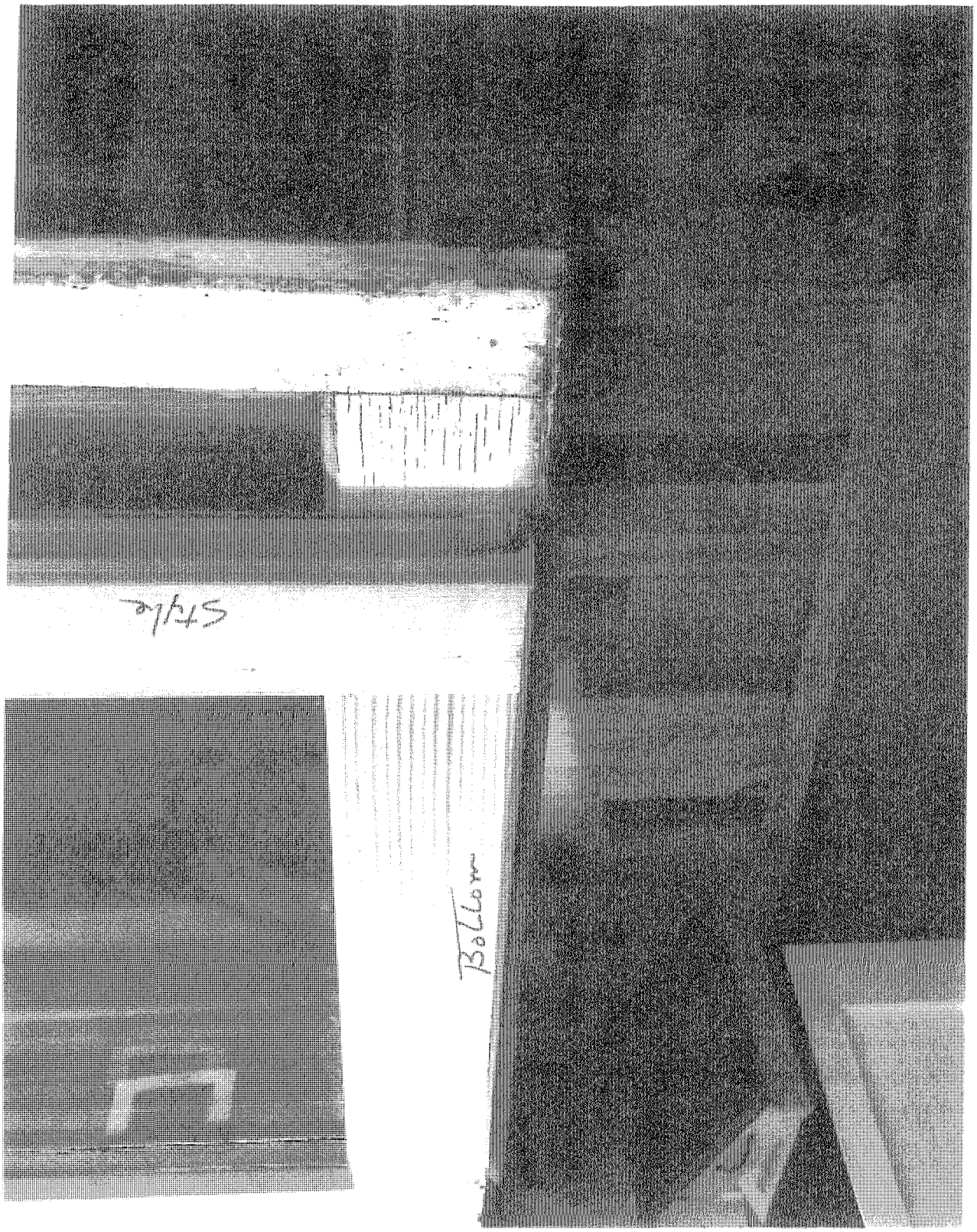




ATTACHMENT A.1



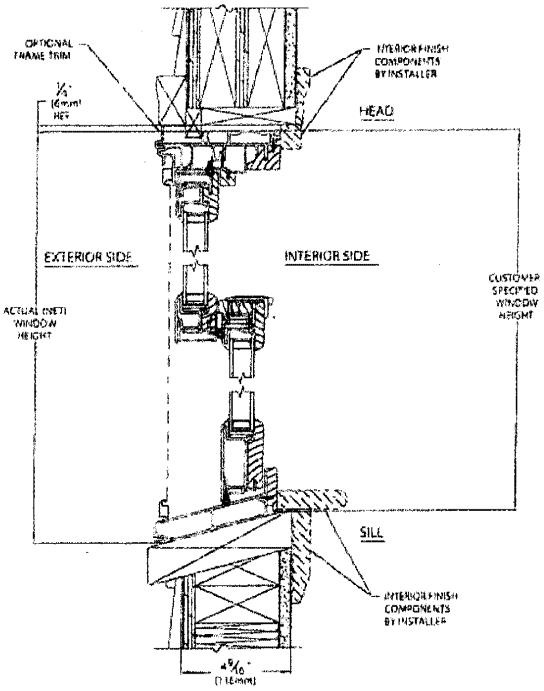
ATTACHMENT A.2

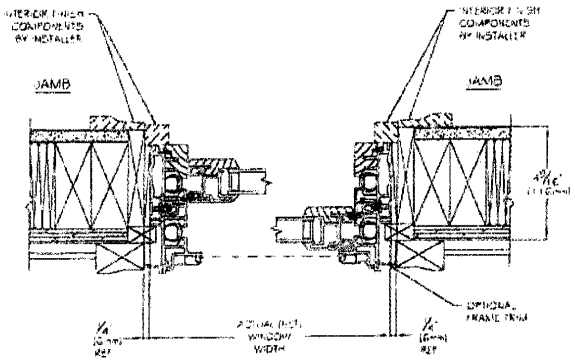


ATTACHMENT A.3

EXHIBIT B - NOD

DOUBLE HUNG INSERT FRAME >8 DEGREE SILL





NOTE:
For Complete Installation details, please reference to the appropriate chapters of the InstallationMaster™ Training Manual. For specific fastener detail consult window packaging.

ATTACHMENT A.4

435 NW. 4 ST.
Second floor facing West and 4 th st

ATTACHMENT A.5

435 NW. 4 st.
second floor window facing east

ATTACHMENT A.6

435 NW 4
window facing west on to 4 th st

ATTACHMENT A.7

435 NW 4
First floor facing south

ATTACHMENT A.8

RECEIVED
NOV 13 2014
Community Development
Planning Division

Window and Door Chart

Hpp14-00020 William Lane House

Please fill out the chart below if your Historic Preservation Permit application involves an alteration, removal, or installation of a window or door. The chart includes information that is necessary for review of your application. If the alteration or new construction activity involves multiple window or door types (style, size, materials, etc.), please fill out one form per window or door type. If submitting your application electronically, please attach this form to the email submission. You may also print this form and submit the application materials in person or by mail.

436 NW 4th Ave

Window or Door Feature	Existing	Proposed
Location on Structure (e.g. West Elevation, Basement)	West Facing onto 4th Ave	Same
Window or Door Size	28 x 61 3/8	28 x 61 3/8
Window Style	Double-hung	Double-hung
Door Style (French Doors, Sliding Glass, etc.)	n/a	n/a
Door Material	n/a	n/a
Window Sash Material	Wood	Fiberglass-clad Wood
Sash and Muntin Dimensions	Bottom: 3 1/2 Mid: 1 1/2 Top: 2 1/2 Style: 2 1/2	Bottom: 3 Mid: 2 Top: 2 Style: 2 1/4
Trim Material	Wood	Wood
Trim Dimensions	Side: 5 + or -	Undisturbed
Is the Window or Door Operable	Yes - Operable	Yes - Operable
Number and Type of Divided Lites (e.g. 3 over 1, True Divided Lites)	1 over 1	1 over 1
Is the Glass Single or Double Pane	Single Pane	Double Pane

*Fiberglass and Vinyl windows may be proposed; However, typically these two materials have not been considered compatible materials.

Additional Materials

1. Elevation drawings illustrating existing conditions and proposed alterations. Each window or door to be altered or installed on an elevation should be identified.
2. A site plan, drawn to scale, showing the footprint of buildings, lot lines, street and alleys, and approximate locations of buildings on abutting lots.
3. In cases where the proposed alterations are minimal, photographs with a detailed narrative description of the alteration may take the place of elevation drawings.

Window and Door Chart

Hpp14-00020 William Lane House

Please fill out the chart below if your Historic Preservation Permit application involves an alteration, removal, or installation of a window or door. The chart includes information that is necessary for review of your application. If the alteration or new construction activity involves multiple window or door types (style, size, materials, etc.), please fill out one form per window or door type. If submitting your application electronically, please attach this form to the email submission. You may also print this form and submit the application materials in person or by mail.

436 NW 4th Ave

Window or Door Feature	Existing	Proposed
Location on Structure (e.g. West Elevation, Basement)	West Facing onto 4th Ave Second Floor	Same
Window or Door Size	28 x 61 3/8 x 2	28 x 61 3/8 x 2
Window Style	Double-hung	Double-hung
Door Style (French Doors, Sliding Glass, etc.)	n/a	n/a
Door Material	n/a	n/a
Window Sash Material	Wood	Fiberglass-clad Wood
Sash and Muntin Dimensions	Bottom: 3 1/2 Mid 1 1/2 Top 2 1/2 Style: 2 1/2	Bottom: 3 Mid: 2 Top: 2 Style: 2 1/4
Trim Material	Wood	Wood
Trim Dimensions	Mid: 5 1/2 Side: 5 + or -	Undisturbed
Is the Window or Door Operable	Yes - Operable	Yes - Operable
Number and Type of Divided Lites (e.g. 3 over 1, True Divided Lites)	1 over 1	1 over 1
Is the Glass Single or Double Pane	Single Pane	Double Pane

*Fiberglass and Vinyl windows may be proposed; However, typically these two materials have not been considered compatible materials.

Additional Materials

1. Elevation drawings illustrating existing conditions and proposed alterations. Each window or door to be altered or installed on an elevation should be identified.
2. A site plan, drawn to scale, showing the footprint of buildings, lot lines, street and alleys, and approximate locations of buildings on abutting lots.
3. In cases where the proposed alterations are minimal, photographs with a detailed narrative description of the alteration may take the place of elevation drawings.

Window and Door Chart

Hpp14-00020 William Lane House

Please fill out the chart below if your Historic Preservation Permit application involves an alteration, removal, or installation of a window or door. The chart includes information that is necessary for review of your application. If the alteration or new construction activity involves multiple window or door types (style, size, materials, etc.), please fill out one form per window or door type. If submitting your application electronically, please attach this form to the email submission. You may also print this form and submit the application materials in person or by mail.

436 NW 4th Ave

Window or Door Feature	Existing	Proposed
Location on Structure (e.g. West Elevation, Basement)	East Side Facing Alley	Same
Window or Door Size	28 x 61 3/8 x 2	28 x 61 3/8 x 2
Window Style	Double-hung	Double-hung
Door Style (French Doors, Sliding Glass, etc.)	n/a	n/a
Door Material	n/a	n/a
Window Sash Material	Wood	Fiberglass-clad Wood
Sash and Muntin Dimensions	Bottom: 3 1/2 Mid: 1 1/2 Top: 2 1/2 Style: 2 1/2	Bottom: 3 Mid: 2 Top: 2 Style: 2 1/4
Trim Material	Wood	Wood
Trim Dimensions	Mid: 5 1/2 Side: 5 + or -	Undisturbed
Is the Window or Door Operable	Yes - Operable	Yes - Operable
Number and Type of Divided Lites (e.g. 3 over 1, True Divided Lites)	1 over 1	1 over 1
Is the Glass Single or Double Pane	Single Pane	Double Pane

*Fiberglass and Vinyl windows may be proposed; However, typically these two materials have not been considered compatible materials.

Additional Materials

1. Elevation drawings illustrating existing conditions and proposed alterations. Each window or door to be altered or installed on an elevation should be identified.
2. A site plan, drawn to scale, showing the footprint of buildings, lot lines, street and alleys, and approximate locations of buildings on abutting lots.
3. In cases where the proposed alterations are minimal, photographs with a detailed narrative description of the alteration may take the place of elevation drawings.

Window and Door Chart

Hpp14-00020 William Lane House

Please fill out the chart below if your Historic Preservation Permit application involves an alteration, removal, or installation of a window or door. The chart includes information that is necessary for review of your application. If the alteration or new construction activity involves multiple window or door types (style, size, materials, etc.), please fill out one form per window or door type. If submitting your application electronically, please attach this form to the email submission. You may also print this form and submit the application materials in person or by mail.

436 NW 4th Ave

Window or Door Feature	Existing	Proposed
Location on Structure (e.g. West Elevation, Basement)	South Facing First Floor in New Addition	Same
Window or Door Size	36 x 61 3/8	36 x 61 3/8
Window Style	Double-hung	Double-hung
Door Style (French Doors, Sliding Glass, etc.)	n/a	n/a
Door Material	n/a	n/a
Window Sash Material	Wood	Fiberglass-clad Wood
Sash and Muntin Dimensions	Bottom 3 1/2 Mid. 1 1/2 Top: 2 1/2 Style 2 1/2	Bottom 3 Mid 2 Top 2 Style: 2 1/4
Trim Material	Wood	Wood
Trim Dimensions	Side: 5 + or -	Undisturbed
Is the Window or Door Operable	Yes - Operable	Yes - Operable
Number and Type of Divided Lites (e.g. 3 over 1, True Divided Lites)	1 over 1	1 over 1
Is the Glass Single or Double Pane	Single Pane	Double Pane

*Fiberglass and Vinyl windows may be proposed; However, typically these two materials have not been considered compatible materials.

Additional Materials

1. Elevation drawings illustrating existing conditions and proposed alterations. Each window or door to be altered or installed on an elevation should be identified.
2. A site plan, drawn to scale, showing the footprint of buildings, lot lines, street and alleys, and approximate locations of buildings on abutting lots.
3. In cases where the proposed alterations are minimal, photographs with a detailed narrative description of the alteration may take the place of elevation drawings.

MEMORANDUM

February 25, 2015

TO: Mayor and City Council

FROM: Mary Beth Altmann Hughes, Human Resources Director KGS, AIC

SUBJECT: **City Manager Recruitment Process**

At the executive session on February 23 the City Council narrowed the list of semi-finalists to the finalists selected to be interviewed. Final approval of the next steps in the process is requested. The proposed process includes the following:

- Candidates will have a tour of the community on March 10 from 2:00 to 4:00.
- Candidates will be present for a "Meet and Greet" session with members of the community on March 10 from 5:30 to 8:00 PM in the Main Meeting Room of the Corvallis-Benton County Public Library. There will be public comment cards for community members to provide feedback to the City Council or participants can call/speak with Council members and provide feedback.
    - Council needs to decide if they wish to have a presentation from the candidates and if so the format, subject and allowable time;
- Candidates will be formally interviewed all day on Wednesday, March 11. Panels will include:
    - The Mayor and City Council;
    - Department Directors;
    - Stakeholder/Community Members
- City Council will debrief and hear feedback from the other two panels at the end of the day.
- City Council will have an executive session on March 16 to discuss the finalists and consider making a job offer.

Staff requests the City Council confirm this process is the one to follow, and that the dates are correct.

waldron

City of Corvallis, City Manager
Final Interview Schedule - Sample

Tuesday, March 10, 2015

Time	Activity	Location
2:00PM - 4:00PM	*Community Tour*	*Corvallis Community*
5:30PM - 8:00PM	*Community Meet and Greet, Candidate Presentations*	*Corvallis Library, Main Meeting Room*

Wednesday, March 11, 2015

Time	Council Panel City Hall Meeting Room, D Facilitator: Heather	Leadership Staff Panel City Hall Meeting Room, Planning Facilitator: Mary Beth	Stakeholder Panel Madison Avenue Meeting Room Facilitator: Robert
7:45AM - 8:25AM	***Panel Orientation***	***Panel Orientation***	***Panel Orientation***
8:30AM - 9:30AM	*Candidate 1*	*Candidate 2*	*Candidate 3*
9:45AM - 10:45AM	*Candidate 2*	*Candidate 3*	*Candidate 1*
11:00AM - 12:00PM	*Candidate 3*	*Candidate 1*	*Candidate 2*
12:05PM - 12:55PM	***Lunch***	***Lunch***	***Lunch***
1:00PM - 2:00PM	*Candidate 4*	*Candidate 5*	*Candidate 6*
2:15PM - 3:15PM	*Candidate 5*	*Candidate 6*	*Candidate 4*
3:30PM - 4:30PM	*Candidate 6*	*Candidate 4*	*Candidate 5*
4:30PM - 5:00PM	***Panel Debrief***	***Panel Debrief***	***Panel Debrief***

5:00PM - 6:30PM	***Present Panel Feedback and Further Discussion*** *(Council, Mary Beth, Heather, Robert)*

MEMORANDUM

February 25, 2015

TO: Mayor and City Council

FROM: Nancy Brewer, City Manager NB

SUBJECT: **City Council Goals for 2015-2016**

At the work session on February 24, the City Council reviewed, edited and discussed the goal concepts for this two-year term. Attached is the final language developed during that work session.

City Council action is requested to adopt the goals, by motion:

I move to adopt the 2015-2016 City Council Goals as presented from the February 24, 2015 work session.

City Council Goals 2015-2016

Sustainable Budget

The Council will continue to manage a long-term sustainable budget including the consideration of possible new or expanded revenue sources. An inventory of known infrastructure and unmet program needs, including public safety, will be compiled and prioritized by December of 2015. By September 2015, possible new or expanded revenue sources will be identified that could fund these program and infrastructure needs. By September 2016 the Council will create and begin implementing a long-term revenue plan.

Housing Development

The city will analyze policy and programmatic tools suggested by the 2014 ECONorthwest Housing Policy Options Study, including funding/resource requirements, and by December 2016, select and implement strategies to facilitate creation of additional transitional, low-income, and workforce housing. In addition, the City will develop strategies to sustain or increase service levels in order to continue the programs currently in place to build and maintain affordable housing.

Economic Vitality

The City will develop a comprehensive strategy utilizing institutional partnerships (e.g. OSU, Samaritan Health Services (SHS)), government entities, and community groups, to (1) increase access to family wage jobs, (2) strengthen the path from innovation to manufacturing, (3) identify methods of encouraging the success of locally owned businesses, and (4) improve Corvallis as an economically resilient community. Modify the Economic Development Office role and the Economic Development Advisory Board's charge by December 2015 to implement this goal.

OSU/City Relations

By the end of 2016, the city will have a renewed relationship with Oregon State University (OSU), including the following:

- Implement a new intergovernmental agreement by July 2015 in order to identify opportunities and implement solutions to problems.
- Monitor, mitigate and reduce negative community impacts related to OSU development including implementing land use strategies and/or contractual arrangements as appropriate.
- Review and update all assumptions and policies as appropriate in the Corvallis Comprehensive Plan and Land Development Code (LDC) relating to OSU development and the OSU District Plan by December 2016. Include strategies to monitor the OSU District Plan and the LDC to assure compliance and enable modification as conditions change.

City Council Goals 2015-2016

Climate Action

Over the next two years, take bold action to address climate change by (1) supporting the energy conservation efforts of the Corvallis Georgetown University Energy Prize team, and (2) adopting and beginning to implement a comprehensive, long-term climate action plan that will significantly reduce Corvallis' greenhouse gas emissions and foster Corvallis' resilience to the effects of climate change.

Vision and Action Plan for Corvallis

Using an engaged community process, create a new Corvallis Vision and Action Plan 2040 by December 2016. The resulting plan will include an aspirational vision, an action plan for the City and community partners that is achievable and measureable using a livability index, and a method for regular evaluation and necessary revision. The vision and action plan will be the foundation for necessary work on other City plans.

ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
February 18, 2015

Present
Councilor Joel Hirsch, Chair
Councilor Hal Brauner
Councilor Barbara Bull

Visitors
Bain Ashley
Chris Ashley
John Bauman
Carl Carpenter
William Cohnstaedt
William Cook
Jim Day, *Corvallis Gazette-Times*
Jerry Duerksen
Karl Hadley
Peter Krupp
Carl Price
Debbie Weaver

Staff
Nancy Brewer, City Manager *Pro Tem*
Jim Brewer, Deputy City Attorney
Jon Sassaman, Police Chief
Ken Gibb, Community Development Director
Dan Carlson, Development Services Division Manager
Robel Tadesse, Management Information Systems Division Manager
Kevin Young, Planning Division Manager
Carla Holzworth, City Recorder
Emely Day, City Manager's Office

SUMMARY OF DISCUSSION

	Agenda Item	Recommendations
	Call to Order	1:03 pm
I.	Open Carry of Loaded Firearms Policy and Resolution	• Adopt proposed Council Policy 5.03, "Public Safety and Constitutional Rights"
II.	Council Policy Review and Recommendation: 2.10, "Use of Electronic Mail by Mayor and City Council"	• Direct staff to establish for each Council position a separate archiveable email account for Council-related email messages to which Council members would forward Council-related email messages from their personal email accounts for archiving • Postponed action on the Policy pending Council direction regarding archiveable email accounts
III.	Livability Code/Neighborhood Outreach Department Advisory Committee Update	Information
IV.	Other Business A. Pending Issues 1. Corporate Securities List 2. Comcast Franchise Renewal Update B. Committee Chair Rotation	Information
	Adjournment	2:57 pm
	Next Meeting	March 4, 2015

CONTENT OF DISCUSSION

Staff distributed an email message exchange regarding open carry of loaded firearms (Attachment A) and Council Policy 5.04, "Hate/Bias Violence" (Attachment B).

I. Open Carry of Loaded Firearms Policy and Resolution

Police Chief Sassaman said his staff report reflected the Committee's discussions since the issue of open carry of loaded firearms was presented by a citizen last summer. Council directed staff to investigate options, including an ordinance prohibiting open carry of loaded firearms, not taking action, presenting an advisory question to voters, a resolution, a Council policy, and the open-market concept. At its December 15, 2015, meeting, Council directed staff to focus on a possible resolution and a possible Council policy. The other previously suggested options were no longer considered viable. The staff report included drafts of a proposed resolution and a proposed Council policy. He reviewed the advantages and disadvantages of each type of action:

- Resolution:
  - Could include several preamble statements explaining the background of the document's adoption.
  - Did not have a standard review schedule to ensure the document was still meaningful.
- Council policy:
  - Would be reviewed on an established schedule.
  - May not contain enough background language to explain the intent for the document's adoption.

Councilor Brauner expressed preference for a Council policy, rather than a resolution. He would like the policy to include some of the resolution provisions so it would be more specific regarding Constitutional rights and how they affected someone's right to feel safe. He liked the policy being reviewed periodically as a reminder to the community. A resolution would remain effective indefinitely unless it was rescinded; however, since it was not subject to periodic reviews, it could be forgotten.

Based upon a motion moved and seconded by Councilors Brauner and Bull, respectively, the Committee unanimously recommends that Council pursue a Council policy regarding open carry of loaded firearms.

Chair Hirsch noted that the United States Constitution Second Amendment existed and could not be changed by the City Council. However, Council was considering a compensating benefit for an issue that was important to community members who believed their right of personal safety was not recognized.

William Cook grew up in a household where firearms ownership was part of life, and he was not afraid of weapons. He knew that gun ownership was not related to crime or violence. As a child, he could purchase shotgun shells and shoot targets in the woods;

that action today would prompt law enforcement investigation and possible jail confinement. The actions and intentions of both children would be the same, but society's responses to actions once considered innocent and lawful had changed. It had become "politically incorrect" to own firearms in urban areas, and it was common behavior to discriminate against people who resisted social pressure to conform to new standards. He suggested that attempts to undermine Americans' rights to peacefully bear firearms was discrimination, similar to previous discrimination against women and non-Caucasian people; he also considered such discrimination treasonous. He noted that no one exercising their legal right to bear firearms committed violence or crimes. Local legislation to prevent fear could undermine Constitutional rights. While Americans did not have a legal right to be unafraid, they had a right to be peacefully armed. He noted that criminals would not "advertise" their armed status; therefore, someone openly carrying a firearm likely would not be a criminal. He believed that someone's concern of a situation that did not present a problem could result in Council undermining the United States Constitution to alleviate the concerns of people fearful of seeing people exercising their right to carry firearms. He questioned whether civil rights should be eroded because of potential fears of people who did not thoroughly evaluate situations before acting. He further questioned whether other rights would be easily eroded if someone expressed fear about someone exercising a freedom. He suggested that the Committee and Council become acquainted with the people who would be restricted by any legislative action. He invited Committee members and those in the meeting room to join him at a shooting range to learn about firearms handling and ownership. He said gun owners did not appreciate actions that would classify them as criminals or second-class citizens; people openly carrying firearms were subject to being questioned by police officers.

John Bauman said he read in the *Corvallis Gazette-Times* that the Committee would debate a solution to the law concerning open carrying of firearms. He questioned what was the issue with the law, which was established before the City was chartered. He concurred with Mr. Cook that there had not been an issue with someone openly carrying a firearm that they legally owned. However, in October 2013, the City paid a settlement in a lawsuit involving a defendant who legally owned a weapon, which was holstered on his hip when he went to his mailbox early one morning; a police officer observed, stopped, and detained the defendant. The judge adjudicating the case disagreed with the police officer's assertion of reasonable cause or suspicion to detain the defendant; the judge said the gravity of public concern and criminal trespass was minimal. Mr. Bauman opined that people who legally carried weapons should not be feared. He suspected that people were rarely observed openly carrying firearms. He believed the proposed policy was "seeking a problem" that seemed to be fabricated by citizens.

Karl Hadley noted the need to balance Constitutional rights with people's rights to feel safe. If people had the right to feel a particular way, he also had the right to feel safe; if he felt safe by carrying a firearm, he had the right to do so. He considered it absurd to assert that someone had a right to feel a particular way (e.g., happy, joyful, etc.). He did not advocate that people openly carry firearms in public, although he openly carried

firearms on his property. Those who openly carried firearms made statements; and those who carried firearms openly or concealed probably were very law abiding because of their passion to carry firearms. Those people were defending a legal right to carry firearms and would not do something, such as commit crimes, that would jeopardize their legal status to carry firearms.

In response to Councilor Bull's inquiry, Mr. Hadley explained that there were no laws prohibiting openly carrying firearms; so it was a legal activity. Committing a crime could prevent someone from possessing a firearm. People who carried firearms would not jeopardize their right to do so. He said it was difficult to stay current with Federal firearms laws; and he believed it was unwise for municipalities to have separate laws, which would create "traps." He traveled through four towns to get from his home to his employment site; if each city had its own laws regarding firearms, he would need to be aware of each town's laws. He did not want to have to comply with multiple sets of laws to maintain his legal right to possess firearms. One wrong turn or missed freeway exit could put him in a town with laws with which he was in violation.

Councilor Brauner clarified that the Committee was not considering a law to ban the right to carry firearms or amend State laws. The Committee was considering how to balance Constitutional rights. He quoted the proposed policy statement and a guideline from the proposed policy document.

Carl Price said he was somewhat offended by the proposed resolution and fairly happy with the proposed policy. He urged the Committee not to incorporate proposed resolution preamble statements into the policy. He elaborated that the resolution preamble references to "open carry of firearms" could be changed to represent any segment of the community population, resulting in a very offensive statement to members of those population groups. The resolution statements would then imply that the City would change its policy because of a belief related to that segment of the population. He believed the proposed policy would protect everyone's rights, cited as a protection of the overall community's rights. The proposed policy would not focus on a specific population segment and could be applicable to any situation. He believed that incorporating resolution preamble statements and goals into the policy would weaken the protection of other civil rights. He noted that the proposed policy would protect anyone openly carrying a firearm who was harassed or intimidated by others. The proposed policy would help the City address situations of people making false reports against someone openly carrying a firearm. He urged that Council adopt the proposed policy as drafted by staff because it addressed the current issue of openly carried firearms and other potential issues. He further urged that the proposed policy not be amended to specifically address firearms.

Mr. Price clarified for Councilor Bull that several of the preamble statements in the proposed resolution, if amended to specify segments of the community's population, would impact the civil rights of those population groups.

Councilor Bull considered people carrying firearms because of their hunting avocation to be exhibiting a behavior.

Mr. Price said civil rights were inherent to people, and governmental bodies were prohibited from infringing upon those rights. He considered civil rights a major factor in the nation's continuing existence and noted that civil rights were used as a means to keep local governments from taking control. He elaborated that the right of self-defense was the basis for all other civil rights.

Councilor Bull referenced a request that the Committee model the proposed policy after existing Council Policy 5.04, "Hate/Bias Violence," which may address Mr. Price's concerns. She gave Mr. Price a copy of that Policy and asked him to give her feedback.

Mr. Price said he anticipated the proposed policy being applicable to other civil rights, and he did not want the policy weakened. He believed that, as a governmental agency, Council should consider protection of citizens' civil rights a high priority, as that was the purpose of forming a government. Even if someone was never personally affected by civil rights issues, they should protect civil rights.

Councilor Brauner noted that the Hate/Bias Violence policy seemed to cover all protected classes and issues except possession of firearms.

City Manager *Pro Tem* Brewer responded that staff reviewed the Hate/Bias Violence policy, which focused on personal status, rather than behavior. That policy would apply to behavior based upon a victim's status. The proposed policy focused on broader Constitutional rights. Staff did not want to propose a weak policy regarding personal status or Constitutional rights. She pursued Councilor York's suggestion that the proposed policy could be worded in a stronger manner than the Hate/Bias Violence policy.

Councilor Bull expressed her understanding that the Hate/Bias Violence policy could be amended to remove reference to protected personal status and, instead, address threats.

Ms. Brewer continued, explaining that staff could draft guidelines language to incorporate Hate/Bias Violence policy language into the proposed policy. That administrative level of policy editing could be ready for inclusion in the next Council meeting packet. Alternatively, a broader re-drafting of the proposed policy would warrant additional Committee review.

Councilor Brauner noted that the proposed policy would become another Council policy concerning community safety. He liked the proposed policy and believed the Hate/Bias Violence policy would address most situations of threat or intimidation. However, Americans had a Constitutional right to carry firearms. Only the State Legislature could amend the State Constitution. Incorporating Hate/Bias Violence policy language into

the proposed policy would assume that anyone carrying a firearm was doing so with the intent to threaten other people, which was not always a valid assumption. He believed it would be helpful to add to the proposed policy language similar to that of the Hate/Bias Violence policy related only to guns.

Chair Hirsch opined that language in one policy could be included in another policy. Councilor Brauner noted that both policies would be in the Community Safety section of the City's Council Policy Manual; there were no other policies in that section.

Councilor Bull said she did not consider whether one right had more significance than another right. The issue was presented to the Committee because of citizens' concerns about feeling safe. If the protected status classifications were removed from the Hate/Bias Violence policy, it would not involve situations of threat. Helping citizens feel safe was a good goal, but she did not have a clear enough sense of the Committee's goal to determine whether a policy or a resolution was the better option. Therefore, she suggested referring the issue to Council.

Chair Hirsch opined that someone carrying a firearm for their safety was exercising their right and likely had a license to carry the firearm. The issue before the Committee involved people openly carrying firearms so that the firearms were visible to people who might be scared by the presence of the firearms.

Councilor Brauner noted the difference between someone carrying a firearm in a holster and someone waving a firearm in the air. However, some people were fearful simply by the presence of a firearm. Council directed staff to draft a proposed policy that balanced citizens' rights, which was stated in the proposed policy. Threatening someone with a firearm infringed on citizens' rights, but merely carrying a firearm did not infringe on citizens' rights. He opined that it was not appropriate to turn the proposed policy into an issue of making the right to carry a firearm more restrictive than specified in State laws. He did not want to include in the proposed policy statements that implied that one Constitutional right was a threat to personal safety but another Constitutional right was not a threat to personal safety. He recommended forwarding the proposed policy to Council for consideration; Council could propose policy amendments or direct additional Committee action. He believed the proposed policy accurately reflected balancing Constitutional rights.

Based upon a motion moved and seconded by Councilors Brauner and Bull, respectively, the Committee unanimously recommends that Council adopt proposed Council Policy 5.03, "Public Safety and Constitutional Rights."

II. Council Policy Review and Recommendation: 2.10, "Use of Electronic Mail by Mayor and City Council"

City Recorder Holzworth said she postponed the periodic review of the Council Policy until the new Council was sworn into office and could address Council email concerns. She suggested some Policy amendments and sought the Committee's feedback.

Councilor Bull liked the idea of Council members having City-based Outlook email accounts for easier communication with City staff and for City maintenance and retention of email messages. She questioned whether the City would continue utilizing PEAK email accounts. She referenced Council discussions regarding openness in actions and easier electronic communications. One suggestion involved Councilors engaging in online discussions in a manner that complied with State public meetings and records laws; this could involve a one-way email system that did not allow responses. Inability to respond to posted emails should make the system compliant with State public meetings laws. She suggested that the PEAK email accounts could be used for that purpose, if Council members had City-based Outlook email accounts for interactive email service.

Ms. Brewer explained that Council members initially used the PEAK email accounts for all email purposes. During the past ten years, Council members tended to use personal email accounts for Council communications. The PEAK email accounts remained active and accessible for constituents to contact Council members, with email messages posted for public viewing. Staff suggested creating City-based Outlook email accounts, understanding that those accounts would not be accessible for public viewing. Messages to Council members' personal email accounts could be forwarded to corresponding City-based Outlook email accounts for archiving on the City's network and retrieval in response to public records requests. Alternatively, Council members would need to separate personal and City emails in their personal email accounts in response to public records requests. Currently, Council members could forward email messages from their personal email accounts to their PEAK email accounts, so the messages would be accessible to the public.

Councilor Bull acknowledged the need for an electronic means of conducting Council business with messages being accessible in response to public records requests. She would prefer using a City-based Outlook email account for Council email. She noted the need for a non-public email account for messages that involved personnel matters and a need to archive those messages.

Chair Hirsch said he created a free email account that he dedicated to City-related email correspondence. He used other email accounts for personal email correspondence. He did not consider it City staff's responsibility to manage Council members' City and personal email messages.

Councilor Bull opined that a City-based Outlook email account might be an easier option, noting that City employees' email messages were already being archived, so email accounts for Council members should be manageable. Email messages to and from a City-based Outlook email account would be public records and would not need to be forwarded to another account.

Chair Hirsch questioned whether it was City staff's responsibility to manage Council members' email accounts, noting that many email providers archived messages, so it was generally not necessary to forward messages to a City-based email account.

Ms. Brewer confirmed that emails to Council members' self-created email accounts dedicated to City business must be transferred to the City when Council members left office. Email messages about meeting constituents for coffee were not critical for retention; messages about issues that may be presented to Council must be accessible for inclusion in appropriate Council meeting packets. All email messages could be discoverable in response to public records requests. She cautioned that, while a Council member may delete an email message from their email account, it could still remain accessible in the email account of anyone else involved in the message exchange. Email messages could be subject to public records requests, even if they were not archived on the City's network. She clarified for Chair Hirsch that the PEAK accounts showed eight weeks of messages on the City's Web site; City Management Information Systems (MIS) staff backed up the messages from PEAK's server every night and incorporated those messages in the City's email archives. Ms. Holzworth clarified that the previous version of the Policy stated that email messages were archived for one year; however, the content of the messages determined the retention periods.

Ms. Brewer confirmed for Councilor Brauner that email messages forwarded from Council members' personal email accounts to the PEAK Council email system were archived by the City. Council members must determine whether they would willingly post for public viewing all of the messages in their personal email accounts. Messages requested to be maintained as confidential that were forwarded to a City-based Outlook email account would be archived; the City Attorney's Office would determine whether the messages must be disclosed in response to public records requests. A City-based Outlook email account could be considered a filing system for Council members' email messages. Some Councilors indicated they did not want Council email messages in their City email accounts; they may not want Council email messages sent to City-based email accounts and preferred using personal email accounts. Staff was trying to manage the desires of ten individuals and how they chose to manage their email messages.

Councilor Bull expressed concern about the need to keep off the publicly accessible PEAK email accounts email messages regarding the City Manager recruitment and candidates. She understood that those messages must be retained, so a suggestion

was offered that City staff create City-based, searchable Outlook email accounts for Council members.

Councilor Brauner said the proposal would require him to also monitor a City-based Outlook email account, if the public was able to send messages to the account. He would prefer using the Outlook email account as a filing system for messages he forwarded to it for retention and access in response to public records requests. Someone could still subpoena his personal email account. He liked the idea of a convenient way of ensuring that appropriate but possibly sensitive email messages were archived for City access but not posted on the City's Web site. He would not want that account available for receiving public email messages, necessitating him checking the account for incoming messages.

Councilor Bull inquired whether City-based Outlook email accounts could be used for email messages and the existing PEAK accounts could be used more as bulletin boards.

Ms. Brewer explained that the City created the PEAK accounts a few decades ago to ensure that Council's email messages with the community were publicly viewable. Recently, approximately 80 percent of messages sent to the PEAK accounts were commercial solicitations. The PEAK accounts provided a publicly open means of constituents communicating with Council members. Council members were not required to have PEAK accounts. Council should determine whether the PEAK accounts were still prudent or whether alternatives should be considered.

Chair Hirsch opined that the PEAK accounts served a function in allowing the public to communicate with Council members; the messages were publicly viewable and archived. He could create a personal email account via any email service for Council email messages and forward or retain Council email messages as appropriate. He considered the public email accounts important and functional.

Councilor Bull noted that many email communications did not occur through Council members' PEAK accounts. She said there did not seem to be clear guidelines for the types of emails that should be sent or received through the PEAK accounts, and she suggested that there might be a better means of exchanging email messages with fewer solicitation email messages. A bulletin board system for "notice postings" by Council members and City staff, along with valid email messages, might be more helpful. She expected that a City-based Outlook email account would be "private" like a personal email account and not available for public viewing.

Ms. Brewer reviewed that staff recommended re-formatting the Policy and some Policy language amendments. Some concepts recently discussed concerning public records requests caused Council members concern that messages on their personal email accounts were considered public records that must be archived. Council members could personally retain the email messages; however, when they left their Council

positions, the email messages must be turned over to the City Recorder for archiving, based upon content. She confirmed for Councilor Brauner that Council members' personal email accounts could be subpoenaed, even if they routinely forwarded City-related emails from their personal email accounts to City-based PEAK or Outlook email accounts.

Chair Hirsch noted that the Policy section regarding definitions did not include the term "archive," other than in reference to "archive email." He suggested that the provision in the Policy Guidelines section identified as 1.b., "Email from the Mayor and/or Councilors to City staff will be to the City Manager, the City Recorder, or Department Directors, unless otherwise authorized by the City Manager," be expanded to clarify that email messages would not be sent to subordinate City staff members without City Manager authorization. He questioned whether the Policy should state advocacy restrictions regarding election issues.

Councilor Bull suggested that the definition "archive email" be changed to "email archive."

In response to Councilor Brauner's inquiry, Ms. Brewer said staff sought the Committee's feedback regarding the preferred type of email account. If Council directed staff to create City-based Outlook email accounts for Council members, staff would recommend Policy amendments to address Council members' responsibilities to forward email messages to the Outlook email accounts and how the Outlook email accounts would be used. Staff wanted the easiest system for Council members to archive email records to meet State public records retention requirements without creating more work for Council members or the City Recorder.

Councilor Brauner suggested that the Committee seek Council discussion of the issue and postpone review of the Policy pending Council direction.

MIS Division Manager Tadesse confirmed for Councilor Bull that Council members would be able to remotely access a City-based Outlook email account. Councilor Bull noted that having a City-based Outlook email account would provide access to the City's email address book.

Carl Price considered the public email logs valuable; however, based upon comments made during Council meetings, he believed many discussions related to Council decisions were not included in the public email system but should have been. He suggested more public visibility of email exchanges regarding potential Council decisions. That concern several times almost prompted him to submit public records requests for Council members' email records. While a Council candidate last fall, many people expressed to him their desire for public visibility of Council members' email discussions.

Mr. Price noted that all governmental agencies were subject to the same public records retention requirements. He suggested that City advisory board members be advised about the public records retention requirements for email messages related to their service on the boards.

Councilor Bull noted that, even with City-based Outlook email accounts, Council members could be accused of conducting a public meeting online. This prompted Council members to be careful about email content. City-based Outlook email accounts would not be more publicly visible but would facilitate email records searches.

Mr. Price urged that Council members be more open with email messages regarding issues presented to Council, i.e., disclosing email message exchanges when issues were before Council. He urged that Council reduce volunteers' liability by providing public records training.

Councilor Bull acknowledged Council support for more flexibility regarding email communications. She referenced a recent work session discussion with the Planning Commission and suggested that staff provide a handout regarding including email messages in the public record versus having a searchable database of email messages. She also asked which scenario would offer staff efficiencies.

Ms. Brewer noted that a Planning Commissioner receiving emails regarding a land use case that might be presented to the Commission must print the email for inclusion in the appropriate public record.

Responding to Committee members' inquiries about whether City-based Outlook email accounts should be created for all advisory board members, Ms. Brewer explained that the issue involved Council members receiving email messages regarding issues that could come to Council in the future and the need to archive those messages for inclusion in future Council meeting packets. She did not know whether Planning Commissioners received email messages regarding other issues.

Deputy City Attorney Brewer added that City advisory boards reviewed City policy issues, and board members may receive email messages that should be shared with other members of the particular board. Ms. Brewer suggested that advisory board members forward such email messages to the boards' support staff members. Mr. Brewer noted that the Policy applied only to Mayor and Councilor email.

Councilors Brauner and Bull, respectively, moved and seconded that Council direct staff to establish for each Council position a separate archiveable email account for Council-related email messages to which Council members would forward Council-related email messages from their personal email accounts for archiving.

Councilor Brauner recommended postponing action on the Council Policy until Council gave direction on the Committee's recommendation.

III. Livability Code/Neighborhood Outreach Department Advisory Committee Update

Community Development Director Gibb explained that the staff report provided an update from the Committee's 2014 work regarding City livability codes and "gaps" among the codes. He offered to meet with Councilor Bull to review background information from two-plus years of work that occurred prior to her election to the Council. The Committee had directed staff to review identified code "gaps" and form a department advisory group to assist staff in developing potential code changes to address the "gaps." The staff report included a list of advisory group members and their respective interests or affiliations. Staff was developing background information for the advisory group, which would begin meeting in early-March and strive to complete its work in five meetings through April. Staff planned to present to the Committee the advisory group's recommendations in late-April or early-May; the Committee would forward its recommendations to Council.

Mr. Gibb reported that staff continued re-organizing and fine-tuning the City's Code Compliance Program (CCP). The Housing and Neighborhood Services (HNS) Division was created six months ago. Development Services (DS) Division staff assumed responsibility for CCP complaints related to building code issues; HNS Division staff assumed responsibility for all other CCP complaint issues. The person filling the half-time, levy-funded HNS Division Casual Code Compliance Specialist position began working February 17; Building Safety Inspector candidates were being interviewed. The outstanding CCP complaint caseload was reduced by approximately 24 percent; additional staffing should further reduce the outstanding complaints. Some cases could be easily resolved; others were complex and involved multiple City departments and extensive time to investigate and resolve.

Mr. Gibb explained that DS Division staff was developing an Administrative Civil Penalty Matrix (ACPM) regarding building safety code compliance. Staff reviewed the Eugene, Oregon, ACPM model before presenting it through the Oregon State University (OSU)/City Collaboration Program. The ACPM should provide a systematic, consistent approach to code compliance. The ACPM would initially be applicable to CCP complaints involving work without a permit, illegal occupancy, and dangerous building violations and could be extended to other code compliance areas. He expected that a high percentage of CCP complaints would be resolved in response to a correction notice, rather than declaring a violation status. Cases that were declared violations would be decided based upon the severity of the case, the violation, and the frequency with which the party committed violations. Staff believed the proposed ACPM would work well in Corvallis. State law required that a hearings officer other than the City's Building Official heard cases; staff planned to contract that service to an independent party, which appeared from staff's research to be an appropriate strategy. Staff believed the proposed ACPM would help reduce the outstanding CCP caseload. After a few months of experience, staff would determine whether the program should be extended to other code compliance areas. No amendments to existing codes were needed; the ACPM would comply with state laws. Development Services' stakeholder

group reviewed the ACPM model. Staff expected to implement the ACPM in the next few weeks.

This issue was presented for information only.

Chair Hirsch expressed support for the proposed ACPM model and was eager for staff's first progress report.

Development Services Division Manager Carlson responded that Eugene had successfully utilized its ACPM model for some time.

Mr. Gibb added that the ACPM included an option for parties accused of violating codes to appeal staff's decision to an independent party. The ACPM would provide a clear process for resolving CCP complaints.

Councilor Bull said she considered the proposed ACPM explicit and clear. In response to her inquiry, Mr. Carlson said Eugene hired an attorney to serve as its independent hearings officer. The hearings officer should have a legal background and an understanding of processes. Mr. Gibb added that he initially anticipated hiring a retired judge interested in providing hearings officer services under a short-term contract. He noted that members of the City Attorney's Office served as hearings officers for Salem, Oregon.

Mr. Carlson confirmed for Councilor Bull that the ACPM would be applicable to CCP complaints regarding specific issues of work without a permit, illegal occupancy, dangerous buildings, and land use compliance for current construction projects. The Code Compliance Manual he was developing with review by the aforementioned stakeholder group should be published in final form by the end of February. The proposed ACPM was narrowly focused on the referenced issues and would not yet extend to other areas, such as complaints regarding garbage and abandoned vehicles; the ACPM could be expanded in the future.

Mr. Gibb added that HNS Division staff addressed neighborhood livability issues, and DS Division staff addressed building code issues. He anticipated a manual similar to the Code Compliance Manual for other code issues and involvement of an independent hearings officer.

Councilor Bull referenced a recent complaint regarding the permit process and the lack of an appeal option. Mr. Gibb responded that the City had different appeal venues. Appeals involving the permit process and technical building codes applications would be heard by the Building Board of Appeals. The proposed ACPM would address penalties assessed for building code violations.

Councilor Bull asked how appeals regarding the permit process would be handled. Mr. Gibb explained that the Building Board of Appeals would review issues involving

permits and the fire code. He confirmed that the proposed ACPM would help alleviate the under-funded CCP. With time, the proposed ACPM should help provide staff efficiencies and quicker responses to CCP complaints.

Councilor Bull inquired whether the proposed ACPM prompted input from OSU students, tenants, and people involved in the Collaboration Project. Mr. Gibb responded that a member of the Collaboration Project Livability Work Group (LWG) was a member of the department advisory committee he previously referenced.

Councilor Brauner liked staff's progress and was eager to see the task force's work.

Councilor Bull referenced the table of code "gaps" and asked whether the types of properties (structure and occupancy types) would be evaluated. Mr. Gibb said the LWG initially discussed a proactive licensing and inspection program but did not submit a recommendation for such a program, preferring a complaint program. No inspection process was required for residences changed from owner-occupied to rental units, unless building permits were required for remodeling work.

IV. Other Business

A. Pending Issues

Corporate Securities List

The issue of corporate securities would not be ready for Committee consideration until summer or fall, due to reduced Finance Department staffing levels and those staff members needing to address time-critical issues. Staff was talking with the City's investment advisor regarding securities criteria.

Comcast Franchise Renewal Update

Ms. Brewer said she would ask Franchise Utility Specialist Steele for a status update regarding renewal of the City's franchise with Comcast

B. Chair Rotation

Committee members agreed to rotate Committee chair responsibilities every four months.

Respectfully submitted,

Joel Hirsch, Chair

Day, Emely

From: Holzworth, Carla
Sent: Wednesday, February 18, 2015 10:03 AM
To: Day, Emely
Cc: Ward 9
Subject: FW: ASC meeting, Wed, Feb 18, 1pm

From: halb382@
Sent: Wednesday, February 18, 2015 5:58 AM
To: Holzworth, Carla
Subject: Fwd: ASC meeting, Wed, Feb 18, 1pm

to include in record for meeting

From: "LoErna Simpson"
To: "Penny York" , "Barb Bull" "Hal Brauner" >, joelhirsch@ "Ceasefire Oregon" "LoErna Simpson"
Sent: Tuesday, February 17, 2015 10:06:14 PM
Subject: Fwd: ASC meeting, Wed, Feb 18, 1pm

Greetings, Barb, Hal, Joel, Jon, Nancy, CeasefireOregon,

I'm LoErna Simpson, a Corvallis citizen of 25+ years, and have attended the Corvallis Committee meetings regarding most of the meetings regarding guns and open carry. I was hoping to attend tomorrow's ASC meeting , Feb 18, 1pm. However I've gotten one of the 'mean' flu bugs that wasn't in the flu vaccine... my Dr. told me everyone that gets the flu has it for 2 weeks.. and she wasn't joking. I'm near two weeks, but still not feeling good. So I am writing to you by email, and I hope my comments will be read and considered.

I definitely prefer the City Council Policy-Community Safety, Policy 5.03, over the Resolution.

However, I was very interested in Penny York's comments regarding the Council Policy 92-5.04, Hate/Bias Violence which she felt was a better model for the draft. I am asking you, the ASC to study that possibility and write a Draft using the framework of CP 92-504 so that we could evaluation which of these Council Policy frameworks seems to work best.

Because we are in no rush, it would be helpful to at least study and compare the statements.

Hopefully, copies of the Hate/Bias Violence will be available for people at tomorrow's

meeting, so people could discuss this.

I look forward to hearing the outcome, hoping to make certain that we using the best language. I'm very disappointed to miss the meeting. I would appreciate having a copy the Hate/Bias Violence framework, if possible.

LoErna Simpson

Corvallis, OR 97330

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---------- Forwarded message ----------
From: <york.penny58
Date: Mon, Feb 16, 2015 at 3:05 PM
Subject: ASC meeting
To: Barb Bull , Hal Brauner , Joel Hirsch

Cc: "ceasefireoregon@ <ceasefireoregon@ , "Sassaman, Jon" <jon.sassaman@corvallisoregon.gov>, "Brewer, Nancy" <nancy.brewer@corvallisoregon.gov>

Barb, Hal and Joel,

I reviewed the staff report and draft resolution and policy related to open carry. I was disappointed that Council Policy 92-5.04 "Hate/Bias Violence" had not been used as a model for the draft policy. The existing policy is stronger and more to the point concerning our City's position about violence and threatening behavior. It would be relatively easy to use that language about violence in a new policy and state that it is extended to all, not just those of protected classes. If there is a desire to restate our support for people's constitutional rights, we might want to consider adding a statement to that effect to this and other policies, as appropriate. Please provide copies of the Hate/Bias Violence policy at your meeting so that councilors can review the language.

I also want to comment about the new policy form. While I generally like it, I wonder about using the term "guidelines". It seems more like a suggestion than a direction. CP 92-5.04 states "This policy directs City Staff to investigate incidents of hate/bias violence within the framework of existing criminal law." If this sentence were under the category "guidelines" would it be weakened?
Thanks for your consideration,

Penny York

Sent from Windows Mail

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 5 - COMMUNITY SAFETY

CP 92-5.04 **Hate/Bias Violence**

Adopted	**December 7, 1992**
Affirmed	1993/1994
Affirmed	October 16, 1995
Revised	October 6, 1997
Affirmed	December 7, 1998
Revised	October 18, 1999
Affirmed	April 16, 2001
Revised	November 3, 2003
Revised	October 17, 2005
Revised	December 3, 2007
Affirmed	November 2, 2009
Affirmed	December 19, 2011
Revised	July 7, 2014

5.04.010 Purpose

To establish a policy regarding hate/bias violence in the City of Corvallis.

5.04.020 Policy

5.04.021 Verbal threats and insults based on the recipient's age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income are not acceptable in the City of Corvallis.

5.04.022 All physical violence or threatening behavior, including, but not limited to, the intent to cause inconvenience, annoyance, or alarm, or recklessly creating a risk thereof based upon the recipient's age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious

observance, sex, sexual orientation, and source or level of income is not acceptable in the City of Corvallis.

5.04.023 Property damage or the threat of property damage based on the recipient's age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income is not acceptable in the City of Corvallis.

5.04.030 Goals of the Hate/Bias Violence Policy

5.04.031 That Corvallis City staff and elected Officials encourage, pursue, and preserve an environment that is harmonious, respectful, and fair in its treatment of all Corvallis residents, regardless of age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income.

5.04.032 That the City of Corvallis work toward tolerance of diversity in our pluralistic society with the goal of equal rights for all Corvallis residents, regardless of age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income.

5.04.040 Actions to Implement the Hate/Bias Violence Policy and Goals

5.04.041 This Policy directs City staff to investigate incidents of hate/bias violence within the framework of existing criminal law.

5.04.042 The Corvallis Police Department will work with community organizations representing Corvallis' diversity (e.g., National Association for the Advancement of Colored People, Commission for Martin Luther King Jr., and Casa Latinos Unidos de Benton County) to advise the Department on diversity issues, including diversity training of Department staff.

5.04.043 An ongoing training program for all Corvallis Police Officers involved in patrol and investigation of hate/bias violence shall be established and funded.

5.04.044 The goals of this officer training are to:

a. Enhance sensitivity to cultural diversity and individual differences.

b. Recognize that hate and bias are not acceptable in Corvallis.

c. Document sufficient facts for prosecution.

5.04.050 Review and Update

The Police Chief will prepare the Council Policy review every two years for Council approval.

MEMORANDUM

January 26, 2015

TO: Administrative Services Committee

FROM: Nancy Brewer, City Manager *Pro Tem*

Jon Sassaman, Police Chief

SUBJECT: **Open Carry of Loaded Firearms (Council Policy / Resolution)**

I. Issue

To discuss the City Council's direction regarding the open carry of loaded firearms discussions to adopt a Council Policy or a Resolution relative to public safety and constitutional rights. (Direction is required)

II. Background

During the summer months through December of 2014, City Council and Human Services Committee took public testimony over several meetings and were presented with information from the City Attorney and Police Chief on the Federal and Oregon State Constitutional limits on local bans of open carry.

During this time, an ordinance prohibiting the open carry of loaded firearms was considered as well as a variety of alternatives which included: doing nothing; creating an advisory question for registered voters; adopting a resolution; adopting a Council Policy; or encouraging the open market concept where business owners, through signage, could prohibit the open carry of loaded firearms on private property.

At the December 15, 2014 Council meeting, Council passed a motion eliminating from consideration an ordinance banning the open carry of loaded firearms in Corvallis and the advisory question to registered voters. Council further directed staff to prepare a resolution and Council Policy for consideration relative to public safety in Corvallis and the preservation of constitutional rights.

III. Alternatives

As directed, staff prepared a Resolution and a Council Policy for Council to consider. The Resolution and Council Policy are both written with a focus of preserving a community environment of harmony, respect and equality for all community members while ensuring individual rights are maintained. The Policy and Resolution also state the Corvallis Police Department will investigate situations which compromise this framework.

As noted previously, there are different advantages to each approach:

Resolution –

- Advantage – this format gives the opportunity to include a number of statements in the "WHEREAS" section that provide some background for how this resolution was developed and why.

- Disadvantage – resolutions are generally adopted and then no additional action is taken to review/update information in the resolution.

Policy –

- Advantage – Council policies are reviewed on a recurring cycle, which allows for updates as time goes on, and also reminds Councilors, staff, and the community the policy is in place.
- Disadvantage – the Council Policy format does not easily incorporate the background that led to the development of the policy.

IV. Requested Action

Consider the two alternatives presented. Make changes as appropriate. Recommend adoption of one or the other to the City Council.

Review and concur:

Jim Brewer, City Attorney

Attachments:

1. Resolution: Public Safety and Constitutional Rights
2. Council Policy: Public Safety and Constitutional Rights

DRAFT

RESOLUTION 2015 -_____

A RESOLUTION OF PUBLIC SAFETY AND CONSTITUTIONAL RIGHTS

Minutes of the _____, Corvallis City Council meeting, continued.

A resolution submitted by Councilor

WHEREAS, community members approached the City Council concerned about personal safety when they see someone openly carrying a firearm; and

WHEREAS, the City Council considered the issue of banning open carry of firearms and learned that the federal and state Constitutions would allow the City to only ban the open carry of loaded firearms if the person carrying does not have a concealed firearm permit; and

WHEREAS, the City Council and its Human and Administrative Services Committee all heard considerable public testimony from people who treasure their Constitutional right to openly carry firearms as well as hearing from people who treasure their personal safety and are concerned about gun violence in America; and

WHEREAS, people testifying throughout this process stated they believe in the rights of individuals, but also understood that with rights come responsibilities; and

WHEREAS, at the December 15, 2014 Corvallis City Council meeting, the City Council considered a number of alternatives for addressing the open carry of loaded firearms concerns that had been expressed; and

WHEREAS, at the December 15, 2014 Corvallis City Council meeting, the City Council passed a motion eliminating from consideration a ban on "open carry" of loaded firearms in Corvallis and an advisory vote referencing the same; and

WHEREAS, at the December 15, 2014 Corvallis City Council meeting, Council directed staff to prepare a resolution relative to Public Safety in Corvallis and the preservation of Constitutional rights.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES as follows:

1. No form of violence, threat of violence, intimidation and/or tumultuous behavior that causes a violation of law is acceptable in the City of Corvallis; and

2. Federal and State Constitutional rights of all community members are to be preserved; and

3. Each community member should feel and be safe in Corvallis; and

4. Individuals have the right to exercise constitutional rights in a manner that does not infringe on the rights of others; and

5. The Corvallis City staff and elected Officials encourage, pursue and preserve an environment that is harmonious, respectful and fair to all community members; and

6. Community members who have concerns about public safety or their personal safety are encouraged to contact law enforcement; and

7. The Corvallis Police Department will investigate incidents compromising public safety in Corvallis within the framework of existing criminal law; and

8. The Corvallis Police Department will work to ensure the constitutional rights of all community members are protected while working to ensure that public safety is maintained.

_____
Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

City of Corvallis

City Council Policy – Community Safety

Policy # 5.03

Public Safety and Constitutional Rights

DRAFT

Policy: No form of violence, threat of violence, intimidation and/or tumultuous behavior that causes a violation of law is acceptable in the City of Corvallis. The Federal and State Constitutional rights of all community members are to be preserved.

Purpose: To establish a policy for public safety in Corvallis that recognizes and protects the constitutional rights of all community members.

Guidelines:

1) This policy reflects both the community's values regarding public safety and the rights of individuals to exercise Constitutional rights. The Corvallis City Council believes each community member should feel and be safe in Corvallis. The Corvallis City Council also believes individuals have the right to exercise constitutional rights in a manner that does not infringe on the rights of others.
   a) Corvallis Elected Officials and City staff encourages, pursues and preserves an environment that is harmonious, respectful and fair to all community members.
   b) Corvallis Elected Officials and City staff encourages citizens who have concerns about public safety or their personal safety to contact law enforcement.
2) This Policy directs City staff to investigate incidents compromising public safety in Corvallis within the framework of existing criminal law.
3) The Corvallis Police Department will work to ensure the constitutional rights of all community members are protected while working to ensure that public safety is maintained.

Review/Update: The Police Chief will prepare this Council Policy review every at the end of its first year, then every three years thereafter for Council approval.

Rev #	Name	Change Date	Character of Change
0	J. Sassaman	***	Adopted

MEMORANDUM
February 12, 2015

TO: Administrative Services Committee

FROM: Carla Holzworth, City Recorder

RE: Review of Council Policy 2.10, "Use of Electronic Mail by Mayor and City Council"

ISSUE:

Council Policy 2.10, "Use of Electronic Mail by Mayor and City Council" is being presented to Council for review and revision. Review of the Policy was held until the new City Council took office.

DISCUSSION:

The purpose of the Policy is to define the use and retention of electronic mail (email) for the Mayor and Council; to promote and maintain transparency in City decisions by making Mayor/Council email communications available on the City's website; to define email and internet access training; and to define management of electronic devices provided by the City.

The Council Policy governing Mayor/Council use of email was established in 1998, although the City has provided email accounts for the Mayor/Councilors since the mid-1990s. To promote and maintain transparency, emails to, from, and between the Mayor/Councilors from these City-provided accounts were configured to automatically display on the City's website.

There is no legal requirement for the Mayor/Councilors to use City-provided email accounts, nor is there a legal requirement for Mayor/Councilor email messages to be posted on the City's website. However, Oregon Public Records Law does clearly state that emails sent to, by, or between the Mayor/Councilors that relate to City business are City records, and therefore they are the property of the public; it does not matter whether the records were generated through a City-provided or personal email account. Prior City Councils used the public accounts with posting to the website to ensure transparency in their communications.

Provided below are some concepts for Council to consider. Staff's proposed Policy amendments are attached.

CONCEPTS TO CONSIDER:

Retention Requirements:

Public records retention requirements are based on the content of the record. Examples of messages sent by email that typically are public records include policies and directives, correspondence or memoranda related to official business, drafts of documents that are circulated for comment or approval, and any document that initiates, authorizes or completes a business transaction. The list of retention periods is lengthy and fairly detailed. Types of records Councilors are likely to have via email and associated retention periods include requests by outside groups for proclamations (1 year), notes from Council Leadership meetings (2 years), requests and complaints (2 years), and legislative issues (4 years). Emails may also be of a temporary or transitory nature, reflecting communication that is fulfilled almost immediately upon reading, such as plans to meet for coffee, notices of scheduled meetings, deadline reminders, and list-serv messages; these messages must be retained until the task is complete or their value has passed.

Use of personal email accounts for City business:

Does Council wish to require that all public record email messages from personal email accounts are forwarded to the City for retention? Or does Council wish to direct, during the term of office, responsibility for retention of messages to and from personal email accounts to the Mayor/Councilor who owns the email account? As City records, emails that had not previously been forwarded to the City would be required to be provided to the City at the end of the Mayor/Councilor's term of office.

Email posted on the City's website:

As noted above, Mayor/Council email sent to and from City email accounts has been automatically posted to the City's website since the 1990s to promote and maintain transparency. Public record emails from Mayor/Councilor personal email accounts can be posted to the City's website if they forward copies to their City email accounts. The adopted Policy currently directs this practice; however, it is not consistently followed. Does Council wish to make forwarding emails from personal accounts a requirement, or remove the statement from the Policy?

Email posted on the City's website contains spam (despite efforts to filter it out), junk mail, and newsletter/list-serve subscriptions that may not be of value to the Mayor/Councilors. Does Council wish to incorporate Policy language that discourages or prohibits signing up for newsletters and list-servs that do not directly relate to City business? (When a new Mayor or Councilor comes into office, emails from these newsletters and list-servs continue to be sent unless the outgoing elected unsubscribed before s/he left office or the newly elected official takes action to unsubscribe.)

Creating in-house email accounts for Councilors:

MIS staff has indicated that in-house Outlook email accounts can be created for Councilors (the Mayor already has one). These accounts could be used in place of personal email accounts and in addition to the current Peak email system where messages are automatically posted to the City's website. Advantages of using Outlook through the City's system include automatic journaling of emails so they are safely stored for retention purposes and the availability of calendaring features.

Housekeeping:

Minor housekeeping changes are recommended:

- Job title updates – Change from Assistant to City Manager/City Recorder to City Recorder.
- Nomenclature updates – Replace the word Laptop with Electronic Device (ED) to capture the addition of other devices such as iPads, Smart Phones, and tablets. Replace Email with email. Replace Web site with website.
- Review Language – Update to make Policy review language consistent with that of other Council Policies.

RECOMMENDATION:

Staff requests the City Council via ASC review the Use of Electronic Mail by Mayor and City Council Policy and provide direction for updates to the Policy.

Review and Concur:

Nancy Brewer, City Manager *Pro Tem*

City of Corvallis

City Council Procedures

Policy # 2.10

Use of Electronic Mail by Mayor and City Council

Policy: Email use by the Mayor and Councilors will comply with the requirements of the Oregon Public Records Law, Oregon Revised Statutes (ORS) 192.410 through 192.505 and the State Archivist public records retention schedule adopted pursuant to ORS 327.825 and the related administrative rules.

Purpose: To establish the use and retention requirements for email for the Mayor and City Council, the training provided by the City, and the management of electronic devices used for City business.

To promote and maintain transparency in City of Corvallis decisions by making available email communications by, between, or to the Mayor and/or City Councilors on the City's website.

To provide guidance to the Mayor and City Council on the proper use of email.

Definitions: Archive email - A paper or electronic file of emails which have been sent to, from, and/or between, the Mayor and/or Councilors.

Email - Electronic mail is a method of exchanging information in a digital format, including various attachments from one author to one or more recipients.

Electronic devices (ED)– EDs include desktop and laptop computers, smart phones, or tablets the Mayor and City Council use for City business.

Mayor and City Council - The Mayor and City Council elected to serve the community during the current term of office.

Public Record - "Includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed, or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use" (ORS 192.005 (5)). In addition, a public record includes ". . . any writing containing information relating to the conduct of the public's business . . . prepared, owned, used or retained by a public body regardless of physical form or characteristics." (ORS 192.410 (4)).

Retention - The length of time a public record must be kept to satisfy the administrative, legal, fiscal, and/or historical needs of the City. Retention periods are tied to the content of the record, not the form.

Guidelines: **1. General:**

a. All persons have the right to inspect public records, including emails created by or sent to local elected officials.

b. Email from the Mayor and/or Councilors to City staff will be to the City Manager, the City Recorder or Department Directors, unless otherwise authorized by the City Manager.

c. Email may not be used to discuss policy, quasi-judicial, or administrative issues with a majority of the Council and/or the Mayor, or two or more members of a standing committee on an item coming before it for discussion, or to make policy decisions or carry on deliberations.

d. Email by, between, or to the Mayor and/or Councilors must be retained according to the Oregon Public Records Laws.

e. Email from, to, or between Mayor and/or Councilors that is sent to/from the WardX@council.corvallisoregon.gov email address will be retained on the City's website for one year to meet general records retention requirements.

f. Email sent to/from Mayor and/or Councilors personal email addresses can be retained on the City's website by responding and including the Councilor's ward email address or by forwarding the message to the Ward email address.

g. All email sent to, by, or between the Mayor and/or Councilors' personal email accounts is subject to public records requirements. Alternatives to manage this requirement include:

i. Forwarding/copying the Ward email address;

ii. The Mayor/Councilor maintaining the record and making it available when/if a public records request is filed.

iii. Providing the records to the City Recorder in either electronic or paper formats.

h. A request for email records is subject to Oregon Public Records law and must comply with Administrative Policy 1.14, "Public Records Requests."

i. Email that is associated with a decision the City Council is considering should be forwarded to the City Recorder or responsible Department staff to include in the public record for that decision. This allows the entire City Council to hear the same public feedback about decisions the Council is making.

j. As required by State law and except as may specifically be exempted by ORS 192.501 and 192.502, the City Manager shall, upon request, make available emails created or received by elected officials. The Mayor and/or Councilors who receive email from constituents regarding land use or other quasi-judicial issues should inform the sender that a copy of the email will be entered into the public record, and, if necessary, that they are unable to discuss such matters outside of the public hearing.

k. Should the City be a party in litigation that requires a litigation hold on City records, a Mayor or City Councilor using a personal email account for City business shall be notified by the City Recorder or the City Attorney of the litigation hold. As the custodian of the public records on the personal email account, the user of that personal account shall be responsible for holding, saving from destruction or deletion, and providing to the City or parties to the litigation, all emails on that account for potential discovery purposes in

litigation. Costs, penalties, fines, or damages awarded associated with the destruction of records subject to a litigation hold shall be considered to be the result of malfeasance and shall be the personal responsibility of the user of the account.

2. Training
   a. The City's MIS Division will provide training on email and internet access for the Mayor and Councilors at the beginning of each Council term.

3. Equipment
   a. The Mayor and Councilors may use their own EDs for access to the internet and email, use a City-provided ED for their use while on the Council, or may choose not to use email as a form of communication.
   b. If the Mayor or Councilor chooses to use her/his own ED, the ED may be subject to public records law requirements.
   c. If the Mayor or Councilor chooses to use a City-owned ED, MIS Division staff will ensure the ED is configured appropriately for use. The ED will remain the property of the City and must be returned at the end of the Mayor's and Councilor's tenure.
   d. It is the responsibility of the Mayor and Councilors to return the ED to the City Manager's Office for service or repairs.
   e. The MIS Division will provide technical support for the Mayor's and Councilors' ED and training between 8:00 am and 5:00 pm Monday through Friday. Service can be coordinated through the City Recorder.

Responsibility: The Mayor and City Council members are responsible for their use of EDs and ensuring public records requirements are met for the public records each individual has.

The City's MIS Manager is responsible for technical support of the City-owned Mayor and City Council EDs, and for providing advice and information to the Mayor and City Councilors on the use of personal EDs.

The City Recorder is responsible for maintaining the archives of the City's records and coordinating filing and retention of Mayor and City Councilor email.

Review/Update: The MIS Manager and City Recorder will prepare this Council Policy review every two years for Council approval.

Rev #	Name	Change Date	Character of Change
0		02-02-1998	Adopted
1		12-07-0998	Revised
2		10-18-1999	Revised
3		03-05-2001	Revised
4		12-01-2003	Revised

5		11-07-2005	Revised
6		12-17-2007	Revised
7		11-02-2009	Revised
8		02-06-2012	Revised
9	C. Holzworth/ Council		

City of Corvallis

City Council Procedures

Policy # 2.10

Use of Electronic Mail by Mayor and City Council

Policy: ~~All e~~Email use by the Mayor and Councilors will comply with the requirements of the Oregon Public Records Law, Oregon Revised Statutes (ORS) 192.410 through 192.505 and the State Archivist public records retention schedule adopted pursuant to ORS 327.825 and the related administrative rules.

Purpose: To establish ~~define~~ the use and retention requirements for ~~of electronic mail (e-mail)~~ for the Mayor and City Council, the training provided by the City, and the management of electronic devices~~computer equipment~~ used for City business.

To promote and maintain transparency in City of Corvallis decisions by making available ~~E~~e-mail communications by, between, or to the Mayor and/or City Councilors on-~~line~~ the City's website.

To provide guidance to the Mayor and City Council on the proper use of ~~E~~e-mail.

Definitions: Archive ~~E-~~eMmail - A~~n~~ ~~electronic filing~~ paper or electronic file of ~~E~~e-mails which have been sent ~~automatically receives a copy of all communications by~~to, from, and/or between, ~~or to~~ the Mayor and/or Councilors.

~~E-M~~mail - Electronic mail ~~(Ee-mail)~~ is a method of exchanging information in a digital -format~~messages~~, including various attachments from one author to one or more recipients.

Electronic devices (ED)~~Laptop Computer –~~ EDs include ~~L~~desktop and laptop~~s~~ computers, smart phones, or tablets ~~are portable computers the City purchases for~~ the Mayor and City Council use for City business.

Mayor and City Council - The Mayor and City Council elected to serve the community during the current term of office.

Public Record: "Includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed, or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use" (ORS 192.005 (5)). In addition, a public record includes ". . . any writing containing information relating to the conduct of the public's business . . . prepared, owned, used or retained by a public body regardless of physical form or characteristics." (ORS 192.410 (4)).

Retention: The length of time a public record must be kept to satisfy the administrative, legal, fiscal, and/or historical needs of the City. Retention periods are tied to the content of the record, not the form.

Guidelines: 1. General:

a. All persons have the right to inspect public records, including ~~E~~e-mails created by or sent to local elected officials~~ on the public E-mail system~~.

b. E-mail from the Mayor and/or Councilors to City staff will be to the City Manager, the ~~Assistant to City Manager/~~City Recorder~~,~~ or Department Directors, unless otherwise authorized by the City Manager.

c. E-mail may not be used to discuss policy, quasi-judicial, or administrative issues with a majority of the Council and/or the Mayor, or two or more members of a standing committee on an item coming before it for discussion, or to make policy decisions or carry on deliberations.

d. E-mail by, between, or to the Mayor and/or Councilors ~~or Mayor and Councilors will be automatically copied to the City's Web site and accessible to citizens~~ must be retained according to the Oregon Public Records Laws.

e. E-mail from, to, or between Mayor and/or Councilors that is sent to/from the WardX@council.corvallisoregon.gov email address will be retained on the City's website for one year to meet general records retention requirements.

f. ~~E-mail sent by the Mayor and Councilors must ensure that it can be automatically copied to the City's website~~Email sent to/from Mayor and/or Councilors personal email addresses can be retained on the City's website by responding and including the Councilor's ward email address or by forwarding the message to the ward email address.

g. ~~Any~~All ~~E~~e-mail sent to, by, or between the Mayor and/or Councilors' personal email accounts is subject to public records requirements. Alternatives to manage this requirement include:

i. Forwarding/copying the Ward email address;

ii. The Mayor/Councilor maintaining the record and making it available when/if a public records request is filed.

iii. Providing the records to the City Recorder in either electronic or paper formats. ~~and will be forwarded electronically by the Mayor or Councilor to the Assistant to City Manager/City Recorder to be included in the appropriate public record file. Mayor and City Council E-mail may be viewed on the City's website.~~

h. A request for ~~E~~e-mail records is subject to Oregon Public Records law and must comply with Administrative Policy ~~AP-06~~-1.14, ~~(public records request)~~ "Public Records Requests."

i. ~~E-mail communications will be available for one year and will be deleted from the City' website at the end of that period. Any E-mail sent to, by, or between the Mayor and Councilors is subject to public records requirements and must be forwarded electronically by the Mayor or Councilor to the Assistant to City Manager/City Recorder. An example would be comments from a constituent on a land use issue before the Council.~~ Email that is associated with a decision the City Council is considering should be forwarded to the ~~The Assistant to City Manager/~~City Recorder or responsible Departmental staff to include in the public record for that decision. This allows the entire City Council to hear the same

public feedback about decisions the Council is making.~~may also make copies of messages containing community feedback on City issues, but the responsibility for forwarding public record-related correspondence rests with the Mayor and City Council.~~

j. As required by State law and except as may specifically be exempted by ORS 192.501 and 192.502, the City Manager shall, upon request, make available ~~E~~e-mails created or received by elected officials. The Mayor and/or Councilors who receive ~~E~~e-mail from constituents regarding land use or other quasi-judicial issues should inform the sender that a copy of the ~~E~~e-mail will be entered into the public record, and, if necessary, that they are unable to discuss such matters outside of the public hearing.

k. Should the City be a party in litigation that requires a litigation hold on City records, a Mayor or City Councilor using a personal email account for City business shall be notified by the City Recorder or the City Attorney of the litigation hold. As the custodian of the public records on the personal email account, the user of that personal account shall be responsible for holding, saving from destruction or deletion, and providing to the City or parties to the litigation, all emails on that account for potential discovery purposes in litigation. Costs, penalties, fines, or damages awarded associated with the destruction of records subject to a litigation hold shall be considered to be the result of malfeasance and shall be the personal responsibility of the user of the account.

2. Training

a. The City's MIS Division will provide training on ~~electronic~~ mail and internet access for the Mayor and Councilors. ~~A~~at the beginning of each Council term~~, staff will schedule training on both E-mail and internet for the Mayor and Council as a group~~.

3. Equipment

a. The Mayor and Councilors may use their own ~~personal computers~~ EDs for access to the internet and ~~E~~e-mail, use a City-provided ED~~laptop~~ for their use while on the Council, or ~~may~~ choose not to use ~~E~~e-mail as a form of communication.

b. If the Mayor or Councilor chooses to use her/his own ~~personal computer~~ED, the ED~~personal computer~~ may be subject to public records law requirements.

c. If the Mayor or Councilor chooses to use a City-owned ~~laptop computer~~ED, MIS Division staff will ensure the ED~~laptop~~ is ~~installed~~ configured appropriately for use. The ED~~laptop~~ will remain the property of the City and must be returned at the end of the Mayor's and Councilor's tenure.

d. It is the responsibility of the Mayor and Councilors to return the ED~~laptop~~ to the City Manager's Office for service or repairs.

e. The MIS Division will provide technical support for the Mayor's and Councilors' ED~~laptops~~ and training between 8:00 am and 5:00 pm Monday through Friday. Service can be coordinated through the ~~Assistant to City Manager/~~City Recorder.

Responsibility: The Mayor and City Council members are responsible for their use of EDs and ensuring public records requirements are met for the public records each individual has.

The City's MIS Manager is responsible for technical support of the City-owned Mayor and City Council EDs, and for providing advice and information to the Mayor and City Councilors on the use of personal EDs.

The City Recorder is responsible for maintaining the archives of the City's records and coordinating filing and retention of Mayor and City Councilor email.

Review/Update: The MIS Manager and City Recorder will prepare this Council Policy review every two years for Council approval.

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3		03-05-2001	Revised
4		12-01-2003	Revised
5		11-07-2005	Revised
6		12-17-2007	Revised
7		11-02-2009	Revised
8		02-06-2012	Revised
9	C. Holzworth/ Council		

MEMORANDUM

February 10, 2015

TO: Administrative Services Committee

FROM: Ken Gibb, Community Development Director

RE: Update on Livability Code Development Process/Timeline; Update on Current Status of Code Violation Caseload

I. Issue

On December 19, 2014, the Administrative Services Committee (ASC) directed staff to move forward with the development of code language to address community livability issues of 20 specific types, and approved a staff-led process to integrate stakeholder input into the code language development process. Also, during past meetings ASC has reviewed code violation caseload data and strategies to address that caseload.

II. Background

Over the last year ASC has discussed the concept of implementing a livability/property maintenance code during ten separate meetings. While initial discussions considered the International Code Council's International Property Maintenance Code as a starting point for the development of a local livability code, ASC direction moved the discussion away from that beginning point to an approach that considered existing livability concerns and gaps that cannot be addressed because there is no current code authority.

Following a series of meetings during which code gaps for both interior and exterior livability issues were discussed and illustrated through photographs, staff prepared a matrix of the identified gaps and requested ASC direction to move forward, or to not move forward, with the development of code language that will address selected gaps. That matrix, with ASC direction for code language development noted, is attached.

Over the last year ASC has also heard reports from staff regarding the number of open code violation cases and the approaches that would be undertaken to address them. During the Committee's June 4, 2014 discussion it was noted that there were approximately 700 open code violation cases.

III. Discussion

Process and Timeline for the Development of Livability Code Language

On December 19, 2014 staff outlined a proposed process to move forward with the development of new code language to address current gaps. ASC endorsed that process. The process will include approximately five meetings of a department advisory committee with six stakeholders, to be conducted using a publicly noticed work session meeting structure. Staff will bring draft code language, in some cases with multiple options, for the advisory group's review, discussion and recommendations; as that language is refined it will be brought back to the group for final discussion and recommendations.

The stakeholders who have agreed to participate on the advisory group, with their interest or affiliation, include:

- Jerry Duerksen, property manager
- Karen Levy Keon, tenant interests
- Carl Carpenter, rental property owner
- Jim Moorefield, affordable housing property developer/manager
- Holly Sears, real estate industry
- Trish Daniels, neighborhood resident

Staff will organize and schedule the first meeting of the advisory group, to consist primarily of backgrounding and establishing group protocols, during March. It is anticipated that a series of up to four additional meetings will follow in March and April to complete the group's work. The products of that work will come back to ASC in April/May for review and the development of a recommendation on how best to move forward for consideration by the full City Council.

Code Violation Caseload

When ASC discussed the number of open cases in June of 2014 and subsequent meetings, staff laid out an approach to address them that would include the following:

- Reorganization of the Community Development Department's Housing Division, which has become the Housing and Neighborhood Services (HNS) Division;
- Bringing the City's Code Compliance Supervisor and his casual/part time staff into HNS from the Development Services (DS) Division;
- Redistribution of open cases between HNS and DS based on the area in which the violation exists, with violations in residential areas to be addressed by HNS and violations in non-residential areas to be addressed by DS. Using these geographic and use type distinctions as a guide, HNS is handling compliance issues relative to the City's Municipal Code, Land Development Code and Rental Housing Code. DS continues to address compliance with building code as well as with the Land Development Code and Municipal Code.
- Adding a .5 FTE levy-funded position in HNS to work on the Division's code compliance issues, and hiring a 1 FTE Building Safety Inspector to help address code compliance issues in DS.

At the time the Department reorganization and redistribution of open code violation cases took place in August/September, approximately 160 cases were assigned to HNS and 654 were assigned to DS. From September to the date of this staff report, that caseload has been reduced by 24%, to approximately 100 cases in HNS and 517 in DS. These reductions have been achieved through HNS Code Compliance staff's narrowed focus on violations occurring in residential areas,

and by DS staff's initiation of work efforts to reprioritize, close, or consolidate cases. Further caseload reductions will be realized in HNS following the start of the newly-hired, levy-funded .5 FTE Code Compliance Specialist in mid-February; similar reductions are anticipated in DS once the 1 FTE Building Safety Inspector is on board, the hiring process for which is currently underway.

During early discussions of a Property Maintenance Code by the Collaboration's Livability Work Group there were many public comments offered, including comments from those who opposed additional regulations, but also felt the City should be more aggressive in gaining compliance by "repeat offenders" of the City's existing codes. Based on these comments and other considerations, as has previously been reported to ASC, the Livability Work Group recommended that the City "utilize a progressive enforcement strategy as part of the process for resolving complaints related to habitability and livability codes." Toward that end, DS has initiated work to implement a progressive enforcement tool to address work without a permit, illegal occupancy, and dangerous building violations. The tool comes in the form of a penalties matrix that treats code violations and related penalties on a graduated scale that is commensurate with the severity of violations and circumstances. The program starts in most cases with a correction notice (warning) without penalty, and builds to an administrative civil penalty with an amount that increases with the severity and/or frequency of violations. A copy of the proposed penalty calculation methodology is attached.

The program is being modeled on a successful program in Eugene in which a person who receives a civil penalty will have an opportunity to timely appeal the penalty to an administrative hearings officer. DS intends to contract with a third party for this service and make hearing dates available on a bi-weekly basis. DS is building the framework for this program into a new DS Code Compliance Guide, which has been in development since July and is reflective of extensive stakeholder input. It is intended that this program will be initiated this spring and will provide another tool to help keep the current caseload in check as we continue to work on reducing the number of open code compliance cases. There will be no Municipal Code amendments required to initiate the civil penalty/administrative hearings officer model; once the model is implemented and fully operational, it will be evaluated for its applicability to other areas of the City's code compliance work.

III. Requested Action

This staff report is offered for information only and as such, no Administrative Services Committee action is requested or required.

Review and Concur:

Nancy Brewer, City Manager *Pro Tem*

Attachments:

Exhibit 1 – Comprehensive Recap of Livability Code Gaps and ASC Action Recommendations
Exhibit 2 – DS Administrative Civil Penalty Matrix

Exhibit 1

Comprehensive Recap of Livability Code Gaps for December 17, 2014 Administrative Services Committee Consideration

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Lighting	Lack of adequate interior lighting of emergency exit paths may result in inability to exit safely in an emergency.	Adopt standards requiring maintenance of adequate interior lighting of exit discharge paths.	Renter-occupied residential properties	**Continue**
Interior Ventilation	Lack of requirements for maintenance of ventilation systems in bathrooms, kitchens or for clothes dryers may result in mold growth and surface degradation.	Adopt standards and performance criteria for the maintenance of interior ventilation systems.	Renter-occupied residential properties	**Continue**
Electrical Systems	Lack of requirement to replace electrical system components damaged by exposure to leaks or flooding may result in hazardous situation.	Adopt standards requiring replacement of electrical equipment and devices if exposed to water, with some exceptions.	Renter-occupied residential properties	**Continue**
	Lack of requirements for ground fault interrupt outlets in bathrooms, kitchens, etc. may result in hazardous situation.	Require installation of ground fault interrupt outlets in bathrooms, kitchens, etc.	Renter-occupied residential properties	**Continue**
Plumbing Systems	There is no performance standard for or definition of "hot water," which may prevent the production of a temperature adequate for bathing and cleaning.	Adopt a measurable temperature standard for water system performance.	Renter-occupied residential properties	**Continue**
Interior Sanitation	There are no clear standards for the maintenance of sanitary conditions in residential building interiors, which may present living situations that are unhealthy and/or unsafe.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Continue**
	Lack of standards requiring the maintenance or repair of bathroom and kitchen surfaces, making it difficult to keep them from becoming unsanitary, which may lead to unhealthy living situations.	Adopt standards for sanitary conditions in dwelling units, and for the assignment of responsibilities between landlords and tenants for the maintenance of sanitary conditions.	Renter-occupied residential properties	**Stop (get at in prior language if unsanitary)**
Heating	There is no requirement for heat in bathrooms which may make it difficult to maintain a comfortable and dry, mold-free environment.	Adopt standards for heat in bathrooms and other habitable areas not currently covered by the Rental Housing Code.	Renter-occupied residential properties	**Continue (focus on definition of habitable areas)**

Exhibit 1

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Interior Security	There is no requirement for properly functioning door knobs/latches, and no standards for adequate door or window hardware, which may lead to inadequate occupant safety (ingress and egress).	Adopt maintenance requirements for doors and door hardware, including deadbolts, and for windows and window hardware to be maintained to a level sufficient to provide security and safe exiting for occupants.	Renter-occupied residential properties	**Continue**
Exterior Weather- and Waterproofing	There are no requirements for the prevention of air leakage under, through or around windows or doors, which may increase a resident's discomfort and/or costs for heating and cooling.	Adopt requirements for building envelopes and openings to be sound, in good repair and weather tight in order to prevent wind from entering a structure.	All structure and occupancy types	**Continue (rentals only)**
	There are no requirements for the prevention of water leakage into non-living areas such as utility basements, attics or exterior membranes and surfaces, which may create situations that enhance mold growth, that will result in infiltration of water into living areas, and lead to overall structural decline.	Adopt requirements for roofs, exterior walls and building openings to be sound, in good repair and weather tight in order to prevent water and other elements from entering a structure.	All structure and occupancy types	**Continue**
Exterior Sanitation	There are no standards that prevent the accumulation of inadequately/improperly stored personal possessions such as yard maintenance equipment and supplies, serviceable vehicle tires, and furniture manufactured for indoor use. This leads to complaints of unsanitary, blighting neighborhood conditions.	Adopt requirements that all exterior property and premises be maintained in clean and sanitary condition.	All structure and occupancy types	**Continue (1st focus on indoor furniture outdoors)**
Solid Waste Removal	There are no provisions to assign responsibility between landlords and tenants for the removal of solid waste from a property. This leads to complaints of over-accumulation of contained and uncontained solid waste.	Adopt assignments of responsibility between landlords and tenants for the provision of containers, containment and removal of solid waste from premises	Renter-occupied residential properties	**Continue**

Exhibit 1

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Building and Accessory Structure Maintenance	There are no standards requiring general maintenance of buildings and accessory structures. This may lead to general structural decline that cannot be addressed until a building becomes dangerous.	Adopt requirements that primary and accessory structures be maintained sound and in good repair, and that exterior surfaces be maintained.	All structure and occupancy types	**Continue**
	There are no standards requiring maintenance of exterior decks, handrails and stairs in one- and two-family dwellings. This may lead to conditions that may soon deteriorate but that are not yet dangerous.	Adopt requirements that decks, stairs and handrails be maintained in a safe condition.	All structure and occupancy types	**Continue**
Exterior Lighting	There are no requirements for the maintenance of exterior lighting in areas such as parking lots or walkways in and around apartment buildings. This has generated concerns regarding personal safety and security.	Adopt standards for the maintenance of exterior lighting in the described circumstances.	Renter-occupied properties; consider including all non-owner occupied properties	**Continue**
Graffiti	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Adopt requirements for the prompt abatement of graffiti-defaced property as an obligation of the affected property owner.	All public and private property of all types	**Stop**
	There are no code provisions for the abatement of graffiti where it occurs on either public or private property. This may lead to the placement of additional graffiti and creation of other blighting conditions in a neighborhood.	Consider the development of a collaborative abatement program with involvement of stakeholders, paint companies, and community volunteers.	All public and private property of all types	**Continue**
Fire Safety	There are no maintenance standards for door locks that are operable without keys or special knowledge from the egress side of a doorway. This may create situations in which occupants are unable to exit a building in an emergency. (Partially addressed in Interior Security section above.)	Adopt standards requiring door locks that are operable from the egress side without keys or special knowledge.	All structure and occupancy types	**Continue**

Exhibit 1

Primary Gap Topic	Sub-gap Description	Suggested Gap Closure	Property Types Covered	ASC Recommendation
Fire Safety (continued)	There are no standards for the maintenance of emergency paths of travel and escape openings in one- and two-family dwellings. This may create situations in which occupants are unable to exit a building in an emergency.	Adopt standards requiring the maintenance of clear, unobstructed paths of travel and emergency escape openings for the purpose of safe ingress/egress.	All structure and occupancy types	**Continue**
	There are no standards for the maintenance or repair of fire-resistant surfaces (e.g., drywall) and assemblies (e.g. ceilings, walls between garages and living space). This may create hazardous situations if surfaces and assemblies are damaged and not returned to a fire-resistant state.	Adopt standards for the maintenance of fire-resistant surfaces and assemblies.	All structure and occupancy types	**Continue**
Occupancy Limits	There are no standards that specify how much space a dwelling unit must provide for eating, sleeping or living. This may lead to overcrowding of rooms, and in the overloading of dwelling units resulting in neighborhood impacts such as parking.	Adopt standards for minimum square footage allocation requirements to establish maximum occupancy loads in sleeping and living spaces within a dwelling unit.	Renter-occupied residential properties	**Stop**
General Maintenance (also discussed above)	There are no code provisions for the maintenance of structures. With no required maintenance the City is unable to address decline until the condition of a structure constitutes a dangerous building.	Adopt standards for the maintenance of structures to prevent decay that will constitute a dangerous building.	All structure and occupancy types	**Continue within context of areas discussed earlier**
Administration	There are inconsistencies between the three City codes that contain livability elements administered by the Housing and Neighborhood Services Division. This results in the application of different definitions, notices, compliance provisions, and penalties, leading to a process that is difficult for community members to understand, and that is relatively complex for City staff to administer.	Adopt a single code that pulls existing livability elements from the Corvallis Municipal Code, Rental Housing Code and Land Development Code; integrate additional code standards that result from the current consideration process into the resulting code document; adopt a single set of administrative provisions to guide the implementation of the resulting livability code.	N/A	**Continue**

Exhibit 2

Administrative Civil Penalty

Determination of Penalty Amount under the Development Services Code Compliance Program

The Corvallis Municipal Code indicates that when assessing a civil penalty, consideration of the amount of penalty must include:

1. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
2. Any prior violations of statutes, rules, orders, and permits;
3. The gravity and magnitude of the violation;
4. Whether the violation was repeated or continuous;
5. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
6. The violator's level of cooperation and efforts to correct the violation; and
7. Any relevant rule of the building code or the City code.

CMC Section 9.01.210 indicates that a civil penalty will be no less than $50 and no more than $5,000 per offense, or in the case of a continuing offense, not more than $1,000 for each day of the offense.

In order to ensure that penalties correspond appropriately with the level of violation, and in consideration of CMC Section 9.01.210, a formula will be used to determine the daily dollar amount of the civil penalty. The formula is calculated by multiplying $10 to the amount of a BASE (E+P+C+N) by a MULTIPLIER (K+G).

Total BASE = (E+P+C+N) where:

E = Effort. The effort made by a responsible person in taking all the feasible steps or procedures necessary to correct the violation. The value of "E" shall be:

- 0: active attempt to correct the violation
- 1: minor attempt to correct the violation
- 2: little or no action to correct the violation OR violation is so severe that immediate civil penalties are required

P = Prior Occurrence. The frequency of prior violations of ordinances, rules, orders, or permits. The value of "P" is based on prior similar violations that were verified as valid, regardless of whether enforcement action was taken. The value of "P" shall be:

- 1: first violation of this code provision by responsible person
- 2: second or subsequent similar violation, but the first within the past two years
- 3: second similar violation in past two years
- 5: third or greater similar violation within the past two years

C = Cause. Whether the cause of the violation was an avoidable accident, negligence, or a reckless or intentional act. The value of "C" shall be:

- 1: unavoidable accident or caused by others

2: negligence
4: reckless or intentional

N = Natural Resources. The relationship of the violation to the protection, preservation and development of natural resources as required by local, State and Federal requirements and the number of prior similar violations, rules, orders, or permits. The value of "N" shall be:

0: no direct relationship between the violation and natural resources
5: direct relationship and first verified violation of this code provision by the responsible person
10: direct relationship and second or subsequent similar violation

Total MULTIPLIER = (K+G) where:

K= Knowledge Is the knowledge the responsible person had at the time of the violation about the legality of his/her action, based on prior notice, order or enforcement action, experience and expertise relating to the circumstances of the violation. The value of "K" shall be:

1: the responsible person was uninformed and unaware the action constituted a violation
3: responsible person reasonably should have known
10: responsible person informed through previous enforcement, permitting, licensing or other means

G = Gravity Is the gravity and magnitude of the violation. The factor is evaluated at the time the Building Safety Inspector initiates compliance efforts. The value of this factor does not decrease if, after enforcement action is initiated, the City makes efforts to reduce the gravity of the violation or the responsible person makes corrections only at the insistence of the Building Safety Inspector. The value of "G" shall be:

1: no immediate threat to life or property; minor potential or incurred damage
2: no immediate threat to life or property, but significant potential adverse consequences posed or moderate damage incurred
10: immediate and direct threat to life or property, or severe damage incurred

While the minimum fine amount per CMC Section 9.01.210 shall be no less than $50, the basis multiplier will be $10 as a starting fine amount in working through the formula. The total fine amount will be:

Total Civil Penalty = $10 x BASE (E+P+C+N) x MULTIPLIER (K+G)

CITY OF CORVALLIS
CITY LEGISLATIVE COMMITTEE MINUTES
February 19, 2015

I. CALL TO ORDER

The City Legislative Committee meeting was called to order by Mayor Traber at 5:00 pm on February 19, 2015 in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon.

Present: Mayor Traber; Councilors Brauner, Hogg, Glassmire

Staff: Nancy Brewer, City Manager *Pro Tem*

II. HB 2564 INCLUSIONARY ZONING

The Committee discussed the inclusionary zoning bill and Mayor Traber's plan to testify at the hearing on Monday February 23, 2015 to state the City Council's support for the HB 2564.

III. SB 414 LOCAL OUTSOURCING

The Committee discussed SB 414, which would add several steps to the public procurement process for contracting out government work, including requests for judicial review which would likely stop or significantly slow the ability to contract out work. City Manager *Pro Tem* Brewer and Mayor Traber both stated that they had individually communicated with Senator Gelser that the bill posed problems for local governments, including reducing local control over the ability to contract out work so that services can continue to be offered at lower costs within the limited revenue streams available to local governments. The bill had a single hearing, but no additional action has been scheduled. The Legislative Committee recommended taking no position at this time, but asked staff to continue to watch the bill.

IV. OTHER

Councilor Brauner asked if there were any bills submitted this session associated with licensing firearms or requiring a concealed weapons permit. Councilor Brauner stated in the past the Legislative Committee and City Council have supported such bills at the state and federal levels and he thought the Council had passed resolutions stating that support. [*Ed. Note: subsequent to the meeting, staff searched and found resolutions from recent history (Attachments A and B), one of which was passed by the City Council]. [Ed. Note #2 – Chief Sassaman reports no similar bills have been introduced yet in this 2015 session; staff is monitoring and will notify the Legislative Committee/Council if a similar bill is introduced*].

Staff shared information about HB 2540 (Attachment C) which would require construction projects in an enterprise zone to pay prevailing wages. This action would increase the costs for construction, likely to the point that the enterprise zone would not be usable as an economic development tool. The Legislative Committee agreed to monitor the bill and agreed that Economic Development Manager Tom Nelson could share his views with the committee if the bill moved to a hearing.

Staff noted that HB 2236 has been introduced. This bill would extend the current payroll tax, including on state employers, offered to Transit Districts to transit services operated by a municipality. Staff is monitoring the bill and will submit testimony supporting it as a tool that could allow for expansion of transit services in Corvallis.

The meeting adjourned at 5:50 pm.

RESOLUTION 2013-18

Minutes of the May 20, 2013, Corvallis City Council meeting, continued.

A resolution submitted by Councilor Mike Beilstein

WHEREAS, Oregon State Senate Bill 700 (SB 700) requires background checks for private and online gun purchases, such that each person will be required to request a criminal background check before transferring firearm to another person, with exceptions for family members, inherited firearms and antique firearms; and

WHEREAS, US House Resolution 1565 (HR 1565), the King-Thompson gun background check bill, and US Senate Bill 649 with Amendment 715 (S. 649 and S. Amdt. 715) Safe Communities, Safe Schools Act of 2013 with Manchin-Toomey amendment, require background checks at the federal level for commercial gun sales; and

WHEREAS, from 1994 through 2008, background checks prevented 1.8 million prohibited people in the United States, including felons and the mentally ill, from buying guns; and

WHEREAS, in states that require background checks for every handgun sale, 38% fewer women are shot to death by partners; and

WHEREAS, in states that require a background check for private handgun sales, there are 49% fewer firearm suicides, while the rates of suicide by other methods are nearly identical; and

WHEREAS, the International Association of Chiefs of Police has taken the position that Congress "should enact laws requiring that all gun sales and transfers proceed through a Federal Firearms License (FFL), thus ensuring that a mandatory background check will be conducted on the transferee."; and

WHEREAS, 85% of Americans and 81% of Oregonians support universal background checks; and

WHEREAS, the US Supreme Court opinion in the District of Columbia vs. Heller allows for prohibitions on the possession of firearms by felons and the mentally ill; and

WHEREAS, the Oregon State Police already provides the Firearms Instant Check System that allows private sellers of firearms to conduct background checks on potential buyers; and

WHEREAS, universal background checks instituted at the state level benefit the City of Corvallis by reducing the probability of gun related injuries and fatalities,

domestic violence, suicide, and gun crimes thus saving local law enforcement resources and providing another tool for prosecution of gun related crimes;

NOW, THEREFORE, THE CITY COUNCIL OF CORVALLIS RESOLVES THAT the City of Corvallis supports and adopts this Resolution in support of State and Federal legislation to require universal background checks for private gun sales as defined in proposed SB 700, HR 1565 and S. 649 and S.Amdt. 715.

BE IT FURTHER RESOLVED THAT the City Council of Corvallis appreciates the co-authorship of Oregon Representative Peter DeFazio and co-sponsorship of Oregon Representatives Suzanne Bonamici and Earl Blumenauer of proposed HR 1656, noting that Congressman DeFazio represents Corvallis.

BE IT FURTHER RESOLVED THAT the City Council of Corvallis appreciates the support of Oregon State Senators Jeff Merkley and Ron Wyden for S. 649 and S. Amdt. 715.

BE IT FURTHER RESOLVED THAT the City Council of Corvallis urges our Oregon State Senator, Betsy Close, to vote in favor of SB 700 and appreciates the public support of Oregon House Representative Sara Gelser of expanded background checks.

BE IT FURTHER RESOLVED THAT the City of Corvallis directs the Mayor to forward a copy of this Resolution to Oregon's State Legislative delegation, Oregon's Congressional Delegation and the White House of the United States.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

May 20, 2013

LoErna Simpson

Corvallis, OR 97330

Statement asking for Corvallis City Council to officially SUPPORT SB 700 Universal Background Checks and SB 347 Guns at K-12 Schools.

I am LoErna Simpson, a long time resident of Corvallis, a mother and grandmother, a voting citizen, a member of Moms Demand Actions for Gun Sense in America, and a member of the Corvallis United Methodist Church, which has declared that our Church is a Gun-Free Zone.

Both of these bills that are before the Oregon Senate are reasonable and useful bills...an essential part of a picture of providing better Gun Safety for all people in Oregon.

SB 347: I especially think that SB 347- Guns at K-12 Schools is a thoughtful approach. As the law reads now, anyone can walk into any Oregon school carrying a gun if they have a CHL / Concealed Handgun License, and the school will not know that they have a gun and neither can ask if they are carrying a gun. The law as it stands does nothing to help all teachers, administrators and children feel safe, comfortable and at ease in their schools.

Rather than changing the law to read that *no one* with a CHL can carry a concealed gun into K-12 schools, the Bill 347 allows school districts themselves to make that decision of whether guns are allowed inside schools or not.

I believe it is very important for each local community school board to make that decision. Communities vary in many ways. Oregonians like to be 'in control' and this bill provides that option, whereas before it was dictated to us that guns must be allowed in schools.

SB 700: This requires a background check before sale or other transfer of every firearm, except transfers to immediate family members.

The current law only requires licensed dealers and sellers at gun shows to run background checks. There is a big loophole, because an individual can sell a gun privately to an individual and is not required to do a background check on that person before the sale.

As others have already stated, the general American public overwhelmingly supports the requirement of background checks on any gun sale, including individual sellers.

Summary:

- These 2 bills will not reduce ALL of the deaths by firearms, but these 2 bills are thoughtful parts of the picture of safety.

- When put together these laws will provide better safety for all people in our communities, while still allowing citizens to own their guns.

Therefore, I urge the Corvallis City Council to declare their support of these 2 bills, SB 347 and SB 700.

Thank you.

LoErna Simpson

LoErna Simpson

RESOLUTION 2013-____

Minutes of the _____, 2013, Corvallis City Council meeting, continued.

A resolution submitted by Councilor_____.

WHEREAS, Oregon Senate Bill 347 (SB 347) authorizes locally school districts/entities controlling school grounds to adopt written policy restricting or prohibiting concealed handgun licensees from possessing firearms on school grounds; and

WHEREAS, under Oregon statute 166.370, anyone who holds one of Oregon's 169,000 concealed handgun licenses may bring firearms, including assault weapons, into public K–12 schools; and

WHEREAS, local school districts need discretion to set policies that affect the safety of students, faculty, and staff and can be held liable for failing to maintain a safe environment; and

WHEREAS, the National Education Association recommends strictly enforced rules that prohibit guns on school grounds and the National PTA believes the most effective school climate to be gun-free; and

WHEREAS, the Supreme Court of the United States in their finding on the District of Columbia v. Heller wrote "nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons or the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings."

NOW, THEREFORE, THE CITY COUNCIL OF CORVALLIS RESOLVES THAT the City of Corvallis supports and adopts this Resolution in support of SB 347 to authorize local school districts/entities controlling school grounds to adopt written policies restricting or prohibiting concealed handgun licensees from possessing firearms on school grounds.

BE IT FURTHER RESOLVED THAT the City Council of Corvallis urges our Oregon State Senator, Betsy Close, to vote in favor of SB 347 and appreciates the public support of Oregon House Representative Sara Gelser of SB 347.

BUT IT FURTHER RESOLVED THAT the City of Corvallis directs the Mayor to forward a copy of this Resolution to Oregon's State Legislative delegation, Oregon's Congressional Delegation and the White House of the United States.

_____

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

Sen. Betsy L. Close, District 8
900 Court Street, NE
Room S-311
Salem, OR 97301

January 24, 2013

Senator Close,

We, citizens of Benton and Linn counties in Oregon Senate District 8, wish you to reconsider your opinion that armed volunteers are a reasonable solution to gun violence in schools. In your letter to Sarah Finger McDonald dated Jan. 16, 2013 you stated that you believe that enlisting volunteer deputies to guard schools is a promising move towards reducing gun violence. We emphatically disagree with your position.

Guns in schools, especially in the hands of volunteers, will not protect our children. In 1981 Ronald Reagan was shot while he was surrounded by highly trained Secret Service and police officers. An armed deputy was on the Columbine High School campus but could not stop the massacre there in 1999. Virginia Tech has its own police force. Their trained officers were unable to prevent the massacre on their campus in 2007. These were armed, trained, law enforcement officers, not unpaid volunteers. Despite their training and experience they could not stop the young men armed with semi-automatic weapons and large capacity clips who carried out these grievous crimes.

In 2011, when Arizona congresswoman Gabrielle Giffords and 18 others were shot, police officers were present but it was an unarmed citizen who tackled the gunman. In fact, an armed citizen nearly shot the Good Samaritan who stopped the shooter. Even highly trained police officers hit bystanders when engaged in a confrontation with a gunman. On August 29, 2012, NYPD officers hit NINE innocent pedestrians when they shot, and hit, a gunman outside the Empire State Building. A study of shootings by the NYPD revealed that even highly trained police officers hit their target only 34% of the time. An armed volunteer in a school would be expected to do far worse in the event of a school shooting, putting children at greater risk.

Adding guns to a population increases the rate of violent death for the whole population. Putting guns in our schools in the hands of unpaid, inexperienced volunteers without law enforcement training will not decrease gun violence, rather it will increase the likelihood that students, teachers and administrators will be victims of violence.

We are mothers, fathers, grandparents, friends and teachers. Our children are our most precious gifts and their care is our greatest responsibility. We would do anything to protect them, including laying down our lives, as the faculty and staff at Sandy Hook did on that horrific day. We know that putting guns in our schools will only put our children at greater risk. We need preventative steps to stop mass gun violence, not reactive measures, not just waiting for the next mass murder to occur, not thinking that we can "shoot down" every threat. We are committed to keeping our children safe and we will work to build a world where they can go to school free and without fear. Guns in our schools are not an answer. Guns in our schools will not ensure the safety of our cherished children. We will not allow guns in our schools.

Sincerely,

Sarah Finger McDonald & Brian W. McDonald
Parents of 2, ages 7 and 2

Corvallis, OR 97330

Christy Anderson Brekken & Ted K.A. Brekken
Parents of 2, ages 7 and 4

Corvallis, OR 97330

This Mother's Day, members of Moms Demand Action for Gun Sense in America are demanding that our rights as mothers to protect our children from harm are not infringed. On Friday, May 10 we will deliver bouquets of eight paper flowers, representing the eight mothers who lose a child to gun violence each day, and our Mother's Bill of Rights to senators in Salem. Along with our partners in the Oregon Alliance to Prevent Gun Violence, we will ask our legislature to take action. We will tell them that they can keep our flowers this Mother's Day, we want our rights.

Yes, every day in the United States eight mothers lose a child to gun violence. Eight children. Eight mothers. For weeks after the Sandy Hook Elementary School massacre, I thought about the empty beds the parents of the victims had to face every day. And while massacres like Sandy Hook, Aurora, Tucson, Fr. Hood, and Virginia Tech grab our attention and break our hearts so should the deaths that occur every day. Every day - eight children, eight mothers.

The Oregon Health Authority reports that, in Oregon, 51 children under 18 were lost to gun violence in 2010 [1]. That is almost one child a week. Twenty-three of the deaths were homicides.

Gun violence is a public health crisis in the US and in Oregon. The Oregon legislature has introduced several bills to curb gun violence, but now the media are reporting they're stalled.

In 2000, Oregon led the country by passing legislation to close the 'gun show loophole' and require background checks at sales of more than 25 guns. But we still have a gaping loophole: 14 – 22% of guns sold in Oregon are sold privately, creating a gun pipeline for criminals and other people who could not—and should not—pass a background check. Universal background checks have almost universal support among voters, including most gun owners and NRA members. Oregon can take the lead again, and pass SB 700: Universal Background Checks.

Do you know what else we can do? Restore local control to school districts and allow them to keep guns out of their schools if they choose (SB 347). Like every parent in Oregon, after the Sandy Hook shooting, I worried about my children at school. I asked about security measures being considered, but I also realized that mass shootings are extremely rare and while we should do what we can to prevent these massacres, we must also prevent the accidental shootings that occur too often when kids get their hands on a gun. A school is no place for guns, unless they are carried by highly-trained and experienced public safety officers.

We've talked for years about reducing gun violence. Every time a mass shooting occurs we hear the same speeches both for and against common-sense gun legislation. In December we were shocked by the shooting at Clackamas Town Center and we wept for students and teachers that could easily have been our children and mothers. In April our hearts broke when a 9-yr old girl in Oregon City and a 4-yr old boy in Donald were killed in accidental shootings. It's time to stop talking and hold a vote on bills that could make our children and communities safer. We've spent too long watching the death toll rise and worrying about our children. Unregulated gun sales are tearing apart our families and our communities and we've had enough.

Sarah Finger McDonald
Co-leader, OR/Mid-Willamette chapter
Moms Demand Action for Gun Sense in America

1. *Firearms Fatalities in Oregon*. Oregon Public Health Division 2012, May 8, 2013. http://public.health.oregon.gov/DiseasesConditions/InjuryFatalityData/Documents/firearm%20fatality12_18_2012.final.pdf

CEASEFIRE oregon
Reason. Educate. Legislate.

Securing Our Schools from Gun Violence

Under current Oregon law: Most guns in schools are prohibited by both federal and state law. But anyone who has one of Oregon's over 169,000 concealed handgun licenses (CHLs) can carry a firearm, including an assault weapon, into a public school (K–College).

- The armed visitor does not have to tell the school he is bringing a gun into the school.
- The armed visitor does not have to present a CHL.
- The school cannot find out whether an armed visitor has a valid CHL.

And there is no skill requirement for getting a concealed handgun license in Oregon—you don't have to be able to hit what you shoot at. Some school districts have more restrictive regulations, but the legal validity of those rules is doubtful.[1]

Senate Bill 347 would permit K–12 school districts to prohibit CHL holders from bringing guns into their schools, pursuant to the district's written policy. Even in districts that adopt such a policy, public safety officers would still be able to carry guns into schools, as would other authorized people. And even in those districts, parents who are CHL holders would still be permitted to have their guns with them when they drop off or pick up their children at school, as long as the guns are not carried into a school building. School districts that want to permit all CHL holders to bring their guns into schools can still do so (and would not have to take any action to do so) under this bill.

SB 347 improves student and teacher safety in these ways:

1. It puts school districts in charge. Local districts can be expected to confer with public safety officials, teachers, and parents about the best way to keep students safe. Local school districts will be permitted to decide whether and under what circumstances to allow armed civilians into their school buildings. Under current law, school districts have no control over who brings a gun into schools.

2. It reduces the risk of vigilantes in the schools. Parental concern is high right now, and many parents own guns for the purpose of defending their homes and families. Few gun owners have the training and skill needed to respond in a crisis situation without further endangering students and staff. SB 347 will allow school districts to develop needed security plans and keep well-meaning individuals from creating additional risks.

3. It reduces the risk of unintentional shootings. Although mass shootings are the focus of public attention right now, on a day-to-day basis, accidents and inappropriate access to firearms are the causes of many more child deaths. Careless gun owners, like the Tillamook gun dealer who lost his handgun in a theater where it was found by school children the next day, are far more common than mass murderers. School kids need to be protected from them as well.

Please share this message with parents and teachers. Tell your legislators to support SB 347.

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1. Exceptions to the basic rule above are teachers, contractors, and students over 21 if the district has inserted those prohibitions into their contracts.

http://www.ceasefireoregon.org • ceasefireoregon@gmail.com
7327 SW Barnes Road, #316 • Portland, Oregon 97225 • 503.220.1669

In support of the resolutions about gun control submitted to the City Council of Corvallis on May 20, 2013 a letter published March 19, 2013 in the GT

Gazette Times to the Editor

The League of Women Voters of Corvallis would like to have the following letter published in Letters to the Editor.

Support for Gun Control

The League of Women Voters of Corvallis urges common sense solutions to the gun violence that is plaguing our nation. Since 1990 the League of Women Voters of the United States has had a position, reached by consensus of our members, in support of common sense regulations of guns. This position has been used to lobby in support of the assault weapons ban, legislation requiring all dealers to run criminal background checks at gun shows and in opposition to laws that grant special protection for the gun industry.
The position states: "The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification."

It is time to advocate for measures that will ban assault weapons, place limits on magazine size, close the gun show loophole and mandate annual reporting on gun violence in America. Gun control is a matter of public safety and public health. These measures will not affect responsible gun owners and in no way will take guns away from them, but help make our communities safer.

Kate Mathews, President, League of Women Voters of Corvallis

HEARING 2/23 8:00 Am

78th OREGON LEGISLATIVE ASSEMBLY--2015 Regular Session

House Bill 2540

Sponsored by Representative WITT (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Modifies definition of "public works." Classifies exemption from ad valorem property taxation as funds of public agency for purpose of requiring payment of prevailing rate of wage.

Requires public agency that procured contract for public works or sponsor of enterprise zone in which public works is located, as appropriate, to receive certified statements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the application of prevailing rates of wage; creating new provisions; amending ORS 279C.800, 279C.810, 279C.827 and 279C.845; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 279C.800 is amended to read:

279C.800. As used in ORS 279C.800 to 279C.870:

(1) "Fringe benefits" means the amount of:

(a) The rate of contribution a contractor or subcontractor makes irrevocably to a trustee or to a third person under a plan, fund or program; and

(b) The rate of costs to the contractor or subcontractor that may be reasonably anticipated in providing the following items, except for items that federal, state or local law requires the contractor or subcontractor to provide:

(A) Benefits to workers pursuant to an enforceable written commitment to the workers to carry out a financially responsible plan or program for:

(i) Medical or hospital care;

(ii) Pensions on retirement or death; or

(iii) Compensation for injuries or illness that result from occupational activity;

(B) Insurance to provide the benefits described in subparagraph (A) of this paragraph;

(C) Unemployment benefits;

(D) Life insurance;

(E) Disability and sickness insurance or accident insurance;

(F) Vacation and holiday pay;

(G) Costs of apprenticeship or other similar programs; or

(H) Other bona fide fringe benefits.

(2) "Housing" has the meaning given that term in ORS 456.055.

(3) "Locality" means the following district in which the public works, or the major portion thereof, is to be performed:

(a) District 1, composed of Clatsop, Columbia and Tillamook Counties;

(b) District 2, composed of Clackamas, Multnomah and Washington Counties;

(c) District 3, composed of Marion, Polk and Yamhill Counties;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(d) District 4, composed of Benton, Lincoln and Linn Counties;

(e) District 5, composed of Lane County;

(f) District 6, composed of Douglas County;

(g) District 7, composed of Coos and Curry Counties;

(h) District 8, composed of Jackson and Josephine Counties;

(i) District 9, composed of Hood River, Sherman and Wasco Counties;

(j) District 10, composed of Crook, Deschutes and Jefferson Counties;

(k) District 11, composed of Klamath and Lake Counties;

(L) District 12, composed of Gilliam, Grant, Morrow, Umatilla and Wheeler Counties;

(m) District 13, composed of Baker, Union and Wallowa Counties; and

(n) District 14, composed of Harney and Malheur Counties.

(4) "Prevailing rate of wage" means the rate of hourly wage, including all fringe benefits, that the Commissioner of the Bureau of Labor and Industries determines is paid in the locality to the majority of workers employed on projects of a similar character in the same trade or occupation.

(5) "Public agency" means the State of Oregon or a political subdivision of the State of Oregon, or a county, city, district, authority, public corporation or public entity organized and existing under law or charter or an instrumentality of the county, city, district, authority, public corporation or public entity.

(6)(a) "Public works" includes, but is not limited to:

(A) Roads, highways, buildings, structures and improvements of all types, the construction, reconstruction, major renovation or painting of which is carried on or contracted for by any public agency to serve the public interest;

(B) A project that uses funds of a private entity and $750,000 or more of funds of a public agency for constructing, reconstructing, painting or performing a major renovation on a privately owned road, highway, building, structure or improvement of any type;

(C) A project that uses funds of a private entity for constructing a privately owned road, highway, building, structure or improvement of any type in which a public agency will use or occupy 25 percent or more of the square footage of the completed project;

(D) Notwithstanding the provisions of ORS 279C.810 (2)(a), (b) and (c), a device, structure or mechanism, or a combination of devices, structures or mechanisms, that:

(i) Uses solar radiation as a source for generating heat, cooling or electrical energy; and

(ii) Is constructed or installed, with or without using funds of a public agency, on land, premises, structures or buildings that a public body, as defined in ORS 174.109, owns; [*or*]

(E) Notwithstanding paragraph (b)(A) of this subsection and ORS 279C.810 (2)(b) and (c), construction, reconstruction, painting or major renovation of a road, highway, building, structure or improvement of any type that occurs, with or without using funds of a public agency, on real property that the Oregon University System or an institution in the Oregon University System owns[.]; **or**

(F) A project for constructing, reconstructing, painting or performing a major renovation of a privately owned road, highway, building, structure or improvement of any type that:

(i) Is located in an enterprise zone, as defined in ORS 285C.050;

(ii) Consists of or is sited on real property for which a qualified business firm, as defined in ORS 285C.050, has received or will receive an exemption from ad valorem property taxation under ORS 285C.170 or 285C.175 in connection with the project; and

(iii) Has a total project cost that the contracting agency that funds the project, or the

lead contracting agency, if more than one contracting agency participates in the project, reasonably estimates will equal or exceed $5 million.

(b) "Public works" does not include:

(A) The reconstruction or renovation of privately owned property that a public agency leases; or

(B) [*The*] **A private nonprofit entity's** renovation of publicly owned real property that is more than 75 years old [*by a private nonprofit entity*] if:

(i) The real property is leased to the private nonprofit entity for more than 25 years;

(ii) Funds of a public agency used in the renovation do not exceed 15 percent of the total cost of the renovation; and

(iii) Contracts for the renovation were advertised or, if not advertised, were entered into before July 1, 2003, but the renovation has not been completed on or before July 13, 2007.

(7) "Sponsor" has the meaning given that term in ORS 285C.050.

SECTION 2. ORS 279C.810 is amended to read:

279C.810. (1) As used in this section:

(a) "Funds of a public agency" does not include:

(A) Funds provided in the form of a government grant to a nonprofit organization, unless the government grant is issued for the purpose of construction, reconstruction, major renovation or painting;

(B) Building and development permit fees [*paid or waived by the*] **that a** public agency **pays or waives**;

(C) Tax credits or tax abatements**, except for exemptions from ad valorem property taxation allowed under ORS 285C.170 or 285C.175**;

(D) Land that a public agency sells to a private entity at fair market value;

(E) The difference between:

(i) The value of land that a public agency sells to a private entity as determined at the time of the sale after taking into account any plan, requirement, covenant, condition, restriction or other limitation, exclusive of zoning or land use regulations, that the public agency imposes on the development or use of the land; and

(ii) The fair market value of the land if the land is not subject to the limitations described in sub-subparagraph (i) of this subparagraph;

(F) Staff resources [*of the*] **a** public agency [*used*] **uses to:**

(i) Manage a project or to provide a principal source of supervision, coordination or oversight of a project; **or**

[*(G)*] **(ii)** [*Staff resources of the public agency used to*] Design or inspect one or more components of a project;

[*(H)*] **(G)** Moneys derived from the sale of bonds that [*are loaned by*] a state agency **lends** to a private entity, unless the moneys will be used for a public improvement;

[*(I)*] **(H)** Value added to land as a consequence of a public agency's site preparation, demolition of real property or remediation or removal of environmental contamination, except for value added in excess of the expenses the public agency incurred in the site preparation, demolition or remediation or removal when the land is sold for use in a project otherwise subject to ORS 279C.800 to 279C.870; or

[*(J)*] **(I)** Bonds, or loans from the proceeds of bonds, issued in accordance with ORS chapter 289 or ORS 441.525 to 441.595, unless the bonds or loans will be used for a public improvement.

(b) "Nonprofit organization" means an organization or group of organizations described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code.

(2) ORS 279C.800 to 279C.870 do not apply to:

(a) [*Projects*] **A project** for which the contract price does not exceed $50,000. In determining the price of a project, a public agency:

(A) May not include the value of donated materials or work [*performed on the project by*] **that** individuals [*volunteering*] **who volunteer** to the public agency **perform on the project** without pay; and

(B) Shall include the value of work [*performed by every person paid by*] **for which** a contractor or subcontractor **pays a person** in any manner for the person's work on the project.

(b) Projects for which [*no*] funds of a public agency are **not** directly or indirectly used. In accordance with ORS chapter 183, the Commissioner of the Bureau of Labor and Industries shall adopt rules to carry out the provisions of this paragraph.

(c) [*Projects*] **A project**:

(A) That [*are*] **is** privately owned;

(B) That [*use*] **uses** funds of a private entity;

(C) In which **a public agency will occupy or use** less than 25 percent of the square footage of [*a*] **the** completed project [*will be occupied or used by a public agency*]; and

(D) For which less than $750,000 of funds of a public agency are used.

(d) [*Projects*] **A project** for residential construction that [*are*] **is** privately owned and that predominantly [*provide*] **provides** affordable housing. As used in this paragraph:

(A) "Affordable housing" means housing that serves occupants whose incomes are [*no*] **not** greater than 60 percent of the area median income or, if the occupants are owners, whose incomes are [*no*] **not** greater than 80 percent of the area median income.

(B) "Predominantly" means 60 percent or more.

(C) "Privately owned" [*includes*] **means**:

(i) Affordable housing provided on real property owned by a public agency if the real property and related structures are leased to a private entity for 50 or more years; and

(ii) Affordable housing owned by a partnership, nonprofit corporation or limited liability company in which a housing authority, as defined in ORS 456.005, is a general partner, director or managing member and the housing authority is not a majority owner in the partnership, nonprofit corporation or limited liability company.

(D) "Residential construction" [*includes*] **means** the construction, reconstruction, major renovation or painting of single-family houses or apartment buildings not more than four stories in height and all incidental items, such as site work, parking areas, utilities, streets and sidewalks, pursuant to the United States Department of Labor's "All Agency Memorandum No. 130: Application of the Standard of Comparison "Projects of a Character Similar" Under Davis-Bacon and Related Acts," dated March 17, 1978. However, the commissioner may consider different definitions of residential construction in determining whether a project is a residential construction project for purposes of this paragraph, including definitions that:

(i) Exist in local ordinances or codes; or

(ii) Differ, in the prevailing practice of a particular trade or occupation, from the United States Department of Labor's description of residential construction.

SECTION 3. ORS 279C.827 is amended to read:

279C.827. (1)(a) A public agency **or a person that under ORS 279C.800 to 279C.870 must pay a prevailing rate of wage on public works** may not divide a public works project into more than one contract for the purpose of avoiding compliance with ORS 279C.800 to 279C.870.

(b) [*When*] **If** the Commissioner of the Bureau of Labor and Industries determines that a public agency **or a person that under ORS 279C.800 to 279C.870 must pay a prevailing rate of wage on public works** has divided a public works project into more than one contract for the purpose of avoiding compliance with ORS 279C.800 to 279C.870, the commissioner shall issue an order [*compelling*] **to compel** compliance.

(c) In making determinations under this subsection, the commissioner shall consider:

(A) The physical separation of the project structures;

(B) The timing of the work on project phases or structures;

(C) The continuity of project contractors and subcontractors working on project parts or phases;

(D) The manner in which the public agency **or person that under ORS 279C.800 to 279C.870 must pay a prevailing rate of wage on public works** and the contractors administer and implement the project;

(E) Whether a single public works project includes several types of improvements or structures; and

(F) Whether the combined improvements or structures have an overall purpose or function.

(2) If a project is a public works of the type described in ORS 279C.800 (6)(a)(B) or (C), the commissioner**, after applying the considerations set forth in subsection (1)(c) of this section,** shall divide the project, if appropriate, [*after applying the considerations set forth in subsection (1)(c) of this section*] to separate the parts of the project that [*include*] **use** funds of a public agency or that **a public agency** will [*be occupied or used by a public agency*] **occupy or use** from the parts of the project that do not [*include*] **use** funds of a public agency and that **a public agency** will not [*be occupied or used by a public agency*] **occupy or use**. If the commissioner divides the project, any part of the project that does not [*include*] **use** funds of a public agency and that **a public agency** will not [*be occupied or used by a public agency*] **occupy or use** is not subject to ORS 279C.800 to 279C.870.

(3) If a project includes parts that [*are owned by*] a public agency **owns** and parts that [*are owned by*] a private entity **owns**, the commissioner**, after applying the considerations set forth in subsections (1)(c) and (2) of this section,** shall divide the project, if appropriate, [*after applying the considerations set forth in subsections (1)(c) and (2) of this section*] to separate the parts of the project that are public works from the parts of the project that are not public works. If the commissioner divides the project, parts of the project that are not public works are not subject to ORS 279C.800 to 279C.870.

SECTION 4. ORS 279C.845 is amended to read:

279C.845. (1) [*The*] **A** contractor or the contractor's surety and every subcontractor or the subcontractor's surety shall file certified statements [*with the public agency*] in writing, on a form [*prescribed by*] the Commissioner of the Bureau of Labor and Industries[*, certifying:*] **prescribes, with one of the following, as appropriate:**

(a) The public agency that awarded the contract for public works to which the contractor is a party. If the project is a public works as defined in ORS 279C.800 (6)(a)(B) or (C), the contractor shall submit the certified statements to the public agency that provided public funds for the project or that will use or occupy 25 percent or more of the square footage of the completed project. If more than one public agency provided public funds for the project

or will use or occupy 25 percent or more of the square footage of the completed project, the public agencies involved shall agree upon which public agency will receive the certified statements.

(b) The sponsor of the enterprise zone, as defined in ORS 285C.050, in which the public works project is located. If more than one sponsor participated in designating the enterprise zone, the participating sponsors shall agree upon which sponsor shall receive the certified statements.

(2) The certified statements must certify:

(a) The hourly rate of wage paid each worker whom the contractor or the subcontractor has employed upon the public works; and

(b) That no worker employed upon the public works has been paid less than the prevailing rate of wage or less than the minimum hourly rate of wage specified in the contract.

[*(2)*] **(3)** [*The certified statement shall be verified by the oath of*] The contractor or the contractor's surety or subcontractor or the subcontractor's surety **shall verify certified statements by oath, attesting** that the contractor or subcontractor has read the certified [*statement*] **statements**, that the contractor or subcontractor knows the contents of the certified [*statement*] **statements** and that to the contractor or subcontractor's knowledge the certified [*statement is*] **statements are** true.

[*(3)*] **(4)** The certified statements shall set out accurately and completely the contractor's or subcontractor's payroll records, including the name and address of each worker, the worker's correct classification, rate of pay, daily and weekly number of hours worked and the gross wages the worker earned upon the public works during each week identified in the certified statement.

[*(4)*] **(5)** The contractor or subcontractor shall deliver or mail [*each*] **the** certified [*statement*] **statements** required by subsection (1) of this section to the public agency **or to the sponsor**. Certified statements for each week during which the contractor or subcontractor employs a worker upon the public works [*shall*] **must** be submitted once a month, by the fifth business day of the following month. Information submitted on certified statements may be used only to ensure compliance with the provisions of ORS 279C.800 to 279C.870.

[*(5)*] **(6)** Each contractor or subcontractor shall preserve the certified statements for a period of three years from the date of completion of the contract.

[*(6)*] **(7)** Certified statements [*received by*] **that** a public agency **or a sponsor receives** are public records subject to the provisions of ORS 192.410 to 192.505.

[*(7)*] **(8)** Notwithstanding ORS 279C.555 or 279C.570 (7), if a contractor [*is required to*] **must** file certified statements **with a public agency** under this section, the public agency shall retain 25 percent of any amount [*earned by*] the contractor **earns** on the public works until the contractor has filed with the public agency certified statements as required by this section. The public agency shall pay the contractor the amount retained under this subsection within 14 days after the contractor files the certified statements as required by this section, regardless of whether a subcontractor has failed to file certified statements as required by this section. [*The public agency is not required to verify the truth of the contents of certified statements filed by the contractor under this section.*]

[*(8)*] **(9)** Notwithstanding ORS 279C.555, the contractor shall retain 25 percent of any amount [*earned by*] a first-tier subcontractor **earns** on a public works until the subcontractor has filed with the public agency certified statements as required by this section. The contractor shall verify that the first-tier subcontractor has filed the certified statements before the contractor may pay the subcontractor [*any*] **an** amount **the contractor** retained under this subsection. The contractor shall

pay the first-tier subcontractor the amount **the contractor** retained under this subsection within 14 days after the subcontractor files the certified statements as required by this section. [*Neither the public agency nor the contractor is required to verify the truth of the contents of certified statements filed by a first-tier subcontractor under this section.*]

(10) This section does not require:

(a) A public agency or sponsor to verify the truth of the contents of a contractor's certified statements; or

(b) A public agency, a sponsor or a contractor to verify the truth of the contents of a subcontractor's certified statements.

SECTION 5. The amendments to ORS 279C.800, 279C.810, 279C.827 and 279C.845 by sections 1 to 4 of this 2015 Act apply to contracts for public works that are first advertised or otherwise solicited or, if the contract for public works is not advertised or solicited, to a contract for public works that is first entered into on or after the operative date specified in section 6 of this 2015 Act.

SECTION 6. (1) The amendments to ORS 279C.800, 279C.810, 279C.827 and 279C.845 by sections 1 to 4 of this 2013 Act become operative 91 days after the effective date of this 2015 Act.

(2) A sponsor, as defined in ORS 285C.050, a public agency that adopts rules under ORS 279A.065 or the Commissioner of the Bureau of Labor and Industries may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the sponsor, the public agency or the commissioner to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the sponsor, the public agency or the commissioner by the amendments to ORS 279C.800, 279C.810, 279C.827 and 279C.845 by sections 1 to 4 of this 2015 Act.

SECTION 7. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

78th OREGON LEGISLATIVE ASSEMBLY--2015 Regular Session

House Bill 2564

Sponsored by Representative WILLIAMSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Repeals law that prevents local governments from imposing conditions on approved permits that effectively establish sales price for residential development or limit purchase to class or group of purchasers.

1 **A BILL FOR AN ACT**

2 Relating to affordable housing; repealing ORS 197.309.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. ORS 197.309 is repealed.**

5

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

EXPANDING HOUSING OPPORTUNITY THROUGH LOCAL OPTIONS

∞ why repealing Oregon's ban on inclusionary zoning is necessary for equal opportunity ∞

What is the problem? Currently, too many Oregonians are struggling to find decent, affordable housing in healthy neighborhoods. Hard-working families with limited means are struggling to access housing in communities with better education, cleaner air, transportation options, more job opportunities and improved safety. In 1999, the Legislature passed ***ORS 197.309***, *banning local jurisdictions from utilizing mandatory inclusive housing tools.* **Texas is the only other state in the country to prohibit this tool**. As a result, socioeconomic and racial segregation are increasing, along with health and education disparities.

What is Inclusionary Zoning (IZ)? *IZ is a* ***basic planning tool used throughout the country since 1974 to ensure that new developments offer housing options at a mix of income levels.*** Inclusive housing policies expand opportunity for people at all income levels, including the seniors and people with disabilities, to live in healthy, vibrant communities with access to amenities and resources.

Why you should Support Inclusive Housing and help us Repeal ORS 197.309:

1. **Restore local control of land use planning.** *IZ allows local governments to customize housing policies to best meet the needs of their communities and ensure housing stock for families at all income levels.*

2. **Give cities a critical tool combat economic and racial segregation, gentrification and displacement.** *IZ also enables cities to ensure veterans, seniors, and people with disabilities are not "locked out" of residential developments in resource-rich areas, reducing crime and increasing neighborhood stability.*

3. **Free up limited public housing dollars.** *By securing workforce housing development through the private market, IZ frees up public resources for subsidized housing for our most vulnerable families, and allows jurisdictions to more effectively to combat homelessness.*

4. **Federal Civil Rights Compliance.** *Use of IZ will ensure that Oregon jurisdictions continue to be eligible for Community Development Block Grants and other Federal funds so as to better meet their duty to Affirmatively Further Fair Housing in compliance with the Fair Housing Act.*

5. **Promote community health and prosperity.** *By providing housing at a reasonable cost for hard-working families near job opportunities, IZ reduces transportation and housing costs, leaving more money for essentials like healthy food, clothes, education, health care and recreation*.

Who is part of the Oregon Inclusionary Zoning Coalition?

Community Alliance of Tenants
OPAL Environmental Justice Oregon
Native American Youth & Family Center
Asian Pacific American Network of Oregon
Metropolitan Alliance for the Common Good
Housing Land Advocates
Oregon Working Families Party
Portland Commission on Disability
Portland Human Rights Commission
Welcome Home Coalition
Transportation for America
Oregon League of Cities
Oregon Environmental Council
Center for Intercultural Organizing
Upstream Public Health
Bicycle Transportation Alliance
Fair Housing Council of Oregon
Emerald Cities Portland
Disability Rights Oregon
SEIU Local 49
Living Cully Coalition
Common Cause Oregon
Oregon Opportunity Network
1,000 Friends Of Oregon
Urban League of Portland
Oregon Action
Proud Ground
Street Roots
Orange Splot LLC
Elders in Action Commission
Oregon AFSCME
Coalition for a Livable Future
Oregon Food Bank

November 1, 2014

EXPANDING HOUSING OPPORTUNITY THROUGH LOCAL OPTIONS

∞ why repealing Oregon's ban on inclusionary zoning is necessary for equal opportunity ∞

Endorsement Form

Please add your name to our list of supporters! Please indicate your commitment to repealing ORS 197.309 and restoring local authority over housing tools by listing the formal endorsement name below:

_____

Please check one: ☐ **Individual** ☐ **Organization/Business/Jurisdiction**

Tell us who else to contact for support! Please provide names and contact information of other individuals/organizations who you believe would support this effort, or pass along this endorsement.

_____

_____

Add more than your name – Get Involved! We need a broad and strong coalition, but we need active participants even more. Please indicate below how you can contribute:

☐ Host a community or organizational forum on IZ to educate your members
☐ Mobilize members to rally in Salem during the 2015 Legislature (date TBD)
☐ Provide oral and written testimony to legislators during bill hearings
☐ Contact your elected representatives to urge them to support efforts to repeal ORS 197.309

☐ Make a monetary contribution of $ _____ to support our advocacy efforts

☐ Other: _____

_____ _____
Name of contact person (please type or print) Title or position (if applicable)

_____ _____
Email Phone

∞ Thank you! ∞

Please return this form to OPAL at 2407 SE 49th Ave, PDX, OR 97206, or scan & email to jon@opalpdx.org

78th OREGON LEGISLATIVE ASSEMBLY--2015 Regular Session

Senate Bill 414

Sponsored by Senator ROBLAN, Representative GORSEK; Senators DEMBROW, EDWARDS, MONROE, PROZANSKI, ROSENBAUM, Representatives FAGAN, FREDERICK, GOMBERG, HOLVEY, SMITH WARNER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Permits employee of contracting agency that conducts cost analysis or determines feasibility of procurement, or exclusive representative of employee's bargaining unit, to seek judicial review of cost analysis or determination. Specifies conditions under which review may occur.

Requires contracting agency to take certain steps to obtain information necessary to conduct cost analysis before advertising or soliciting procurement.

Requires contracting agency under certain circumstances to update cost analysis and to reconsider determination of feasibility of agency performing services that are subject to procurement.

Requires contracting agency to consider contractor's profit in cost analysis. Prohibits contracting agency from considering proceeds from selling or costs of replacing long-term assets in cost analysis.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to analyses required before conducting a procurement for services; creating new provisions; amending ORS 279B.030 and 279B.033; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 279B.

SECTION 2. (1)(a) An employee of a contracting agency that conducts a cost analysis under ORS 279B.033 or makes a determination under ORS 279B.036, or an exclusive representative, as defined in ORS 243.650, of the employee's bargaining unit, may seek judicial review of the contracting agency's cost analysis or determination if:

(A) The contracting agency allegedly violated a provision of ORS 279B.030, 279B.033 or 279B.036;

(B) The employee or the exclusive representative described the alleged violation in a written notice to the contracting agency not later than 30 days after the date of the alleged violation;

(C) The contracting agency proceeded with the procurement after receiving the notice described in subparagraph (B) of this paragraph; and

(D) The employee or the exclusive representative exhausted any administrative remedy the contracting agency provides to address the alleged violation.

(b)(A) Except as provided in subparagraph (B) of this paragraph, for the purposes of this section, a contracting agency proceeded with a procurement if the contracting agency advertised or solicited the procurement in accordance with the provisions of this chapter or otherwise took affirmative steps to seek a contractor to perform services for which the contracting agency would be required to conduct a procurement in accordance with the provisions of this chapter.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(B) A contracting agency did not, for the purposes of this section, proceed with a procurement if:

(i) The contracting agency issued a request for information or a request for a quotation or otherwise sought to obtain needed information in the course of complying with ORS 279B.030, 279B.033 or 279B.036; or

(ii) The contracting agency, after advertising or soliciting a procurement, updated a cost analysis or reconsidered a determination in accordance with ORS 279B.030 (1)(c).

(2)(a) If an employee of a state contracting agency, or an exclusive representative of the employee's bargaining unit, seeks judicial review for a state contracting agency's alleged violation of a provision of ORS 279B.030, 279B.033 or 279B.036, the Circuit Court for Marion County or the circuit court for the county in which the principal offices of the state contracting agency are located may review the alleged violation under ORS 183.484. For the purposes of the review, a state contracting agency's decision to advertise or solicit or otherwise proceed with a procurement is an order other than an order in a contested case.

(b) If an employee of a local contracting agency, or an exclusive representative of the employee's bargaining unit, seeks judicial review for a local contracting agency's alleged violation of a provision of ORS 279B.030, 279B.033 or 279B.036, the circuit court for the county in which the principal offices of the local contracting agency are located may review the alleged violation by means of a writ of review under ORS chapter 34.

(3)(a) If an employee of the contracting agency, or the exclusive representative of the employee's bargaining unit, notifies the contracting agency as provided in subsection (1)(a)(B) of this section and timely seeks judicial review under this section, the contracting agency may not proceed with the procurement that is the subject of the review unless the contracting agency determines that:

(A) A compelling governmental interest exists in proceeding with the procurement; or

(B) An emergency exists that requires the procurement.

(b) A contracting agency that makes a determination to proceed with a procurement under paragraph (a) of this subsection shall set forth in writing the reasons for the determination and provide the reasons to the employee or the exclusive representative immediately.

(c) Despite a contracting agency's determination under paragraph (a) of this subsection, the court, after joining as a party to the litigation any prospective contractor interested in the procurement, may stay the procurement on the employee's or the exclusive representative's motion if the court finds that the contracting agency's determination under paragraph (a) of this subsection was not supported by substantial evidence or constituted a manifest abuse of discretion. In granting a stay under this paragraph, the court may require the employee or the exclusive representative to post a bond in an amount sufficient to protect the contracting agency and the public from costs associated with a delay in the procurement if the court finds that issuing an injunction may irreparably harm the contracting agency or the contractor and that the employee's or the exclusive representative's likelihood of success on the merits of the case is minimal.

(4) Notwithstanding ORS 279B.145 or any other provision of this chapter or ORS chapter 279A, a court that conducts a review under this section shall review de novo a contracting agency's cost analysis or determination under ORS 279B.030, 279B.033 or 279B.036.

(5) If, after judicial review under this section, the court rules in favor of the employee

or the exclusive representative, the court shall enjoin the contracting agency from proceeding with the procurement. The court may not award costs or attorney fees to the prevailing party in the litigation.

SECTION 3. ORS 279B.030 is amended to read:

279B.030. [*(1)*] **(1)(a)** Except as provided in ORS 279B.036, before conducting a procurement for services with an estimated contract price that exceeds $250,000, a contracting agency shall:

[*(a)*] **(A)** Demonstrate, by means of a written cost analysis in accordance with ORS 279B.033, that the contracting agency would incur less cost in conducting the procurement than in performing the services with the contracting agency's own personnel and resources; or

[*(b)*] **(B)** [*Demonstrate*] **Determine**, in accordance with ORS 279B.036, that performing the services with the contracting agency's own personnel and resources is not feasible.

(b) To obtain information necessary to conduct the cost analysis described in paragraph (a)(A) of this subsection or to make the determination described in paragraph (a)(B) of this subsection, a contracting agency, before advertising or otherwise soliciting a procurement, shall issue a request for information or a request for a quotation or shall use another reasonably practicable method to obtain needed information.

(c) If, after advertising or otherwise soliciting a procurement and before awarding a contract, a contracting agency obtains new or additional information from bids or proposals, or from other sources, that would alter or otherwise affect a cost analysis the contracting agency conducted under ORS 279B.033 or a determination the contracting agency made under ORS 279B.036, the contracting agency shall update the cost analysis with the new or additional information or, if necessary, reconsider the agency's determination as to the feasibility of performing with the contracting agency's own personnel or resources the services that are the subject of the procurement. The contracting agency may proceed with the procurement only after updating the cost analysis or, if appropriate, reconsidering the determination and only if the procurement continues to meet the applicable requirement set forth in ORS 279B.033 (2) or 279B.036 (1).

(2) If a local contracting agency authorizes a department, bureau, office or other subdivision of the local contracting agency to conduct a procurement on behalf of another department, bureau, office or subdivision of the local contracting agency, the department, bureau, office or subdivision on whose behalf the procurement is conducted shall comply with the [*requirement*] **requirements** set forth in subsection (1) of this section.

(3) Subsection (1) of this section does not apply to:

(a) A local contracting agency or a local contract review board for a city that has a population of not more than 15,000 or a county that has a population of not more than 30,000;

(b) A community college that enrolls not more than 1,000 full-time equivalent students, as defined in ORS 341.005;

(c) A special district, as defined in ORS 198.010, a diking district formed under ORS chapter 551 and a soil and water conservation district organized under ORS 568.210 to 568.808;

(d) The Port of Portland; or

(e) Procurements for client services, [*as defined in OAR 125-246-0110*] **the definition and scope of which the Oregon Department of Administrative Services specifies by rule**.

SECTION 4. ORS 279B.033 is amended to read:

279B.033. (1)**(a)** In the cost analysis required under ORS 279B.030, a contracting agency shall:

[*(a)*] **(A)** Estimate the contracting agency's cost of performing the services, including:

[*(A)*] **(i)** Salary or wage and benefit costs for contracting agency employees who are directly involved in performing the services, including employees who inspect, supervise or monitor the performance of the services.

[*(B)*] **(ii)** Material costs, including costs for space, energy, transportation, storage, raw and finished materials, equipment and supplies.

[*(C)*] **(iii)** Costs incurred in planning for, training for, starting up, implementing, transporting and delivering the services and costs related to stopping and dismantling a project or operation because the contracting agency intends to procure a limited quantity of services or procure the services within a defined or limited period of time.

[*(D)*] **(iv)** Miscellaneous costs related to performing the services**, including but not limited to reasonably foreseeable fluctuations in the costs for the items identified in this subparagraph over the expected duration of the procurement**. The contracting agency may not include in the cost analysis the contracting agency's indirect overhead costs for existing salaries or wages and benefits for administrators or for rent, equipment, utilities and materials except to the extent that the costs are attributable solely to performing the services and would not exist unless the contracting agency performs the services.

[*(b)*] **(B)** Estimate the **profit the potential contractor would realize and the** cost a potential contractor would incur in performing the services, including:

[*(A)*] **(i)** Average or actual salary or wage and benefit costs for contractors and employees who:

[*(i)*] **(I)** Work in the industry or business most closely involved in performing the services that the contracting agency intends to procure; and

[*(ii)*] **(II)** Would be necessary and directly involved in performing the services or who would inspect, supervise or monitor the performance of the services;

[*(B)*] **(ii)** Material costs, including costs for space, energy, transportation, storage, raw and finished materials, equipment and supplies; and

[*(C)*] **(iii)** Miscellaneous costs related to performing the services, including but not limited to reasonably foreseeable fluctuations in the costs for the items identified in this [*subsection*] **subparagraph** over the expected duration of the procurement.

(b) In the cost analysis required under ORS 279B.030, a contracting agency may not include proceeds or revenues from selling, or costs incurred for replacing, any of the contracting agency's long-term assets, including capital assets, vehicles or other durable goods.

(2)(a) After comparing the difference between the costs estimated as provided in subsection [*(1)(a)*] **(1)(a)(A)** of this section with the costs estimated as provided in subsection [*(1)(b)*] **(1)(a)(B)** of this section, except as provided in paragraph (b) of this subsection, the contracting agency may proceed with the procurement only if the contracting agency would incur more cost in performing the services with the contracting agency's own personnel and resources than the contracting agency would incur in procuring the services from a contractor. The contracting agency may not proceed with the procurement if the [*sole*] **primary** reason that the costs estimated in subsection [*(1)(b)*] **(1)(a)(B)** of this section are lower than the costs estimated in subsection [*(1)(a)*] **(1)(a)(A)** of this section is because the costs estimated in subsection [*(1)(b)(A)*] **(1)(a)(B)(i)** of this section are lower than the costs estimated in subsection [*(1)(a)(A)*] **(1)(a)(A)(i)** of this section.

(b) A contracting agency may proceed with a procurement even if the contracting agency determines that the contracting agency would incur less cost in providing the services with the contracting agency's own personnel and resources if at the time the contracting agency intends to conduct a procurement, the contracting agency lacks personnel and resources that are necessary to

perform the services within the time in which the services are required. If the contracting agency conducts a procurement under the conditions described in this paragraph, the contracting agency shall:

(A) Keep a record of the cost analysis and findings that the contracting agency makes for each procurement **that is subject to this section that** the contracting agency conducts [*under this section*], along with the basis for the contracting agency's decision to proceed with the procurement; and

(B) Collect and provide copies of the records described in subparagraph (A) of this paragraph each calendar quarter to the local contract review board, if the contracting agency is a local contracting agency, or to the Emergency Board, if the contracting agency is a state contracting agency.

(c) If the contracting agency is a state contracting agency, in addition to complying with the provisions of paragraph (b) of this subsection the contracting agency shall prepare a request to the Governor for an appropriation and any authority that is necessary for the contracting agency to hire personnel and obtain resources necessary to perform the services that the contracting agency procured under the conditions described in paragraph (b) of this subsection. The request must include a copy of the records that the contracting agency provided to the Emergency Board under paragraph (b)(B) of this subsection.

(3) A cost analysis, record, documentation or determination made under this section is a public record.

SECTION 5. Section 2 of this 2015 Act and the amendments to ORS 279B.030 and 279B.033 by sections 3 and 4 of this 2015 Act apply to procurements that a contracting agency first advertises or otherwise solicits or, if the contracting agency does not advertise or solicit the procurement, to procurements that the contracting agency first conducts on or after the operative date specified in section 6 of this 2015 Act.

SECTION 6. (1) Section 2 of this 2015 Act and the amendments to ORS 279B.030 and 279B.033 by sections 3 and 4 of this 2015 Act become operative on January 1, 2016.

(2) The Attorney General, the Director of the Oregon Department of Administrative Services, the Director of Transportation or a contracting agency that adopts rules under ORS 279A.065 may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the Attorney General, the director or the contracting agency to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the Attorney General, the director or the contracting agency by section 2 of this 2015 Act and the amendments to ORS 279B.030 and 279B.033 by sections 3 and 4 of this 2015 Act.

SECTION 7. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

****MEMORANDUM*****

TO: Mayor, City Council

FROM: Tony Krieg, Customer Services/Risk Manager

DATE: February 12, 2015

SUBJECT: Resolution for Volunteer Accident Coverage

I. ISSUE:
Staff is proposing to update the existing resolution for volunteer accident coverage.

II. BACKGROUND:
In October 2013, City Council approved a proposal to move volunteers to an accident medical policy to eliminate volunteer claims from affecting the City's workers' compensation claims history, thus reducing program costs including elimination of a time-loss benefit that required the City to pay an assumed wage.

Oregon Revised Statute classifies unpaid volunteers into two categories, subject and non-subject workers. For the most part, all of the City's volunteers are non-subject workers and therefore not required by law to be covered under a workers' compensation program. To reduce volunteer claims that affect the City's workers' compensation history, most volunteers were moved from workers' compensation coverage to an accident medical insurance policy in 2013. The accident medical insurance policy provides a $50,000 primary medical expense benefit for a covered accident at a total annual cost of $4.25 per volunteer. The limit is applied per accident which means if one person were involved in an accident the policy would provide a $50,000 medical expense reimbursement. This policy also has a death benefit, a limited dental benefit and a $50 repair or replacement of eyeglass frames.

To determine what volunteer positions would continue to be covered under the City's workers' compensation plan, several factors were considered such as cost, the volunteer activities, level of commitment required, duration of the volunteer activity, and level of supervision. Police and Fire volunteer activities are generally excluded from most accident medical insurance policies due to the types of activities they perform on a regular basis. Council supported covering these volunteers under the City's workers' compensation plan due to the likelihood of injury in the line of duty.

As for Mayor and City Council, there is a substantial commitment to serve the community for a set duration. These volunteers are not supervised and are invited to attend numerous activities away from City Hall. The City's workers' compensation carrier, City County Insurance Services

(CIS), breaks out public officials as an individual group and with pricing discounts. The annual premium is $1.80 for the entire group. Given the extremely low cost of the annual premium and the additional level of coverage provided by the workers' compensation plan, Council supported the continued inclusion of Mayor/Council in this program.

III. RECOMMENDATION:

The minor change staff is proposing includes updating the resolution only when policy or coverage changes are made. Previously, review was mandated on an annual basis. Staff recommends adoption of the attached resolution that requires all volunteers (non-subject workers) to be covered under an Accident Medical policy with a $50,000 medical expense reimbursement per accident and Public safety volunteers, Mayor and City Council to be covered under the City's workers' compensation program, and that the resolution be updated only when policy or coverage changes occur.

Review and Concur:

Nancy Brewer, City Manager *Pro Tem*

Mary Beth Altmann Hughes, HR Director

RESOLUTION 2015 –

Minutes of the March 2, 2015, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS the City of Corvallis elects the following,

Pursuant to ORS 656.031, the volunteer personnel in public safety, Mayor and City Council shall be considered subject volunteers for the City of Corvallis and be eligible for workers' compensation coverage and noted on CityCounty Insurance Services (CIS) payroll schedule. All other volunteers shall be considered non-subject volunteers and shall be covered by an Accident Medical Policy with a $50,000 medical expense benefit per accident as listed in this resolution; and

1. An assumed monthly wage of $800 will be used for public safety volunteers and an aggregate assumed annual wage of $2,500 will be used for the Mayor and City Council for the performance of administrative duties; and

2. The City shall maintain separate official rosters for each category of volunteers meeting the above criteria and shall furnish rosters to CIS upon request; and

3. If any subject volunteer as listed above is injured while performing any duties arising out of and in the course of the employment as volunteer personnel under ORS 656.202, such volunteer may file a claim for benefits as exclusive remedy; and

4. Under ORS 656.027, all non-subject volunteers are not required to be covered under workers' compensation insurance and with the exception of public safety and Mayor/Council, shall be provided an Accident Medical Policy with a $50,000 medical expense benefit per accident.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to provide volunteers workers' compensation insurance coverage and/or Accident Medical Policy coverage as indicated above. This resolution shall be updated when policy or coverage changes are made.

_____
Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

MEMORANDUM

TO: Mayor and City Council

FROM: Mary Steckel, Public Works Director

DATE: February 18, 2015

SUBJECT: Intergovernmental Agreement (IGA) for Safe Routes to Schools (SRTS), Project No. 653427

ISSUE

The City and School District have agreed to cooperate on a SRTS project currently budgeted in the CIP. City Council approval is required to authorize the City Manager to sign an IGA between the City and Corvallis School District formalizing the terms of this agreement.

BACKGROUND

The City has been awarded a SRTS Grant from the Federal Highway Administration administered through the Oregon Department of Transportation (ODOT) in the amount of $228,426. This grant requires a local match of $23,459.

This project will construct a missing section of sidewalk on Glenridge Drive between Walnut Boulevard and Ponderosa Avenue, a bulb-out and vehicle speed sign at the northeast corner of the Circle Boulevard and 27th Street intersection, and bulb-outs at the northwest, southwest and southeast corners of the Garfield Avenue and Highland Drive intersection.

DISCUSSION

In the development of this project, the City has agreed to pay the local match for the Glenridge Drive sidewalk ($13,459) and the School District has agreed to pay the local match for work at the other two locations ($10,000).

This project low bid is within the budget established in the CIP. The current CIP indicates that the project will be completed this fiscal year. Although construction is expected to begin in June, it will extend into next fiscal year. Funding will be carried over into next fiscal year to accommodate this timeline.

ACTION REQUESTED

Staff recommends the City Council adopt the attached resolution to accept an IGA with the Corvallis School District in support of the SRTS project and authorize the City Manager to execute the IGA and any future amendments relating to the IGA.

Review and Concur:

2/23/15
Jim Brewer, City Attorney Date

2/23/15
Janet Chenard, Finance Director AIC Date

2/24/15
Nancy Brewer, City Manager Date

Attachment

RESOLUTION 2015-_____

Minutes of the March 2, 2015, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, By the authority granted in ORS 190.110 and ORS 283.110, local governments may enter into agreements with the state agencies for the performance of any and all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, the interagency agreement acceptance requires approval by the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept an Intergovernmental Agreement with the Corvallis School District 509J in support of the Safe Routes to Schools. Project 653427 near Hoover, Jefferson and Garfield Elementary Schools and authorizes the City Manager to execute the agreement and any related amendments.

_____
Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

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COUNCIL REQUESTS

FOLLOW-UP REPORT

FEBRUARY 26, 2015

****

1. Comcast Franchise Renewal Update (Bull)

   The attached memorandum from Public Works Director Steckel responds to Councilor Bull's request for a status report regarding the City's franchise contract renewal with Comcast.

2. Pedestrian Connectivity Along SW Western Boulevard (Bull)

   The attached memorandum from Community Development Director Gibb and Public Works Director Steckel responds to Councilor Bull's inquiry regarding street improvements along SW 35th Street and SW Western Avenue related to The Retreat development.

3. Pedestrian Crossing – NW Walnut Boulevard (Hann)

   The attached memorandum from Public Works Director Steckel explains plans to construct a crosswalk across NW Walnut Boulevard between NW 13th Street and NW Garryanna Street/Drive and various options related to the project.

4. Whipple Memorial Bench at Shawala Point

   The attached memorandum from Parks and Recreation Director Emery responds to citizens' inquiries regarding a memorial bench at Shawala Point.

Nancy Brewer
City Manager

MEMORANDUM

TO: Carla Holzworth, City Recorder

FROM: Mary Steckel, Public Works Director

DATE: February 19, 2015

SUBJECT: Council Request Follow-up: Comcast Cable Franchise Renewal

Staff is providing this report in response to Councilor Bull's request for information about the Administrative Services Committee pending item of Comcast Franchise Renewal Update.

In May of 2011, staff provided the City Council a summary of the cable television renewal process (attached). On January 1, 2013, the current non-exclusive franchise agreement with Comcast for cable television services in Corvallis expired.

The federal Cable Act dictates the renewal process and allows cable operators to continue to provide service under the terms of an expired agreement during negotiations. Comcast continues to operate under the provisions of the current agreement. It is acceptable to the City that Comcast operate under the current agreement provisions until a new agreement is approved.

In early 2012, staff and Comcast began meeting to negotiate a new agreement. Progress has been much slower than expected, due to four reasons:

1. The first two years of negotiations were extremely difficult and contentious and frustrating. Progress was slow, with work and acceptance on an item in one meeting, being undone and contested in the next.
2. Comcast's primary negotiator retired at the end of 2013. His replacement requested the negotiations to start over for his knowledge and understanding, resulting in the loss of two years of effort.
3. At the same time negotiations were underway, the City performed a review of Comcast franchise fee remittances, the results of which were contested by Comcast for three years. Comcast's refusal to provide information to resolve the review outcome or pay the findings of the review, prompted staff to cease franchise negotiations until such time as the franchise fee review was resolved. Comcast paid on the findings at the end of August 2014.
4. The Comcast negotiator has claimed to be overly busy working on a new agreement with the Metropolitan Area Communications Commission (MACC) in the Portland area. MACC represents a major portion (15 jurisdictions) of the Portland metro cable TV market. Negotiations between MACC and Comcast have been similar to Corvallis staff experiences with little movement or cooperation. As a result, MACC received permission from its members to follow a formal process negotiation path in addition to the informal path it (and Corvallis) had been using to that point. The formal path as provided under the federal Cable Act has specific timelines and requirements, and is also extremely costly ($100k+) to the jurisdiction and Comcast. Comcast claims this formal process and its timelines with MACC have not allowed them to concentrate on Corvallis. Although

under the formal process, MACC still does not have a new agreement and progress for them continues to be very slow.

Staff has continued to meet with Comcast on a less frequent basis and has received commitments from them that have not materialized. Staff is not hopeful a new agreement will be available for City Council approval in the near future. To provide some interim certainty until a new agreement can be approved, staff requested Comcast for a side letter extending the current agreement for five additional years. Comcast committed to providing a draft letter, but has not. Corvallis is not alone regarding negotiating cable TV franchises with Comcast; there are numerous cities in Oregon whose experience mirrors Corvallis'.

Based on MACC's experience, Corvallis's current franchise agreement, and other newer agreements between Comcast and cities across the country, staff does not see any advantage for the city or Comcast subscribers in Corvallis from pursuing the formal renewal process.

Unless Council directs otherwise, staff will remove the Comcast renewal from the Administrative Services Committee's pending items list until such time as materials are ready to bring forward to the Council.

MEMORANDUM

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director

DATE: April 8, 2011

SUBJECT: Cable Franchise Renewal Process

ISSUE

The City's cable TV franchise agreement with Comcast expires January 1, 2013.

BACKGROUND

A cable franchise agreement provides a non-exclusive authorization for a company to make reasonable and lawful use of the public rights-of-way within the city to construct, operate, maintain, reconstruct, rebuild, and upgrade a cable TV system for the purpose of providing cable TV service to the community. Agreements establish requirements for the placement of cable TV facilities within the rights-of-way and within limits set by the City which are reasonably related to the City's role in protecting the public health, safety, and welfare. Normally, in exchange for the benefits and privileges granted under a cable franchise and in consideration of permission to use the City's right-of-way, franchisees pay a franchise fee equal to 5% of the gross revenues they earn from their services within the franchise area. In addition cable franchisees pay a negotiated fee to support public, education and government (PEG) access television channels.

The City and Comcast have agreed to an informal cable renewal process pursuant to Section 626(h) of the Cable Communications Policy Act of 1984, as amended. The informal process allows for a flexible time-line and the opportunity to negotiate a new cable agreement based on the community's future cable-related needs.

It is important to note that the cable franchise does not regulate the provision of internet or telecommunication services. The City's Telecommunications Ordinance 99-26 regulates telecommunications (Comcast voice services).

The first step in the informal cable renewal process is a community needs assessment. The assessment is conducted to determine the future cable-related needs of the community and gathers input from interested parties on how cable services such as PEG access can benefit the city. Components of the ascertainment generally involve public meetings and surveys. Interested parties include educational institutions, key community groups, government agencies and technical consultants.

Another common component of the needs ascertainment is the review of the cable operator's performance. This may include an audit of the company's compliance with the current agreement, a technical evaluation of the cable infrastructure and equipment maintenance, a financial review, a review of customer service standards, and a review of public, education, and government (PEG) access and institutional network (communication infrastructure between local government facilities known as INET) requirements.

DISCUSSION

The last cable franchise renewal (2003) involved an extensive needs ascertainment and community outreach. From the reviews, outreach, and hard negotiations by staff, the City significantly improved its PEG and

INET systems and established stable funding for those programs. It is not anticipated that there will be the substantial changes in the upcoming agreement that occurred in 2003. Staff has compared the 2003 agreement to others recently adopted around the country and have not identified many areas of potential improvement.

Cable franchise renewals can come at a significant cost to the City depending on the complexity of the needs assessment, consultants, and/or legal assistance required. Since franchise fees are revenue to the General Fund, the costs of the renewal would be expenditures to that fund. Due to General Fund budget concerns and the extensive ascertainment conducted during the last franchise renewal in 2003, staff has been actively engaging other communities who have recently or are currently involved in a cable franchise renewal to help understand which components of a needs assessment are the most critical for a successful renewal and positive outcome for the community.

Based on those discussions, staff proposes the following needs assessment components:
Administer in-house

- Conduct a web-based community survey of Comcast services
- hold two public meetings
- Review of Comcast's compliance with customer service standards
- Review and verify Comcast's compliance with the existing franchise
- Meet with current PEG access channel stations to determine future needs
- Review status of the City INET

Contract with consultants

- Review of past franchise fee payments for accuracy - currently underway
- Legal services in preparation for and/or during negotiations - as needed

The proposed assessment scope above does not include a technical evaluation of the cable equipment maintenance or performance. This would require additional consulting services. Cable outage history reported to the City does not illustrate a problem with the distribution system. If, following the public survey and meetings, cable TV transmission problems are identified as a concern, staff will bring the information back to the Council to decide if the expense of the technical audit is balanced by the benefit to the community.

As the franchise renewal process progresses, staff plans to work with the Administrative Services Committee to discuss renewal activities and to keep the full Council updated on the project.

CONCLUSION

Unless directed otherwise by the Council, staff will proceed with the cable franchise renewal community needs assessment and process as proposed.

Review and Concur:

Jon S. Nelson, City Manager

Memorandum

Date: February 25, 2015

To: Mayor and City Council

From: Ken Gibb, Community Development Director
Mary Steckel, Public Works Director KG for MS

Re: Public Improvement Requirements – The Retreat Project

Background:

Staff provided information to a Corvallis community member (a Ward 4 resident) regarding street improvement requirements related to the project under construction (known as the Retreat) near the intersection of Western Boulevard and 35th Street. In follow-up to this response, Councilor Bull had further questions that are discussed below.

Discussion:

In response to a question from a community member about why there had been street improvements made on the 35th Street frontage adjacent to the OSU Foundation site and not the southerly frontage of the Foundation's property (along Western), staff provided the following response:

"*Regarding your additional questions, requiring the Retreat project to make OSU Foundation property frontage improvements (for either or both 35th and Western frontages) was not determined, through the building permit review process, to be proportionate to the project's impact. However, the improvements on the 35th Street frontage responded to the City's development related concern (associated with the annexation application) regarding bicycle and pedestrian connectivity to the University and were done on a voluntary basis.*"

Councilor Bull had additional questions/concerns as follows:

1. **How proportionality is determined for these kinds of developments?**

   Community Development and Public Works staff review development projects to determine the appropriate level of City required public improvements based on the legal principle of rough proportionality, i.e. the level of improvements related to the amount of impact associated with the project upon public improvements. In the case of the Retreat project, the following on and off site transportation improvements were implemented:

   NEW STREET CONSTRUCTION
   Construction of new Collector Street (Sagebrush) – 1,767 linear ft.
   Construction of new local streets – 2,215 linear ft.

IMPROVEMENTS-EXISTING STREETS

35th Street Improvements – 1,725 linear ft. – Both sides of the street constructed to City Standards.

Western/West Hills – 600 linear ft. – varied ½ and ¾ improvements to City Standards.

Frontage along 5 lots east of Deon – approximately 650 linear ft. of curb and gutter– Improvements constructed in conjunction with street widening.

New multi-use path along 35th Street from Sagebrush (new collector) to Washington Way (running north) and Western (running south)

In addition, System Development Charges (SDCs) are charged to all development projects in order to support future capacity based expansion needs (transportation, storm water, water, sewer and parks). The Retreat project paid about $4.4 million in SDCs, including $552,000 in street SDCs.

As noted in the original response, it was determined by City staff that frontage improvements to Western and 35th adjacent to the OSU Foundation site were not a requirement of the Retreat project because they were not proportional. However the OSU and the Retreat developers independently worked out an arrangement to make certain 35th Street improvements in exchange for access to OSU property located north of the OSU Foundation site.

In summary, 3,982 linear feet of new streets and 1,250 linear ft. of partial street improvements (½ and ¾ street and curb/gutter) were required improvements and 1,725 linear feet of 35th Street frontage improvements and the 35th Street multi-use path were independently negotiated between OSU and the project developer.

2. **Questions about future changes to the 35th and Western intersection**

Future improvements to this intersection will likely be linked to development activity such as future projects at the OSU Foundation site.

3. **Concerns about student pedestrian safety at the 35th Street entrance to the Retreat e.g. the potential to install pedestrian crossing signals**

The 35th Street entrance to the Retreat will have a marked pedestrian crosswalk. This location has very good sight distance and therefore pedestrians will be visible to traffic. Based on established criteria, this location would not likely qualify for a pedestrian activated flashing signal.

4. Concerns about the lack of pedestrian safety lighting on Washington Way into campus

OSU is currently installing new street lighting on Campus Way between 30th and 35th Streets as a response to similar concerns. The question about Washington Way lighting has been raised by others and OSU has indicated that these concerns are under review. In the meantime, pedestrians can travel from 35th to campus via Jefferson which is lit and Campus Way when that lighting project is completed in the spring.

5. Whether pedestrian safety was addressed by the Collaboration project?

The Parking and Traffic Work Group recommended (3-6) to the Collaboration Corvallis Steering Committee that Oregon State identify and assess pedestrian, skateboarding and bicycle routes adjacent to and passing through campus from a safety standpoint. It also recommends that the City of Corvallis conduct a similar assessment of primary routes leading to campus.

OSU is developing a series of transportation maps to address the Collaboration recommendation which will include primary and secondary pedestrian and bicycle routes. These maps will help identify missing links or need for enhancements for future attention. OSU indicates that some travel routes may be converted, e.g. from vehicular to bike and/or pedestrian.

The City has initiated the Transportation System Plan update. An assessment of bicycle/pedestrian network near the OSU campus will be part of the data collection phase of the project.

Review and Concur:

Nancy Brewer, City Manager

MEMORANDUM

TO: Mayor and City Council

FROM: Mary Steckel, Public Works Director

DATE: February 24, 2015

SUBJECT: Council Follow-up Request, Pedestrian Crossings

This summer, a pedestrian crossing will be constructed on NW Walnut Boulevard mid-block between 13th Street and Garryanna Drive. This crossing will include pedestrian activated flashing beacons to alert motorists. Correspondence concerning this project has resulted in a request from Councilor Hann to provide information on the options available to establish or enhance pedestrian crossings.

In general, the method of addressing pedestrian crossing concerns is dependent on pedestrian volumes, vehicle volumes, and crossing distances. The following options progress from simple to more complex and include estimated costs. Cost estimates are based on implementation of a mid-block crossing across a 5-lane street section similar to that of NW Walnut Boulevard.

Do Nothing. By law, a pedestrian crossing exists at all street intersections, whether or not they are specifically marked with a crosswalk, and vehicles are required to stop for pedestrians. The addition of a marked crosswalk does not always result in a safer pedestrian experience and in fact, may result in an increase in motorist/pedestrian conflicts. The Council Policy on crosswalks recognizes this and identifies specific locations for consideration of a marked crosswalk: at signalized intersections, school crossings, and locations where average pedestrian volumes are high. Staff has researched established standards and uses 20 or more peak hour pedestrian crossings as the threshold for consideration of a marked crosswalk.

Marked Crosswalk. In locations where it is determined that a crosswalk is consistent with Council Policy, a marked crossing may be considered. Pavement marking is typically accomplished using a plastic material that adheres to the pavement when heated at a cost of approximately $2,000. This material is expected to last 7-10 years before needing replacement. As an enhancement to crosswalks, communities have experimented with providing brightly colored flags located at both sides of a crossing to be taken up by pedestrians as they cross a street, and waved to increase visibility to motorists. To staff's knowledge, this approach is not being pursued on a larger scale, primarily due to the difficulty of maintaining a supply of flags at crossings.

Marked Crosswalk with Island. In this scenario, a crosswalk would be marked and a raised concrete island constructed to provide a mid-crossing point for pedestrians to take refuge. Pedestrians need only be concerned with traffic from a single direction as they make a two-stage crossing of the street. The cost of this option is $24,000. The raised island requires little maintenance and the cost to maintain is comparable to a marked crosswalk. Generally this option is appropriate when the pedestrian threshold is met and the street has sufficient width to construct an island.

Marked Crosswalk with Island and Pedestrian Flashing Signal. In addition to a marked crosswalk and raised island, this option would include a flashing beacon which is activated by the pedestrian. This is the option that will be implemented on NW Walnut Boulevard. An example of this type of facility can currently be seen on 9th Street near Spruce Street. The cost to implement is estimated at $48,000. The cost to maintain this type of facility includes not only normal wear and tear on electronic equipment, but also the cost to replace equipment that may be struck by motor vehicles. Due to the limited number and age of this type of facility in our community, costs to maintain these facilities have not yet been developed. Generally this option is implemented where the pedestrian threshold is met at locations with 4 or more lanes and higher traffic volumes.

Enhanced Signage/Delineators. Any of the options above may be further enhanced with additional signage and/or flexible bollards which are intended to heighten the awareness of the pedestrian crossing to a motorist. Costs for this option can range from $500 -- $1,500.

As previously stated, specific solutions to a pedestrian crossing issue will depend on the characteristics of the particular location. The appropriateness of any of the options noted will need to be considered on a case-by-case basis.

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CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

MEMORANDUM

To: Mayor and City Council
From: Karen Emery, Director Parks and Recreation Department
Date: February 23, 2015
Subject: Mr. Whippel Memorial Bench

Issue: City Council requested follow up regarding the ad hoc memorial bench in honor of Mr. Whippel located at Shawala Point.

Background:
In early January Mr. Whippel passed away near a bench that is located at the point of Shawala Point. A week later the boards of the bench were reported missing. Staff contacted the Corvallis Police Department and confirmed that they did not remove the boards. Staff's conclusion is that the bench boards were stolen.

Staff went to the site to remove the metal bench ends and found that a group of people creatively rebuilt the seat and back of the bench using an aluminum bleacher, sticks, found objects and handmade art items to form a remembrance art bench for Mr. Whipple Rather than tear down the memorial immediately staff posted a sign saying Parks and Recreation will be removing the material at the end of the week. The delay in removal was an attempt to be sensitive to the feelings of those who created the memorial.

The people who built the remembrance art and other friends of Mr. Whipple asked the Mayor, City Council and City staff to leave the memorial up until it could be moved to another location. The current location was a memorial bench for another person and would need to be replaced.

Discussion:
Parks and Recreation staff met with friends of Mr. Whipple to discuss the future of the remembrance art bench as well as test the interest to use the established memorial policy for a more traditional memorial item for Mr. Whipple, such as a bench or tree. Additionally, an annual remembrance art project was discussed as a possible new idea. The group of friends was going to discuss this further with staff at The Art Center.

The week of February 3, 2015 the remembrance bench was vandalized and destroyed. Parks and Recreation staff removed the metal bench ends due to safety. The group of friends of Mr. Whipple has asked staff if these could be donated for another project outside of public property. Staff recommends this as City Policy allows this, they are of little value and will not be reused. Staff remains in contact with Mr. Whipple's friends and will work with them in the event they are interested in purchasing a memorial for Mr. Whipple in the future. Lastly, staff will work with this group if they are interested in establishing an annual remembrance art event potentially in partnership with the Art Center.

CITY OF CORVALLIS – COUNCIL REQUESTS – TRACKING REPORT
PENDING REQUESTS

Council Request Item	Requested By	Date of Request	CR Report Due Date	Assigned to	Response in CR Rpt No.	Comments
Pedestrian Connectivity Along SW Western Boulevard	Bull	01-20-15	02-24-15	Gibb	ccr 02-26-15	
Overview of Pedestrian Safety Solutions	Hann	01-20-15	02-24-15	Steckel		
Follow-up on Michael Whipple Memorial	Traber	01-20-15	02-24-15	Emery, K.		removal date, preservation, etc.
Dogs Off Leash	Glassmire	02-17-15	03-31-15	Emery, K.		
Comcast Franchise Renewal Update	Bull	02-18-15	03-10-15	Steckel	ccr 02-26-15	pending ASC issue
Pedestrian Crossing – NW Walnut Boulevard	Hann	02-25-15	03-10-15	Steckel	ccr 02-26-15	between NW 13th Street and NW Garryanna Street/Drive
Whipple Memorial Bench at Shawala Point			03-10-15	Emery, K.	ccr 02-26-15	

MEMORANDUM

DATE: **February 25, 2015**

TO: **Mayor and City Council**

FROM: **Ken Gibb, Community Development Director**

RE: **Planning Work Program Priorities**

BACKGROUND:

Last month, Community Development staff reviewed planning work program priorities with Council Leadership who requested that this information be presented to the Council.

DISCUSSION:

Attachment A is a review of the system of establishing planning work priorities and Attachment B provides a current snapshot of current planning (i.e. land use applications) and long range planning projects that are on the short and longer term horizon.

As indicated in Attachment A, the highest priority for planning staff (and the Planning Commission and City Council) must be the review of land use applications that are subject to the state mandated 120 day time frame that is initiated once an application is deemed complete. The number and complexity of these applications will ebb and flow over time.

As Attachment B shows, there are currently 42 land use applications on the docket at various stages of completeness which is the largest number in recent memory. The outline also identifies anticipated long range planning efforts in the short and longer term. Both current and long range activities are rated in terms of projected level of effort (small, medium and large) by staff and the Planning Commission/City Council.

As specified by the LDC, decisions on some land use applications will made at the staff level, subject to public notice and appeal opportunities. However, many must be reviewed by the Land Development Hearings Board, Planning Commission, Historic Resources Commission and

in many cases, the City Council. Our best current projection is that there will be 10 public hearings at the LDHB/PC/HRC level over the next six to eight months. During the same time frame, there are 5 applications that must go to the City Council for public hearings/decisions, e.g. Comprehensive Plan amendments, and an additional 5 applications that are likely candidates for appeal to the City Council with associated public hearings.

As outlined in Attachment A, Priority # 2 is to address those highest priority items on the Council approved bi-annual planning work program. This list includes the planning projects recommended by the Planning Commission and Council goals that are supported by Community Development staff. Over the past 4 years, there have been 6 Council goals supported by Community Development and 8 other highest priority work program items. Attachment 3 provides a status report on our progress in addressing the priorities in 2011-12 and 2013-14. This shows that all of the highest priority items have been addressed, although it is acknowledged that lower priority projects have not moved forward because of resource limitations.

The levy funded planning position will provide additional capacity for long range planning. Staff time is tracked to ensure that a minimum of 1 FTE is directed to long range planning projects. Multiple staff will be involved but a senior planner in the Planning Division was recently assigned to be a lead in long range planning efforts. Our goal is to spend more than 1 FTE on long range activities but an extra time allocation may be difficult to maintain in upcoming months due to the influx of current planning cases described above.

Priority #2A is other assignments that come forward periodically that are deemed important by the City Council, boards and commissions and staff. These are addressed as needed over the course of doing the City's work.

Looking forward, there are several non-land use application items that have been identified as high priorities in the short term, independent of a formal work program adoption process. These include:

1. Providing staff support to the OSU Related Plan Review Task Force.
2. Initiating the Buildable Lands Inventory (BLI) update now that funds are available to do so.
3. In conjunction with several other City departments, addressing the wildfire abatement/significant vegetation issue that was presented to Urban Services last fall. This may include Land Development Code amendments.

The above project list is in order of priority, as staff understands it. As noted during the Planning Commission/City Council work session last December, staff is prepared to dedicate

available resources to support the OSU Task Force and is currently doing so. However, this will result in an impact on items 2 & 3 above and other planning activities. This is not to say that other projects won't be worked on (in addition to the mandated review of land use applications). For example staff is doing preliminary work on the BLI project and a planner has been designated to continue work on the wildfire/vegetation project once time is freed up from a major land use application. It is a matter of resource allocation and timing based on Planning Commission and City Council directed priorities.

During the discussion, Council leadership suggested that in light of these projects, the process for staff, the Planning Commission and City Council to develop a 2015-16 planning work program might be put on hold so that efforts could be focused on the 3 identified short term priorities.

If this is the direction, staff suggests that:

1. At an upcoming meeting, the Planning Commission conduct its annual review of unresolved planning issues, as called for in the Comprehensive Plan.
2. Items identified through this process by the public, Planning Commission members and staff will be inventoried for future consideration.
3. Work on developing the prioritized list of planning projects be postponed until mid-year. This would allow resources to be focused on items 1-3 above, provide for an opportunity to factor in adopted planning related Council goals and determine the highest planning related priorities for the balance of 2015-16.

REQUESTED ACTION:

The Council is requested to consider this information and provide direction as deemed appropriate.

Review and Concur:

Nancy Brewer, City Manager

Planning Work Program Priorities
(Staff focused but also PC/CC related)

 # 1 – Land use application review within state mandated time frame

- Number and complexity will vary over time
- Appeals will significantly impact staff/CC resource requirements

 # 2 – Address prioritized planning work program items/CC goals as resources permit

Over the past 4 years/2 CC terms, there were 6 CD supported CC goals and 8 other highest priority planning projects

- All staff supported CC goal and highest priority planning work program projects were completed (1 planning work program item was identified as an Infill Task Force led effort)
- There has been limited capacity to address lower priority items

 # 2 A – Other Projects as assigned, e.g.

- Staffing the EDC start-up and assisting in developing the ED strategy (Council goal related)
- FEMA mandated LDC changes
- Support for board/commission projects, e.g. historic preservation plan

CD is excited to have the levy supported long range planning FTE available to assist the community in the next round of long range planning projects

We are prepared to work on what the PC/CC deem to be the highest priority projects. As indicated, in the December 1 memo to the PC/CC work session, we are ready to jump into the OSU Comp Plan related project and that work has now started.

We also noted that this would impact other projects and as discussed at the work session, this includes the BLI update and significant vegetation/wildfire abatement work. This is **not** to say that staff won't work on these projects. It is a matter of resource allocation and timing based on PC/CC directed priorities.

Community Development - Planning Related Work Assignments (and relative anticipated effort – small, medium, large)

Current Planning (as of 2/24/2015)

Land Use Applications Currently in Process:

- Coronado, Tract B Planned Development Modification. Appealed to City Council, scheduled for 3/2/2015. (Large)
- Farra House Historic Preservation Permit Appeal. Findings to be reviewed by City Council on 3/2/2015. (Small)
- William Lane House Historic Preservation Permit Appeal. Findings to be reviewed by City Council on 3/2/2015. (Small)
- Campus Crest at the Oregon Court of Appeals/Potential LUBA Remand (Medium)
- Sylvia Subdivision – Zone Change / Low Density Residential Subdivision on West Hills Road. Scheduled review by Planning Commission on 3/4/2015. (Large)

Land Use Applications In Progress – Not Yet Scheduled for Hearings:

- The HUB and Timberhill Subdivision – Planned Development and Subdivision for Multi-Family Housing. Anticipated review by Planning Commission and City Council. (Large)
- Downtown Hotel – Willamette River Greenway and Conditional Development Review for Five-Story Hotel on the Riverfront. Anticipated review by Planning Commission and City Council. (Medium)
- The Crest at Timberhill – Comprehensive Plan Amendment, Zone Change, Planned Development, and Subdivision at the end of 29th Street. Anticipated review by Planning Commission and City Council. (Large)
- Pastega Property Comprehensive Plan Amendment and Zone Change for property northeast of Hwy. 99 and Walnut Blvd. Reviewed by Planning Commission and City Council. (Medium)
- Willamette Business Park Comprehensive Plan Amendment and Zone Change for property on the west side of South 3rd Street, south of Wake Robin. Reviewed by Planning Commission and City Council. (Large)
- Habitat Re-Store Site Rezone – southeast corner of Hwy 20/34 and Technology Loop. (Medium)
- Riverbend Square Re-Development - Conditional Development Review for drive-through facility and commercial development at northeast corner of 9th Street and Starker. (Medium)
- Multiple Staff-Level Minor Land Partitions, Replats, Plan Compatibility Reviews, and Historic Preservation Permits (Small individually, Large collectively – Currently 13 applications)

Master Plan Updates Needing Comprehensive Plan Amendment Review:

- Parks and Recreation Master Plan. Forwarded to City Council for review on 3/16/2015. (Medium)

- Airport Master Plan and Airport Industrial Park Master Plan. Reviewed by Planning Commission and City Council. (Medium)

Land use application summary (next 6 – 8 months) :

Currently active land use cases: 42
Cases to be reviewed by LDHB/PC/HRC: 25, consolidated into 10 anticipated initial hearings.
Cases to be reviewed by the CC: Five applications must be reviewed by the City Council in public hearings. An additional five, and possibly more, are anticipated to be appealed to City Council.

Anticipated Long Range Planning Projects and Related Efforts:

2015 – currently on docket

- Comprehensive Plan Findings and Policies/LDC review Related to Oregon State University (including staff support to Task Force) Reviewed by Planning Commission and City Council. (Large)
- Land Development Information Report- precursor to BLI (Medium)
- Update to the Buildable Lands Inventory Information Report - consultant services will be engaged – (Large)
- Potential Wildfire Abatement /Significant Vegetation Measures. LDC Changes would be reviewed by Planning Commission and City Council. (Medium/Large)
- Historic Preservation Plan (Medium)
- Transportation System Plan - still in early stage of development, Planning Manager serves on technical committee. Reviewed by Planning Commission and City Council. - (Large)

Later in 2015 and Beyond

- Corvallis Vision Statement (and possible Action Plan) Adoption process not certain. (Large)
- Oregon State University District Plan Review. Likely reviewed by Planning Commission and City Council. (Large)
- Comprehensive Plan Update. Reviewed by Planning Commission and City Council. (Large)
- Land Development Code Update (to implement the updated Comp Plan) Reviewed by Planning Commission and City Council. (Large)

2013 – 2014 Planning Work Program Review

Activity	Completed	Significant Progress	Initiated	Comments
City Council Goal – City/OSU Collaboration Project	✓			The Neighborhood Planning Work Group completed work on recommendations in October, 2013. A total of 15 planning related recommendations were included in a series of 3 LDC amendment packages prepared that were approved by the Planning Commission and City Council during 2013-14. In addition, Collaboration recommended demolition permit process changes were developed by staff and approved by the City Council in 2014. The recommendation to develop a Historic Preservation Plan is underway.
Work Program – Near-term Priorities:				
Package #1 - LDC Amendments from the Collaboration Work Groups.	✓			LDC package #1 was developed during 2014, recommended by the Planning Commission and approved by the City Council in August 2014.
Package #1 - LDC Amendments to facilitate code-compliant alterations within approved Planned Developments (recommendation from the Economic Development Commission).	✓			Part of LDC package #1 that was developed during 2014, recommended by the Planning Commission and approved by the City Council in August 2014.
Package #1 - LDC Amendments to facilitate certain types of historic reviews (recommendation from the Historic Resources Commission).	✓			Part of LDC package #1 that was developed during 2014, recommended by the Planning Commission and approved by the City Council in August 2014.
Authorize the Corvallis Infill Task Force (CITF) to begin work on their proposed limited scope code fixes, as well as working with staff to assist in the development of design guidelines.		✓		The CITF has completed work on a pamphlet illustrating code-compliant deer fencing and has made significant progress in developing a design guidelines document to encourage compatible infill development in Corvallis.

Package #2 – Development of Design Standards, based on the recommendations of the Collaboration's Neighborhood Planning Work Group.	✓			The Technical Advisory Team (TAT) completed its work in early fall 2014, final code language developed and the review process by the Planning Commission and City Council conducted throughout the fall with final Council approval occurring in December 2014.
Work Program – Later Priorities				
Update the Buildable Lands Inventory (BLI) and develop a policy/ methodology for calculating the 5-Year Supply of Serviceable Land for use in Annexation applications			✓	With the completion of the CC goal related housing study in December 2014, funding for the BLI update project is now available. Staff has initiated preliminary work on the RFP for consultant services.
LDC Amendments to address items from the 2013 Unresolved Planning Issues List that were identified for possible inclusion in a package of "Code Tweaks," as well as: review the definition of "infill," eliminate MADA credits for areas of wetland mitigation, and consider whether to continue to allow surface stormwater detention facilities within protected natural resource areas if infiltration is not viable.		✓		Some items from the 2013 Unresolved Planning Issues list were included in the 2012 LDC Amendment package, including "Code Tweak Packages 2 and 3", along with clarifications to accessway requirements, block perimeter standards, expiration timelines for various land use applications, standards relating to arbors and pergolas, and other changes.
Update 2020 Vision Statement to provide for a 2040 Vision Statement.			✓	Councilors and staff have conducted some initial research regarding options for the Vision Project. Next steps pending City Council prioritization/direction through 2015-16 goal setting process.
Consider further revisions to the solar energy policies of the Comprehensive Plan and/or the regulations in LDC Chapter 4.6.				No activity due to higher priorities.
Establish a Vegetation Management Plan guidebook and mechanisms for reviews.				No activity due to higher priorities.

Planning Work Program FY 11-12 Review

Activity	Completed	Significant Progress	Initiated	Comments
City Council Goals				
AIP Master Plan Update (2009-10 Council Goal)	✓			County AIP Zone in place. Final AIP document approved by CC.
ED Strategies	✓			Strategy approved with staffing/implementation program in place.
Create Collaboration Plan with OSU	✓			Multi-year work plan is underway. Major project management and technical role for CD staff.
Local Food Goal – LDC Related Actions	✓			Food related LDC changes approved by CC in December 2012
Planning Work Program Highest Priorities				
List A: Housekeeping Items	✓			Approved by CC in December 2012
List B: Incorporating Infill Task Force Recommendations into LDC	✓			Approved by CC in December 2012
List C: Substantive Issues Related to Streamlining LDC	✓			Approved by CC in December 2012
Other Assignments				
Complete FEMA required LDC Changes	✓			Completed in Mid-2011
Package of Downtown Related LDC Changes	✓			Completed in Fall-2011
Food Cart Ordinance	✓			Completed in Fall-2011 – One year review underway.
Consider OSU Managing Historic District	✓			Completed in early 2013
Consider On the Record Hearing	✓			Report back to CC
Technical Assistance on Downtown EID	✓			EID approved in July 2012

MEMORANDUM

TO: Mayor and City Council

FROM: Mary Steckel, Public Works Director MS

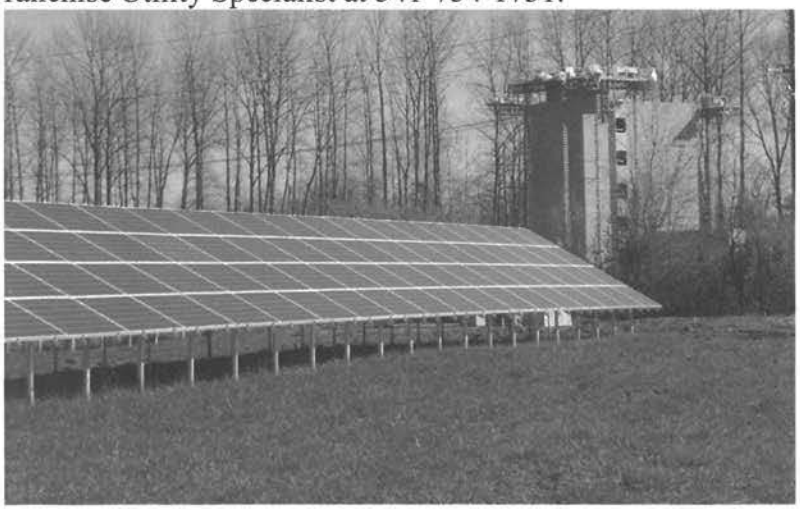
DATE: February 18, 2015

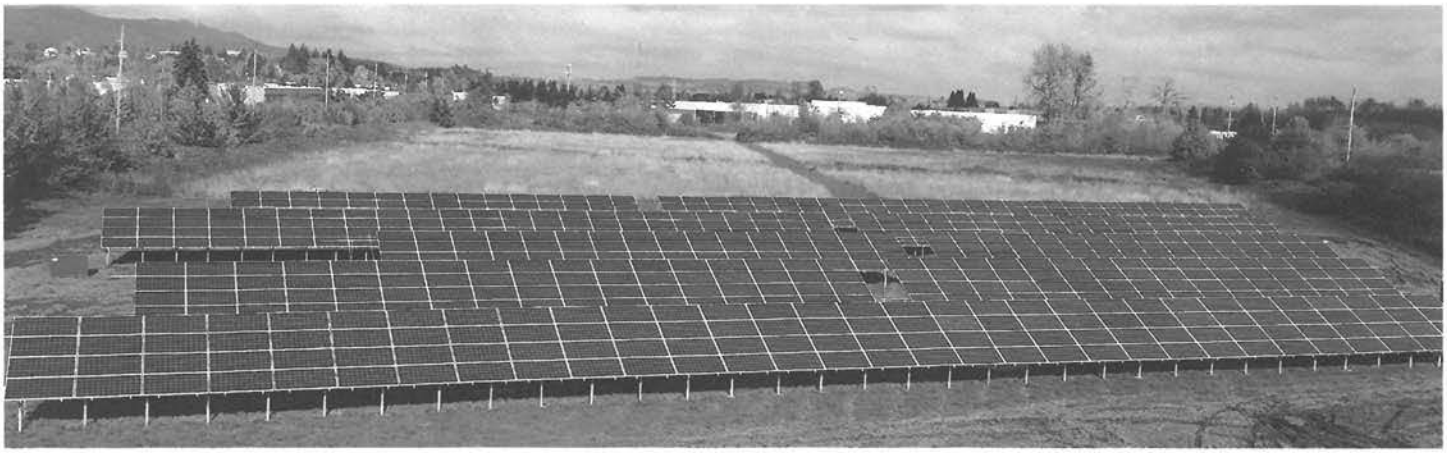
SUBJECT: Public Works Solar Photovoltaic Array

The City turned on its third city-owned renewable solar electric generation project on December 30, 2014. The 208kW system was constructed in a field west of the main Public Works compound with 97% of the project funding coming from Pacific Power's Blue Sky program and the Energy Trust of Oregon. In addition to powering part of Public Works, the array will also energize the Fire Department's new fire training facility located nearby. A tour of the array is being planned for later in the spring.

The system includes web-based monitoring that can be accessed from the City's website on the Sustainability page. It shows real-time (within a couple hours) and historical energy production from the panels.

This memo is provided for information only. For additional details, please contact Adam Steele, Public Works Franchise Utility Specialist at 541-754-1731.





ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS

February 26, 2015

Note: Future items listed below may move to another meeting date, depending on workload issues and other factors.

MEETING DATE	AGENDA ITEM
March 4	• Second Quarter Operating Report • Council Policy Review and Recommendation: • 10.01-10.08, "Financial Policies"
March 18	• Ambulance Rate Review

April 8	• Second Quarter Reports:
	  • Visit Corvallis
	  • Downtown Corvallis Association Economic Improvement District

April 22	• Council Policy Reviews and Recommendations:
	  • 2.08, "Council Liaison Roles"
	  • 2.09, "Council Orientation"

May 6	• Land Use Application Fees Review • Livability Code/Neighborhood Outreach Program

May 20	• Third Quarter Reports:
	  • Visit Corvallis
	  • Downtown Corvallis Association Economic Improvement District

June 3	• Third Quarter Operating Report • Sunset Review/Annual Report: • Community Police Review Advisory Board
June 17	• Republic Services Annual Report
July 8	•
July 22	•

August 5	• Annual Reports:
	  • Budget Commission
	  • Economic Development Advisory Board

August 19	•

September 9	• Fourth Quarter Reports:
	  • Visit Corvallis
	  • Downtown Corvallis Association Economic Improvement District

September 23	• One-Year Review of PPTF Recommendations on Advisory Board and Commission Changes • Council Policy Review and Recommendation: • 3.02, "City Compensation Policy"
October 7	• Fourth Quarter Operating Report

October 21	• Utility Rate Annual Review
	• Council Policy Reviews and Recommendations:
	  • 1.01, "Charges for Copying of City Material"
	  • 3.01, "Appointment of Acting City Manager"

November 4	•
November 18	• Council Policy Review and Recommendation: • 1.11, "Identity Theft Prevention and Red Flag Alerts"

December 9	• First Quarter Reports:
	  • Visit Corvallis
	  • Downtown Corvallis Association Economic Improvement District
	  • City Operating
	• Comprehensive Annual Financial Report

December 23	• Council Policy Reviews and Recommendations:
	  • 1.09, "Public-Access Television"
	  • 3.04, "Separation Policy"

ASC PENDING ITEMS

• Arts Percentage for Municipal Building Construction	Parks and Recreation
• Comcast Franchise Renewal Update	Public Works
• Corporate Securities List	Finance
• Council Policy Review and Recommendation: 2.10, "Use of Electronic Mail by Mayor and City Council" (cont'd from 2/18/15)	City Manager's Office
• Economic Development Policy on Tourism	City Manager's Office
• Multi-Family Residential Tax Incentive Program for Downtown Area	Community Development
• Municipal Code Review: • Chapter 4.01, "Solid Waste Regulations"	Community Development

Regular Meeting Date and Location:

Wednesday of Council week, 1:00 pm – Madison Avenue Meeting Room

HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS

February 26, 2015

Note: Future items listed below may move to another meeting date, depending on workload issues and other factors.

MEETING DATE	AGENDA ITEM

March 3	• Annual Reports:
	  • The Arts Center
	  • Public Art Selection Commission
	• Council Policy Review and Recommendation:
	  • 4.12, "Guidelines for Public Art Selection"

March 17	• United Way Social Service Allocations Semi-Annual Report • Council Policy Review and Recommendation: • 4.01, "Guidelines for Commercial Vending and Fundraising Activities in City Parks"
April 7	•
April 21	•
May 5	• Majestic Theatre Quarterly Report • Liquor License Annual Renewals
May 19	•
June 2	• Social Service Allocations – Fiscal Year 2015-2016 • Sunset Review/Annual Report: • Parks, Natural Areas, and Recreation Advisory Board
June 16	•
July 7	• Corvallis Farmers' Market Annual Report
July 21	•

August 4	• Majestic Theatre Quarterly Report
	• Annual Reports:
	  • Arts and Culture Advisory Board
	  • United Way Social Service Allocations

August 18	• Annual Reports:
	  • Community Involvement and Diversity Advisory Board
	  • Housing and Community Development Advisory Board
	  • Community Relations Advisory Group

September 8	• Annual Reports:
	  • Library Advisory Board
	  • King Legacy Advisory Board
	  • Parks, Natural Areas, and Recreation Advisory Board

September 22	• Rental Housing Program Annual Report
October 6	•

October 20	• Council Policy Reviews and Recommendations:
	  • 1.04, "Official Flower"
	  • 1.07, "The Corvallis Flag"

November 3	• Majestic Theatre Quarterly Report

November 17	• Council Policy Reviews and Recommendations:
	  • 4.06, "Library Displays, Exhibits, and Bulletin Boards"
	  • 4.03, "Corvallis Senior Center Operational Policies"
	  • 4.04, "Park Utility Donations"

December 8	• 2016-2017 Social Service Priorities and Calendar
December 22	•

HSC PENDING ITEMS

- Marijuana-related ordinances — Police
- Municipal Code Reviews:
  - Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks) — Parks and Recreation
  - Chapter 9.02, "Rental Housing Code" — Community Development
- OSU/City Collaboration Project Recommendations (Action Items 4-1, 4-3, 4-4, 5-1) — Community Development
- Senior Center Conceptual Plan — Parks and Recreation

Regular Meeting Date and Location:

Tuesday of Council week, 2:00 pm – Madison Avenue Meeting Room

URBAN SERVICES COMMITTEE
SCHEDULED ITEMS

February 26, 2015

Note: Future items listed below may move to another meeting date, depending on workload issues and other factors.

MEETING DATE	AGENDA ITEM
March 3	• Downtown Parking Structure Discussion • OSU Parking Utilization Study Review • Systems Development Charge Annual Review • Council Policy Review and Recommendation: • 9.03, "Parking Permit Fees"

March 17	• Municipal Code Review:
	  • Section 6.11.330, "Motorcycle Parking"
	  • Section 8.03.200.020, "Downtown City-Owned Permit Lots"

April 7	•
April 21	•
May 5	• Transportation System Plan Update Process
May 19	• Council Policy Review and Recommendation: • 9.08, "Building Encroachments in the Public Right-of-Way"

June 2	• Sunset Reviews/Annual Reports:
	  • Bicycle and Pedestrian Advisory Board
	  • Transit Advisory Board

June 16	•
July 7	•
July 21	•

August 4	• Annual Reports:
	  • Airport Advisory Board
	  • Capital Improvements Program Advisory Board
	• Transportation System Plan update process

August 18	• Annual Reports:
	  • Downtown Advisory Board
	  • Historic Resources Commission
	  • Planning Commission
	• Council Policy Review and Recommendation:
	  • 7.14, "Prepayment for Public Street Improvements"

September 8	No Meeting (conflicts with Council due to Labor Day holiday)
September 22	• Watershed Management Advisory Board Annual Report

October 6	• Council Policy Reviews and Recommendations:
	  • 7.11, "Water Main Extensions and Fire Protection"
	  • 9.04, "Street Lighting Policy"

October 20	• Council Policy Reviews and Recommendations:
	  • 7.01, "Assessments – Sanitary Sewer and Water System Improvements"
	  • 7.02, "Assessment – Storm System"
	  • 7.03, "Assessment – Street Improvements"

November 3	• Council Policy Reviews and Recommendations:
	  • 7.16, "Guidelines for Donations of Land and/or Improvements for Parks as an Offset to Systems Development Charges for Parks"
	  • 1.08, "Organizational Sustainability"
	  • 8.01, "Watershed Easement Considerations"

November 17	• Transportation System Plan update process

December 8	• Council Policy Reviews and Recommendations:
	  • 7.09, "Traffic Control Devices; Cost of"
	  • 7.10, "Water Line Replacement"
	  • 9.01, "Crosswalks"

December 22	•

USC PENDING ITEMS

• Multimodal Transportation Advisory Board (2017)	Public Works
• Municipal Code Review:	Community Development
• Chapter 8.13, "Mobile Food Units"	Public Works
• Neonicotinoids	Parks and Recreation
• Total Maximum Daily Load	Public Works
• Vegetation Management and Fire Protection – Regulatory and Policy issues	Community Development/Fire

Regular Meeting Date and Location:

Tuesday of Council week, 6:00 pm through June – Madison Avenue Meeting Room
Tuesday of Council week, 5:00 pm July through December – Madison Avenue Meeting Room