Community Development Planning Division
P. O. Box 1083
Corvallis, OR 97339
(541) 766-6908

AGENDA

Corvallis Planning Commission
7:00 pm, Wednesday, October 7, 2015
Downtown Fire Station, 400 NW Harrison, 2nd Floor

I. Visitors Propositions - Opportunity for public input on matters of interest to the Planning Commission other than a land use application under current or future consideration by the Planning Commission.

II. Review of the Current Planning Division Work Program and the Unresolved Planning Issues List

III. Review of Article I (Chapters 1.0 – 1.6) of the Land Development Code – as time allows

IV. Planning Commission Minutes –
September 2, 2015
September 16, 2015

V. Old Business

VI. New Business

VII. Adjournment

For the hearing impaired, an interpreter can be provided with 48 hours notice.
For the visually impaired, an agenda in larger print is available.

Proposed Tentative Public Meeting Schedule for 2015

CC = City Council (for agendas or questions about meetings, call **541.766.6901**)

For questions about listed cases or about the following Boards or Commissions, call **541-766-6908**
PC **Planning Commission** (usually meets first and third Wednesdays at 7 p.m.)
LDHB **Land Development Hearings Board** (meets as needed)
DAB Downtown Advisory Board (meets second Wednesday at 5:30 pm in the Madison Avenue Meeting Room)
HRC Historic Resources Commission (meets second Tuesday at 6:30 p.m.) - ***Meetings are now held at the Fire Station Meeting Room. On occasion, an additional meeting may be held on the 4th Tuesday of the month, usually in the Madison Avenue Meeting Room.***

THE OFFICIAL ORDER OF BUSINESS FOR EACH MEETING WILL BE DETERMINED BY THE AGENDA. CC AGENDAS ARE DISTRIBUTED THE THURSDAY BEFORE A CITY COUNCIL MEETING; AGENDAS FOR OTHER MEETINGS (PC, LDHB, CCI, HRC) ARE USUALLY DISTRIBUTED ONE WEEK BEFORE EACH MEETING.

Meeting	Date	Description	Location
CC, 6:30 pm	**Oct. 5**	**Regular Meeting**	***Fire Station**
PC, 7 pm	**Oct. 7**	**No Hearing – Review of Work Program, UPI List, and LDC Article I**	***Fire Station**
HRC, 6:30 pm	**Oct. 13**	**Regular Meeting**	***Fire Station**
DAB, 5:30 pm	**Oct. 14**	**Regular Meeting**	****MAMR**
CC, 6:30 pm	**Oct. 19**	**Regular Meeting**	***Fire Station**
PC, 7 pm	**Oct. 21**	**Tentative Public Hearing – Airport Master Plan Comprehensive Plan Amendment**	***Fire Station**

*Fire Station, 400 NW Harrison Boulevard, second floor meeting room
**Madison Meeting Room, 500 SW Madison Avenue
*** Library Main Meeting Room, 645 NW Monroe Avenue, main level
****LaSells Stewart Ctr. 875 SW 26th Street, Corvallis
*****Majestic Theater, 115 SW 2nd Street

The City Website is located at www.CorvallisOregon.gov

tbd=to be decided

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

ATTACHMENT C

2015 Updated Unresolved Planning Issues List

#	Issue	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework	Completion Status
General Land Development Code-Related Improvements					
1	Consider modifying threshold list relative to architectural changes in PD Chapter so that if someone is proposing an improvement that can be specifically defined in the list, then a Major Modification is not triggered.	**Policy/Clarification Item**	**Medium**	**8** (This would facilitate design improvements without further process, if written carefully)	**Done Partially**
2	Consider allowing a minor modification option for modest sign code changes in Planned Developments. Right now, any changes to an approved sign plan in a PD must go through the major modification process (see 4.7.90.09(d)).	**Policy/Clarification Item**	**Small**	**8** (Approved sign plans are relatively rare within PD's; however, this item could be added to General "Code Tweaks" list in Item 1)	
3	Complete a thorough review of revised State Statutes and our land divisions standards, there are some inconsistencies (e.g., we allow administrative notes and	**Correction Item** - Mostly completed. Procedurally, Staff have completed the necessary	**Medium**	**7** (A lower priority, since current practice has already been revised to correspond to	**Partially Done - Changes to Prop. Line**

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	setbacks to be placed on plats but the State won't accept this anymore).	research and are implementing the requirements. LDC language has not been revised to reflect this.		State requirements)	**Adjstmts. only**
4	Update the Order of Proceedings requirements in Chapter 2.0 - Public Hearings, to allow more flexibility in terms of order, to more closely match current Order of Proceedings handouts.	**Correction Item**	**Small**	**6**	
5	Evaluate merits of changing Section 2.0.50.08 - Voting Eligibility so that decision-makers may read minutes for a missed meeting in order to revive voting eligibility, as opposed to listening to tapes of a missed meeting, which is the current requirement of Section 2.0.50.08.	**Policy Item**	**Small**	**6** (It may be difficult for Staff to turn around minutes in time to facilitate such a review, and there would typically not be time to allow for review and approval of minutes prior to use.	
6	Water Meter Placement (Clarifying that water meters could be placed within paved areas, such as driveways, in order to minimize conflicts with required	**Policy/Clarification Item**	**Small**	**6** (This is not precluded by current code language, but including this in the code would facilitate requirements	

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	vegetation, etc. on small lots.)			for such water meter placement, where appropriate)	
7	Add a reference to the requirements of Chapter 3.30 - Willamette River Greenway, for those properties falling within it in the Riverfront Zone. Specifically, it looks like the reference is needed in Sections 3.15.30.02 & 3.15.90.	**Clarification Item**	**Small**	**5**	
8	New lighting standards (i.e., lighting ordinance) that addresses outdoor lighting. (raised by citizen & CC member)	**Policy/Clarification Item** - Partially completed during the Code Update. Any larger efforts are on hold, due to size of project, and pending opportunity in future work program.	**Large**	**5** (Staff recommend that the effectiveness of the new lighting provisions be evaluated prior to embarking on any larger efforts)	
9	Consider revising wireless antenna regulations because freestanding antennas are allowed to be 75 feet high with only a Plan Compatibility Review approval, while attached antennas are only allowed to be	**Policy/Clarification Item**	**Medium**	**5** (Affects relatively few applications)	

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	10 feet higher than a building. Attached antennas taller than 10 feet require a Conditional Development.				
10	Evaluate potential conflict between Table 4.0-1 - Street Functional Classification System and the text of Chapter 4.0 - Improvements Required with Development. Specifically, Table 4.0-1 states that access control is required on Arterial Streets and the provision limiting access to one point on Arterial Streets was deleted from the text via Phase I of the Code Update. Evaluate whether it needs to be reinstated.	**Clarification Item**	**Small**	**5** (It may be difficult to write specific requirements for access control that would make sense in all circumstances)	
11	Correct the ORS cite in Chapter 2.0 pertaining to M56 requirements to ORS.186, instead of ORS 227.175.	**Correction Item**	**Small**	**4**	
12	Evaluate the merits of establishing standards to prohibit the use of tractor trailers as signage opportunities.	**Policy Item**	**Small**	**4**	

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13	Consider further revisions to the solar energy policies of Comprehensive Plan (Article 12.2) and/or the regulations in LDC Chapter 4.6, to recognize the lack of adherence to, and/or, as some have argued, the lack of necessity for these.	**Policy Item** - First cut at accomplishing this task done as part of Natural Features Project Code Changes.	**Medium or Large**	**3** (It is recommended that the effectiveness of the new solar access provisions be evaluated prior to embarking on any additional efforts)	
14	Construction Sales and Service Use Type description	**Policy Item** - Split out from Item #2 of 2009 Council Priority List, into a separate project by the City Council. This item was not identified as a priority item in the 2009 review.	**Medium**	**3** (Affects relatively few applications)	
15	Evaluate the merits of only requiring one sign to be posted on smaller properties (i.e. less than 10,000 sq. ft.). Pertains to sign posting advertising a land use action.	**Policy Item**	**Small**	**3** (Not a significant time or cost savings for Staff)	
16	Establish a Maximum Sign Height standard for the OSU Zone in Section 4.7.90.05, since all the other zones have such a	**Policy Item**	**Small**	**3**	

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	standard.				
17	Consider/evaluate the merits of requiring some amount of single story dwellings in single family residential developments to address elderly and handicapped housing needs.	**Policy Item**	**Medium**	**2** (Market factors may have more influence than regulation in this area. ADA addresses housing requirements for the disabled.)	
18	Evaluate the use type classification for assisted living facilities (i.e., assigning large apartment-like facilities for assisted living to the use type of group residential/group care may not adequately assess impacts).	**Policy Item**	**Medium**	**2**	
19	Planned Development Provisions **-** Potential response to DLCD direction regarding removing PD Overlays from residential properties ("Needed Housing" Issue).	**Policy Item**	**Medium**	**2** (Unclear what remains to be done?)	**Partially Done - 2012 LDC Amdmts.**
20	Consider establishing a minimum beds per acre standard for the Group Residential Use Type so that a 6-bed facility isn't	**Policy Item**	**Small or Medium**	**2** (Given typical land costs, this isn't a likely scenario)	

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	developed on a 20-acre site.				
21	Consider creation of LDC language for regulation of free-standing, temporary car shelters.	**Policy Item**	**Small**	**1**	
22	Address condominium plats – do we need a process for review and approval of these? (Check with State and County regulations - Public Works would usually have a concern about converting private utilities to public utilities on these).	**Policy Item** - Awaiting a window of opportunity to review, but it is not likely that a new process would be needed or recommended.	**Medium**	**0**	
23	Review the definition of "infill" and determine if it should be used only relative to the implementation of Stormwater Master Plan and Comp Plan policies, or whether it should be modified or another definition added to address infill for other analyses.	**Policy Item**	**Small or Medium**	**0 -** Infill Task Force proposal not included in 2012 LDC Amendments due to complexity, concerns about unintended consequences. The establishment of special development standards in the University Neighborhoods Overlay area may have addressed some of the concerns regarding infill.	

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Historic Resource-Related Issues					
24	Down-zoning in Historic Districts	**Policy Item** - Awaiting a window of opportunity to evaluate.	**Large**	**1** The Neighborhood Planning Work Group from the Corvallis / OSU Collaboration made a related recommendation to consider down-zoning in some of the neighborhoods near OSU, some of which contain Historic Districts.	
25	Development Standards in Historic Districts	**Policy Item** - Awaiting a window of opportunity to evaluate.	**Large**	**1**	
Natural Features and Natural Hazard-Related LDC Issues					
26	Changes to Land Development Code provisions related to Natural Resources, Natural Features, and Natural Hazards.	**Policy/Clarification Item** - On Hold, pending evaluation of the	**Large - could require**	**11**	**Partially Done - 2012 LDC**

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	This includes items such as creating a process to adjust mapped significant vegetation areas based on field conditions, exploring modifications to protections for some isolated tree grove areas, clarifying standards for development in steeply sloped areas, modifying standards for development in areas with human-altered topography, and modifying requirements for development within 500 feet of roughly-defined landslide hazard areas.	complete Planning Division Work Program in 2010.	**revised ESEE Analysis**		**Amendments changed steep slope and landslide hazard provisions**
27	3. Explore how preservation of Significant Trees and Significant Shrubs not addressed via Phase III can be made more clear and objective, rather than subject to the "preserved to the greatest extent practicable" standard in LDC Chapter 4.2. While the subject was discussed during the Natural Features Project, the effort was deferred by Council until adequate time could be allotted. Note: Historically Significant Trees, as defined in Chapter 1.6	**Policy Item**	**Large**	**7**	

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	- Definitions, were already addressed with the Code Update.				
28	Evaluate how to address approved removal of Hazard Trees in terms of mitigation for the removal. Often the Hazard Tree is a tree that was required to be preserved, and mitigation is necessary to achieve the parameters of original land use approvals, etc.	**Policy Item**	**Small**	**5** (Mitigation requirements for removal of hazard trees in resource areas is addressed in the LDC. However, some older Planned Development approvals do not address mitigation if trees required to be preserved must be removed due to hazard.)	
29	Evaluation of ideas outlined in Natural Features project Incentives White Paper	**Policy Item**	**Large**	**5**	
Economic Development and Downtown-Related Issues					
30	Consider investigating the possibility of architectural design standards for the Riverfront District - these would be standards that are different from the Pedestrian Oriented Design Standards in	**Policy Item**	**Large**	**3**	

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	Chapter 4.10.				
Implementation Improvements (Other than LDC Changes)					
31	Update Buildable Lands Inventory following implementation of the Natural Features Project	**Policy/Clarification Item -** Consistent with Council direction from 2009 Work Program Review, Staff are beginning process to hire a consultant to begin the necessary land need analyses.	**Large**	**9** (Council confirmed this project as a priority in November, 2009, but funding was cut in subsequent budget process)	
32	Need to develop a policy for how to calculate the 5-year supply of serviceable land for use in Annexations.	**Policy/Clarification Item** - Needed to facilitate review of annexation applications. Called for as Council Policy in LDC 2.6.30.07.a	**Medium**	**8**	
33	Provide resources necessary to complete a case history layer (i.e., a database that provides a geographic reference (GIS) for ArcView), and be able to connect this	**Clarification Item** - This project is well underway and mostly operational through	**Large**	**8**	

#	Issue	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework	Completion Status
	information to public information resources, such as web access for citizens and staff). The case history layer has a good start, but much work remains in completing the history, and finalizing a usable format for the public and staff.	Corvallispermits.com. Work will continue as time and resources allow.			
34	Establish a vegetation management plan (VMP) guidebook and mechanisms for reviews. Outline clear approval criteria and establish a baseline management VMP that the public can use.	**Clarification Item** - Mostly completed, but still in process of finalizing.	**Medium**	**7**	
35	14. Municipal Code provisions, developed in conjunction with other City Departments, for: • Preserving vegetation, especially prior to development; and • Application of pesticides and herbicides.	**Policy/Clarification Item**	**Medium or Large**	**6**	
36	Update the 1990 Urban Fringe Management Agreement with Benton	**Policy Item**	**Large**	**2** (There is no identified problem that needs to be	

#	Issue	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework	Completion Status
	County			fixed by an update, but the agreement is 25 years old)	
37	Creation of a requlatory mechanism for equitably sharing a right-of-way between adjacent property owners in order to facilitate underground parking structures.	**Policy/Clarification Item**	**Medium**	**2** (The need for such a mechanism is very small at the current time)	**Policy under developme nt will address this question to some extent**
38	Establish a guidebook/pamphlet for Natural Features Project provisions and do outreach and staff training.	**Clarification Item** - Mostly completed.	**Medium**		
39	Establish a guidebook/pamphlet for Phase I Code Update provisions and do outreach and staff training.	**Clarification Item** - Partially completed.	**Medium**	(The Phase I Code Update was completed with the LDC developed in 2000. It is unclear what portions of the "new" code are to be included	

#	Issue	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework	Completion Status
				in the guidebook.)	
40	UGB Map correction in North Corvallis for Butterfield Property.	**Correction Item**	**Small**	**0**	
Automobile Parking Issues					
41	7. Consider/evaluate the merits of using the new downtown parking requirements (1:1000) for area along Monroe, north of the University, and between approximately 14th and 26th Streets. This issue was recently revisited during the OSU Bookstore Major Modification.	**Policy Item**	**Large**	**5**	

#	Issue	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework	Completion Status
	(NOTE: Re-evaluate and potentially increase this item's ranking based on findings from Downtown Strategic Plan and OSU Parking Study)				

Items added to the Unresolved Planning Issues List by the Planning Commission, March 16, 2011 (Items have not been sorted or scored and are not listed in order of priority):

#	Issue	**Status** - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	**Avg. Score** (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework	Completion Status

42	Add gateway standards to LDC 4.2.70.02 in order to implement Comp Plan policies 8.14.3 and 13.12.18, and the West Corvallis-North Philomath Plan, that identify Philomath Boulevard as a gateway street.	**Clarification Item**	**Medium**		
43	For development in a wetland, add LDC language to require an approved wetland fill permit from DSL prior to the land use application, rather than as a Condition of Approval.	**Policy Item** - May conflict with economic development goals, may not be consistent with DSL policy on fill permits.	**Medium**		
44	Delete LDC Section 4.11.50.02.c.2, which gives additional MADA credits for "areas of wetland mitigation... when infrastructure must be extended through a wetland."	**Policy Item**	**Medium**		
45	Consider using SDC credits as an alternative method to compensate for the cost of wetland mitigation.		**Large** - if SDC changes are involved		
46	Evaluate whether it is appropriate to allow surface stormwater detention facilities within protected natural resource areas if the soils do not allow significant percolation, or if other factors preclude infiltration in these areas.	**Policy Item**	**Medium**		

47	If needed, clarify definitions of “Area, Net” and “Floor Area Ratio” to ensure the intent that the acreage of protected natural resources and hazards is removed before making FAR calculations.	**Clarification Item**	**Small**		
48	Consider allowing accessory buildings to remain on a site if the primary structure has been removed or demolished.	**Policy Item**	**Small**		**Partially Done for some Ag. buildings**
49	Consider a reduced width for planter strips along neighborhood collector streets (perhaps 6 feet rather than 12 feet).	**Policy Item**	**Medium**		
50	Consider changing housing variety requirements for development of between 5 and 10 acres by reducing the required percentage of alternative housing types or similar changes.	**Policy Item**	**Small**		
51	Reevaluate the West Corvallis Access Strategy in light of access management restrictions, natural features constraints, and trail and park facility requirements in the area.	**Clarification Item**	**Medium**		

Items added to the Unresolved Planning Issues List by the Planning Commission, March 18, 2015 (Items have not been sorted or scored and are not listed in order of priority):

#	Issue	**Status** - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	**Avg. Score** (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework	Completion Status
52	Consider including a requirement for conduit for fiber optic cables in our standard street specifications.	**Policy Item**	**?**		
53	Develop scaling factor or formula to determine a "density equivalent" for congregate care facilities, nursing homes, etc.	**Policy Item**	**?**		

Items added at September 16, 2015, Planning Commission Meeting:

54	Consider recommendation from Jan Napack (see submitted testimony) to revise the LDC to better address homeless shelters, including zoning and standards for shelter operation.	**Policy Item**	**?**		

55	Consider modifying LDC so that a change to a Conceptual and Detailed Development Plan that makes a proposed development more code-compliant does not have to be reviewed through a Major Modification public hearing process, but could instead be reviewed and approved by staff if requirements are met.	**Policy Item**	**?**		

STAFF IDENTIFIED LAND DEVELOPMENT CODE ISSUES -

IDENTIFYING POTENTIAL FUTURE LDC REVISIONS

(August 2015)

(Issues raised after adoption of the 2012 LDC Update (LDT12-00001))

The following is a list of issues with the Land Development Code (LDC) that City Staff would like the Planning Commission to consider. This list is a work in progess and is subject to change as issues are identified and resolved. The list has not been prioritized, and Staff have not developed final recommendations regarding how, or even if, some of the issues should be resolved. Rather, this list is intended as a framework to facilitate Planning Commission discussion of possible amendments that could be made to the LDC.

(FYI – staff have developed a separate list regarding potential changes to LDC Chapter 2.9, concerning Historic Preservation. Because any future amendments to that Chapter would likely begin with the Historic Resources Commission, that list has not been included here.)

1. ~~Page footer: Chapter 4.10 – fix footer formatting issue (begins on page 25 and runs through remainder of chapter) (NOTE: There is an updated WordPerfect version of Chapter 4.10 created early in 2013, which is located in L:\CD\City-wide\Land Development Code Effective 12-13-2012\WordPerfect Version_WORKING_DIRECTORY , however "clean" version has not yet been published to PDF).~~

   Implemented with 2012, 2013, and 2014 code amendments

2. ~~Page footer: Add a page count to each chapter so user knows total page count "Page x of x".~~

   Implemented with 2012, 2013, and 2014 code amendments

3. ~~Page header: Add a page header to each chapter, which would include the full chapter title, to make it easier for users to know which chapter they are looking at.~~

   Implemented with 2012, 2013, and 2014 code amendments

4. ~~**PODS: Section 4.10.70.05.b.6 (PODS) refers to "Figure 4.10-24 – Windows and Glass Doors on Street-facing Facades". This figure does not exist in any version of the code printed since 2006. It is probably best to create a new figure, and one that might help make clear whether or not mullions / piers between panes of glass and window assemblies can count towards meeting the 60% rule.**~~

   Implemented with Package #2, 2014 code amendments

5. Create a definition for "bedroom": The purpose of this definition is to make it more clear how bedrooms are used to determine parking requirements. From Jared: It just struck me that we may want to consider defining what constitutes a bedroom, for the purpose of applying LDC parking standards. With the new parking requirements, it's possible that we'll see more rooms labeled as "office", "den", etc., in an effort to avoid having to provide additional parking. It would be helpful to have a policy or interpretation on hand to help determine when additional parking is required. Bedrooms are not currently defined in the LDC. I don't believe that building code specifically defines "bedroom", but generally any room with proper egress and a smoke detector could be used as a sleeping room. We may want to use this as a starting point, and consider other factors (such as if a closet or storage area is built into a room.)

6. Spelling - Provide consistent spelling for collocated wireless telecommunications facilities (one "l" or 2 "l"s?).

7. Applicable PODS for cottage / mixed building type development : In situations where detached single family / two-unit attached single-family and duplex residential building types are mixed with multi-family / townhome style building types, clarify which set of PODS apply. In past applications staff have been mixing and matching standards according to the mix of building types). Perhaps multi-family standards should apply to all buildings when there is a mix of residential building types? Planning Commission and City Council input is sought regarding this issue.

8. ~~**Rear and Side Yard Setbacks – Within the "Rear and Side Yard" setback standards of the RS-9, RS-9U, RS-12, and RS-12U zones, there is the following language: "Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above." This sentence should be deleted or amended, since there is no longer a usable yard standard.**~~

   FIXED WITH PACKAGE 1 (LDT13-00003)

9. LDC 4.3.30.c - The allowance of a reduced rear yard setback of 8 ft. for accessory structures on corner lots when the structure is erected more than 25 ft. from property lines adjacent to streets, is rendered moot by the new language of 4.3.30.b, which allows a side and/or rear yard setback of 3 ft. when an accessory structure is located behind the front-facing façade of the primary structure. The LDC should be amended to reflect the most recent language.

10. ~~Reconcile minimum lot size with density requirements – In some zones there is a significant difference between the density arrived at using minimum lot area requirements, and the density allowed per the density range. Perhaps move to a minimum lot size only standard and correct lot sizes to correspond more closely to planned densities?~~

    Implemented with Package #2, 2014 code amendments

11. Reconcile conflict between street widths, street trees, and fire access road standards – Perhaps require wider roads in higher density areas, as Eugene does? Or find means to finance narrower fire equipment?

12. ~~RS-1 Zone – Correct Table 3.10.30 to accurately reflect the RS-1 Extra-low density zone density range of 0.5 – 2 Dwelling Units per acre.~~

Implemented with Package #2, 2014 code amendments

13. LDC 4.10.70.03.a.2 - Amend Section 4.10.70.03.a.2 to clarify that sidewalks are not needed along the entire building frontage if it is only used to access a building entrance (not parking area), and if the public sidewalk along the street frontage is within a certain distance (50 feet?) of the building.

14. Lighting Standards - Revise lighting standards in 4.2.80.d to something that is more realistically achievable.

15. Significant Vegetation – Allow for map-correction type process or arborist's report process to address mapping errors without having to submit a full ESEE analysis.

16. Significant Vegetation (HPSV) – Clarify / confirm that approval of a Significant Vegetation Management Plan will allow removal of vegetation within HPSV areas, even where MADA does not apply. HOWEVER – if this is the case, the LDC language could stand to have clear and objective language relative to how staff make decisions about which vegetation can be impacted / removed in HPSV. NFI datasheets do not always provide clear direction on intent on individual tree groves / WHA.

17. LDC 4.5.80.02 – Revise this section so that development on slopes of 10 – 15% does not need to comply with Hillside Development Standards. Also, consider reducing requirements for development on 15 – 25% slope areas. Standards have required more than is needed.

18. Riverfront FAR Standard – Consider reducing or eliminating the minimum 2.5 FAR requirement in the Riverfront Zone, and make associated changes to the 3-story minimum requirement. This standard has been very difficult to meet.

19. Housing Variety – Clarify that, for the purpose of satisfying 4.9.80.b.3, it is acceptable to have one or more alternative housing types, in addition to the primary housing type, that cumulatively provide 20% or more of the proposed housing units.

20. Rounding – Clarify if and how rounding is permitted with respect to numerical standards other than density.

21. Green Area Definition – Amend the definition to clarify that gazebos and other covered but unenclosed "buildings" would count towards Green Area requirements (but not the required landscaped component within the Green Area).

22. Consistency with Comprehensive Plan Policies – Consider removing LDC decision making criteria that require applications to be "Consistent with Comprehensive Plan Policies", for land use decisions, other than PDs and LDOs, where we say the LDC fully implements the Comprehensive Plan. As currently written, this criterion can mislead the public into thinking that Comprehensive Plan Policies are decision criteria.

23. CPA Review Schedule (Frequency of Plan Amendments 2.1.30.02) – The LDC requirement that CPA "be reviewed semi-annually in March and September by the Planning Commission" is not as clear as it could be. This has created scheduling conflicts. If there is no State law that dictates the precise March & September reviews, it might be worth modifying this section to be more explicit ("Planning Commission will review applications deemed to be complete by February 1st, for a March hearing, (or something like that)). Having both a submittal deadline and hearing month specified would be more helpful (similar to Annexation application deadlines – see 2.6.30.02).

24. Planned Compatibility Review (PCR) - Add PCR process language consistent with Section 1.2.130, to address the 90 day rule for collocated wireless telecommunication facilities for those zones where the PCR process (instead of CDP process) is used for collocated facilities.

25. Spell Check - Spell check entire LDC (include consistent spelling for collocated wireless telecommunications facility).

26. LDT03-00002 Sunset Language - Remove sunset language related to LDT03-00002 for public notice requirements upon evaluation (Section 2.0.50.04.d).

27. Prenotification – Consider re-vamping prenotification requirements, given issues surrounding timing of pre-notice vs. public notice (typically we end up having to send both notices within 1 or 2 days of each other.) Given our technology available now (Enotice lists on City website, Accela reporting, BuildingEye, etc.), is there a better, more efficient way to implement what is intended by the prenotice requirements, without "crowding" the sending of both notices?

28. Communications Service Establishments and Technology and Support Services - Combine Communications Service Establishments and Technology and Support Services into one Use Classification and expand to include as permitted use in all zones where at least one of the two are permitted. The distinction between the two does not seem to be particularly meaningful.

29. ~~OSU Sign Exemption Area – LDC Section 4.7.90.05.b references Figure 4.7-3 OSU Sign Exemption Area. However, this figure is not in the LDC. The Code should be amended to include this figure.~~

    FIXED. PUBLISHED VERSION OF CODE NOW INCLUDES MISSING FIGURE.

30. LDC 4.2.60 Prohibited Street Trees – This LDC section references the Municipal Code which contained a list of prohibited street trees within rights of way and parking strips. The referenced section of the Municipal Code has since been repealed, and the LDC should be amended to remove the current reference.

31. LDC section 4.0.60.e.2 – Street Improvements - Change half-street improvement to three quarter street improvement, with curb to curb construction. This change would reflect current and past practice.

    Changes associated with this topic Implemented with Package #2, 2014 code amendments – confirm with PW if the 2014 amendments are exactly where we want to be

32. LDC Section 4.0.20.a.1 – Current language states "…each proposed lot shall have required public and franchise utility improvements…" Should the security prior to final plat be extended to PRIVATE streets (where they are permitted per Section 4.0.60.d)? Also should this language be clarified so that it includes all improvements required per Chapter 4.0 ? It could be interpreted that current language is focused on "utility improvements" (even though heading refers to full chapter)

33. LDC section 4.0.60.c – Cul-de-sac "should" standards – Consider revising language so the standards under subsection c.2 appear more as a consideration (one of many things to consider when evaluating local street connectivity and traffic calming) as opposed to suggesting that the 18 dwelling unit / 600-ft. specifications might be mandatory because of the word "should". OR – make it an outright requirement ("shall") – OR – consider creating a separate section for cul-de-sac standards and remove from this section which appears to be more focused on local street design / connectivity / traffic calming

34. ~~Traffic Studies – Consider amending Code so that only one LDC section addresses traffic studies. All other sections would reference this section. This section should also specify that traffic counts should be taken when OSU is session.~~

    Implemented with Package #2, 2014 code amendments

35. Detention Facilities – Consider moving Section 4.2.50.04 of the Landscaping chapter to Chapter 4.0 – Improvements Required with Development.

36. Private Amenities - Under Section 4.10.70.05 consider prohibiting pedestrian amenities from being located in the ROW. To be consistent with revised policy on licenses to occupy the right of way.

37. Weather Protection - Remove balcony reference from section 4.10.70.05 under pedestrian weather protection language that clarifies encroachments into the right of way. To be consistent with revised policy on licenses to occupy the right of way.

38. Grandfather Large Buildings – In commercial zones with use size limitations, such as NC zones, MUCS, etc., consider allowing pre-existing buildings (constructed prior to December 31, 2006) that are larger than current size limit to be fully occupied by any permitted use in the zone, but subject to land use review, if applicable. See provisions in LDC 3.19.40.01.d for potential language.

39. Accessory Dwelling Units:
    - Clarify 4.9.40.01.k - Remove the word "respectively" and clarify what the minimum lot size requirements are for ADUs in certain zones. Appears to be tied to min. lot area of each zone (generally), but use of word "respectively" makes it unclear.
    - Consider aligning minimum lot size requirements specified in the ADU standards, with those of individual zones (i.e., currently, RS-3.5 minimum lot size is 7,260 sq. ft., but ADU standards specify that 8,000 sq. ft. minimum lot is required to allow for an ADU.
    - Re-evaluate the "architectural integration" standards of 4.9.40.01.e / 4.9.40.02.c.5. Consider allowing more flexibility in design / materials. Clarify what is really intended by the "Window Appearance" standard.
    - Audit the entire ADU section, and clarify what is intended by standards that apply to / reference "side yard", "nearest side yard", "abutting side yard setback lines", etc. There are a slew of standards within the ADU section that use this terminology. Where used, clarify whether standards should also apply to rear yards. Consider eliminating standards that would not also apply to conventional dwelling units built in the same location.

40. Revise 4.10.60.06.f to eliminate requirement for landscape strip between parking space and sidewalk. That requirement makes no sense in the context of a parking lot.

41. MADA: Clarify for beginning site area, if calculation should use gross area or net area (look at application requirements – transfer to MADA base calculation section…)

42. Refuse Enclosure Screening: consolidate requirements. From Jared: "There are at least three separate sections of the Code that contain trash enclosure screening requirements (Chapter 4.2-Landscaping, and two separate sections in PODS). The requirements of each of these sections somewhat overlap, but each is also slightly different. Further, the existing language regarding screening requirements is confusing (read through each section and I think you'll concur.) Consider providing one consistent clear and objective standard."

43. RTC Zone: Clarify language under RTC zone "Primary Uses Permitted Outright" (LDC 3.26.30.01.a) that specifies "Consistent with a previously approved Conceptual Development Plan." There is language at the beginning of Chapter 3.26 that outlines the process for "Establishment of the RTC Zone", which requires establishment of a PD overlay and Conceptual Development Plan. However, there is no requirement that existing RTC zones establish a PD overlay or obtain Conceptual Development Plan approval. Within the existing RTC zone, it has been established through previous Planners discussions that Conceptual Development Plan approval is not required prior to commencing an outright permitted primary use.

~~44. Accessory Uses : Eliminate the requirement that permitted "Accessory Uses" receive PCR approval. Under current application of the Code within the existing RTC zone, one is allowed to commence an outright permitted primary use through the building permit process, but must obtain PCR approval to commence a permitted accessory use. (REALLY?) I am about to embark on my 3rd or 4th PCR for wireless telecommunication equipment collocation on the same tower at 4575 SW Research Way.~~

Implemented with Package #2, 2014 code amendments

45. LDT – Text Amendment Notice Requirements: It is unclear in reviewing Section 1.2.80, which process to follow for sending public notice for LDC text amendments. This was an issue when processing the OSU Sector D (LDT12-00002) and the OSU Street Stds. (LDT13-00001) Text amendments. We used the Quasi-Judicial notice stds. For Sector D, but the Legislative stds. For the street stds. Amendment.

46. Public Notice Requirements: Consider amending stds. To address lack of data for resident / occupant notices. We have data on less than 50% of apartment complex unit mailing addresses, so many of the residents / occupants do not receive land use notices because of our lack of data.

47. Shopping Streets: The implementation of Shopping Streets has been problematic. There is uncertainty in the code on how to apply Shopping Streets in areas where the Neighborhood Center is designated on Comp Plan with circle, but many of the properties within the circle do not have the NC zone (which is the only zone that appears to require designation of a shopping street). Difficult to implement on infill sites along Arterials because Shopping Street standards suggest that we want to move away from use of Arterials as Shopping Streets (or it is unclear). Example: Western and 6th Street mixed-use project site is zoned MUCS (which does not require a Shopping Street but allows it).

~~48. MUR Zone – Table 3.9-1: Subsections (n) and (o) state "…See Section 3.8.60, below…", but should really reference Section 3.9.60. (the Chick Gerke correction)~~

Implemented with Package #2, 2014 code amendments

49. Wireless Telecommunication Facilities / Minor Utilities / Communications Establishments – There is some ambiguity in terms of how we classify various radio frequency transmitting facilities (comparing cell phone towers/ collocated antennas, ham radio, 911 emergency dedicated radio towers, radio station antennas, etc.). Because of the ambiguity, and because each possible choice (WTF / Minor Utility / Major Service / Communications Facility) has potentially different land use approval requirements, this has created uncertainty for customers

and staff, and has led to some inconsistent responses from staff. It would be good to consolidate these different classifications into a single use definition if we believe the use characteristics are similar enough and compatibility issues can be addressed through the appropriate process.

50. CB Zone – Downtown Streetscape Plan – LDC Section 3.16.40 (Landscaping in Central Business zone) refers to the "Downtown Tree Management Program contained in the Downtown Streetscape Plan, dated November 2, 1988." Two issues here: (1) not sure the November 1988 date is correct as the plan has a cover date of 4-4-1988. Did not see any ordinances from November that would apply to this document (maybe a resolution # instead?); (2) is this plan still enforced?

51. FCC rules for Wireless Telecommunication Facility (WTF) collocation – We fixed some of this with the 2012 code update (we said we had to process within 90 days, but we didn't really describe the 90 day process workflow), we still need to address the local appeals process and HPP-related processing (what happens if an HPP is required in conjunction with a WTF? What happens if a CDP / PCR for a WTF is appealed to Council – how do we fit it all in 90 days?)

52. Single Family PODS (from Jared) -
    - ~~LDC 4.10.50.c- Windows and Doors: Change "**Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors**" to "**Any façade facing a street, sidewalk, or multi-use path shall…**" There are very few facades that face streets, sidewalks AND multi-use paths… If interpreted literally, this standard would seldom apply. (This language is also in the multi-family PODS section.)~~
        - ~~Also, codify our interpretation that garage doors do not count towards meeting window/door coverage standards, but windows placed within garage doors do count.~~

    Implemented with Package #2, 2014 code amendments

    - Clarify how PODS apply to flag lots. Perhaps specify under Section 4.10.40 (Application of Standards) that for flag lots, the accessway shall be treated as a street? If this is the case, should standards also apply to the façade that literally "faces" towards the street (even if there are one or more intervening lots between the street and the subject facade)? Or just the accessway? The Code is unclear on this, and I don't think we've had much consistency in the application of PODS to flag lot development.
    - LDC 4.10.50.02.b- Garage Placement Options:
        - Delete the "Rear Garage Accessed From the Street" option (#1), and associated Figure 4.10-4. This option takes up paper and is never used. In reality, before a garage is set back anywhere near the distance required to meet Option #1, it will have already met Option #2 (Front Accessed Garage w/ Four-ft. Recess).

- For Option #2 (Front Accessed Garage w/ Four-ft. Recess), add a minimum width / dimensional standard for the "front wall of the dwelling" being used to measure the garage recess. (Ten ft.?)
- ~~Remove or revise Figure 4.10-9B – Recessed Basement Garage, which appears to show a garage width that is not compliant with maximum garage width standards of LDC 4.10.50.02.a.~~

Implemented with Package #2, 2014 code amendments

- ~~For Option #7 (Flush Garage with Porch), change first sentence as follows: "**Vehicular entrances face the street and are flush with or recessed up to four ft. from the front wall of the dwelling**…" (Unless we actually do want to limit the distance that the garage is recessed from the front wall of the dwelling.)~~

Implemented with Package #2, 2014 code amendments

- Clarify / consider how Option #9 (Recessed Garage with Cantilevered Second Story) works in conjunction with the introductory language of the Garage Placement section, which allows measurements to be "taken from the second floor of homes, provided the second floor spans across the entire garage/carport." Based on this introductory language, for narrow lots, the first floor of a dwelling can be entirely garage, and Option #9 can be met by providing a second floor that cantilevers across the entire width of the garage and projects out 2 ft. (We have several examples of this result.) This doesn't seem to have been the intent of Option #9, based on example Figure 4.10-12 – "Garage Recessed and Upper Floor Cantilevers Over It" (which is exquisitely titled, by the way.)
- Consider adding an option that would allow a street-facing garage to be placed behind a separate dwelling or other building, so as not to be visible from the street. (I can draw a picture of this if you'd like.)

- <u>LDC 4.10.50.03.a- Pedestrian Features Menu</u>: Consider deleting the "Elevated Finished Floor" option, and providing alternative options. The "Elevated Finished Floor" option is rarely used; when it is used, it requires a significant amount of staff follow-up to ensure that the building is constructed accordingly (including a series of inspections, and obtaining a separate survey from the applicant.) It would be fun to brainstorm at Planners some potential alternative options to add to this menu.
- For general consideration: The provision of a 6' x 10' covered front porch counts (or helps count) towards meeting three separate PODS sections (Garage Placement, Pedestrian Features Menu and Design Variety Menu). Although front porches are undoubtedly a nice feature to include on single family homes, was it intended for them to carry so much weight?

53. PLA / MRP / MLP Criteria and Natural Features: It is not always possible to accurately calculate MADA when a development application has not been submitted, particularly in areas of PPSV. We may want to examine criteria that disallows parcel creation / property line adjustment when PPSV is involved, since we cannot accurately calculate 25% of site requirements without development plan / SVMP. Timberhill PLA was a good example of this.

54. PLA (Property Line Adjustment): Provide a timeline for expiration of approvals (similar to MRP/MLP?) – currently LDC is silent on expiration of PLA approval, but we have had to answer that question before and have interpreted using the MLP/MRP expiration timeline as the std. to use. Should be explicit in the code.

55. ~~RS-3.5 Zone – Minimum Average Lot Width: This is the only zone that uses the word "average" in the lot width standard. There is no clear way to apply this (do we only apply this to land divisions where we have a minimum of two lots for purposes of calculating a true average? Or can the word "average" be applied on a single lot basis (don't think so based on our definition of "Lot Width")), so wondering if it makes sense just to remove "average" ?~~

Implemented with Package #2, 2014 code amendments

56. Group Residential / Vehicle Parking: Not sure if vehicle parking can be located between building & street. Residential PODS stds. might suggest that group residential uses are not subject to the std. which requires vehicle parking to be located behind building. However, LDC 4.1.20.j.1 suggests otherwise.

57. Planned Development - Active Detailed Development Plan: Consider removing active Detailed Development Plan language from Section 2.5.50.09.c, and relocating to definitions section. Or – confirm that some of the items such as "development", "building or construction permits issued", etc. really do act to ensure the DDP has not expired under Section 2.5.50.09(a) and (b). There is some ambiguity with the active DDP language in that we have had to make interpretations on whether a DDP has expired or not, using "development" or "building or construction permits issued", whereas language under (a) and (b) in that section seems to be more clear and objective (think Brooklane Heights, Deer Run Park, etc.)

58. "Explosive Storage" Use Type definition (Chapter 3.0): Definition includes reference to ORS 57.21. All of ORS Chapter 57 has been repealed since at least 1987 (based on information found online.) Also, "Explosive Storage" seems like more of an Industrial than Commercial Use Type. (It is more commonly permitted within industrial than commercial zones.)

59. Application Submittal Date Based on Business Hours: In preparation for acceptance of online applications, and to also address questions raised in the past concerning applications that were filed via USPS and received during business hours, update LDC to state that applications that are filed electronically during non-business hours (Monday through Friday between 5pm and 8 am) or on weekends and non-working holidays are deemed to be received on the next business day.

60. Allow Electronic Delivery (delivery and web-based solutions) of Public Notices and Notices of Disposition (Chapter 2.0): This topic came to light when we discovered that email is not a sufficient means of delivering public notices associated with an appeal hearing, intended to go to folks who submitted testimony during the previous decision phase. In this day and age, we

should strive to send land use information (public notices, prenotices, and notices of disposition) in electronic format as much as possible (to meet sustainability goals), where it can be shown that electronic delivery is not any more error-prone than USPS delivery. We'll need to check with CAO and State Law to make sure this is supportable.

61. Partitions / Section 2.14.30.05.b: Remove extraneous text and clarify review criterion for residential partitions:

    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~~:

    > **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.**

    (highlighted text does not make sense – specific uses not typically associated with land division, and "shall be the applicable criteria" does not make sense)

62. Land Divisions / Remnant Units of Land: For subdivisions and partitions, our code criteria appears to be silent with respect to remnant units of land (land that is not within the formal boundary of the subdivision or partition platting area, but that becomes a discrete unit of land once the plat has been recorded because it is "leftover" as a result of the platting process). These remnant units of land should be either required to be included in the plat, as a newly created parcel or lot, or they should be evaluated separately, to make sure they still meet land division and development standards, after the plat has been recorded.

63. Retaining Wall Standards for Height / Location Relative to Property Lines (where Hillside Dev Stds. Don't apply): Do we apply 4.2 Screening / Fence stds.?

64. Natural Features and Land Divisions: Clarify that when creating parcels / lots through a land division process, and Natural Features are involved, that after consideration of unconstrained and formerly constrained areas, the resultant parcels / lots CANNOT contain the remaining constrained area (and the constrained area should instead be contained within a separate tract). The language in LDC Section 4.11.30.a.2(a)(1) is a little unclear about whether the remaining constrained area can be part of the resultant lot / parcel (seems to suggest this by omission and in the context of the tract language in 4.11.30.a(2)(b)(3).)

65. Clearly Address If / When Variations to Minimum Lot Area May be Applied For- Minimum lot area (particularly within residential zones) is listed as a development standard, but is used in determining maximum density (see "Density Calculation" definition.) Clearly specify within LDC 2.12 (preferably within Minor LDO thresholds) that minimum lot area standards cannot be varied through the LDO process. Also clarify in PD chapter.

- Also within LDC 2.12, clean up language in Minor LDO thresholds referencing FAR. Threshold 17 currently specifies that UNO Max FAR may be varied; Threshold 18 specifies that FARs cannot be varied.

66. Commercial Day Care Definition (Chapter 1.6) – Currently refers to obsolete section of ORS – replace reference to ORS 657A with current ORS 329A (as of 2013), and ensure definition is otherwise consistent with ORS regs related to child care

67. Update Section Title in LDC Section 3.27.40.02, "Minimum Lot Area and Setback Requirements." It does not appear that there is a minimum lot area in the MUE zone, or that there ever was one proposed with LDT-97-4. There is a reference to RS-20 standards where residential use is proposed and while there may have been a minimum lot area at the time the MUE zone was created (~10,000 SF in the LDC Code Amended through 3/12/98), it is unclear whether the intent was to apply this minimum lot area to MUE sites with residential uses and no minimum lot area currently exists in the RS-20 zone.

68. Alley Setbacks - Clarify the alley-side setbacks as it pertains to accessory structures, primary structures, and ADUs found in Section 4.0.60.j, and move (or reference) these provisions to Chapter 4.3 and/or the individual zone chapters, as applicable. Also, should we have a provision in the code for leaving an existing 14 foot alley when an existing building encroaches and will not be reconstructed? This is would be especially in downtown, but could be other areas where significant structures are being left in place adjacent to an alley. Maybe one of the provisions would be no parking access via the alley.

69. RS-1 Minimum Average Lot Width - It looks like we replaced the "Minimum Average Lot Width" standard for "Minimum Lot Width" for most residential zones with the last code revision but I think we may have missed one. We found it still in RS-1 Zone standards (Chapter 3.10).

70. ADA / Wheelchair Ramps - Allow ADA / wheelchair access ramps to encroach into required setbacks. Limit overall height where encroachments are allowed (perhaps ramps 48" above grade or less?); perhaps require that a 3-ft. minimum setback be maintained? Or just allow the encroachments and let building code regulate the type of construction (e.g., 1-hr. fire rating if placed within 3 feet of property line). We've had two recent instances where we've had to turn people away, each of whom was trying to obtain a building permit to allow the addition of an ADA ramp to an existing dwelling unit. In both cases, the ramps were over 30-inches above grade, and did not meet the setback requirements of the applicable zone. One was for a gentleman recently diagnosed with ALS; the other for a man whose wife was recently paralyzed.

71. Commercial PODS Revisions - Relocate the NC zone on-street parking allowance from the PODS chapter (4.10.70.04.d.4) to the Parking or NC zone chapters. Also, amend Section 4.10.70.03.b (page 35 of LDC 4.10) to provide more options, or delete this section in its entirety. For most projects, it seems like we have to creatively find a way to make a positive finding of compliance with this section.

72. Increase Vegetation Area Requirements for Residential – A requirement that only 15% of a site be landscaped, as is the case in the RS-9 Zone, seems low. Should that requirement be increased in some zones?

73. OSU Zone Issues - Section 3.36.40.04 – Major Adjustments, subsection (n)- Contains development standards for new buildings within a portion of the Primary Transition Area along the north edge of campus, which are not referenced elsewhere in the OSU Zone chapter. Delete or relocate elsewhere in the chapter.

    Also, Section 3.36.60.14(b) – Screening around dumpsters has been difficult to administer, specifically it would be helpful to clarify what is intended with regard to screening from a building. Does this mean primary entrances, building facades with windows?

    Lastly, Section 3.36.60b.a.III – When a street tree cannot be planted there is an allowance for planting a tree in another location on the OSU campus. How are we supposed to track these trees….can they be removed a year later or must stay in perpetuity? How is OSU determining which trees are planted under this provision? Are they required to be street tree equivalent?

74. Health Hazard Annexation Process – Recent Health Hazard Annexations have not been successful, due in part to the Oregon Health Authority's determination that the OHA is the agency charged with declaring health hazards and that they are unlikely to declare a health hazard if only one property is affected. This is the only expedited process (no election required) available to property owners within the Urban Growth Boundary who have failing septic systems or well contamination that cannot be affordably remedied under County jurisdiction, and who need to annex into the City and hook into City services to resolve their problem. Without an expedited option, affected property owners are faced with prohibitive costs, long timelines, and uncertain results in following the standard annexation application process to address health and sanitary issues on their properties.

75. Reconcile LDC with Evolving FCC Regulations Regarding Wireless Telecommunication Facilities – FCC rules have been evolving over the last several years in ways that influence local siting and review process decisions. Although the federal rules legally "trump" local code requirements, it would be best to reconcile the LDC with these regulations so there is a better understanding of the process and applicable regulations.

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

DRAFT

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
SEPTEMBER 2, 2015

Present
Jasmin Woodside, Chair
Ronald Sessions, Vice Chair
Paul Woods
Tom Jensen
Carl Price
G. Tucker Selko
Jim Ridlington
Rob Welsh (left at 8:40 pm)
Penny York, Council Liaison

Staff
David Coulombe, Deputy City Attorney
Kevin Young, Planning Division Manager
Terry Nix, Recorder

Excused Absence
Roger Lizut

SUMMARY OF DISCUSSION.

	Agenda Item	Recommendations
I.	Visitor Propositions	
II.	Time Extension Request – Creekside Center I and II	There was no motion or action on the request.
III.	Training/Discussion	Information.
IV.	Planning Commission Minutes: August 5, 2015 Land Develop. Hearings Board Minutes: August 5, 2015	Approved as presented. Approved as presented.
V.	Old Business	
VI.	New Business	
VII.	Adjournment	Adjourned at 9:15 p.m.

Attachments to the September 2, 2015 minutes:

A. Letter submitted by Shelly Murphy on behalf of League of Women Voters.
B. Creekside I and II Time Extension Request and Applicant's Response to Staff Report, received from Perkins Coie.

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Jasmin Woodside at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. VISITOR'S PROPOSITIONS

Shelly Murphy read a letter to the Planning Commission on behalf of the League of Women Voters in support of the staff recommendation that the Planning Commission take no action on the applicant's request for Extension of Approvals on the Creekside Center I and II Conceptual Development Plan and Tentative Subdivision Plat **(Attachment A)**.

II. TIME EXTENSION REQUEST – Creekside Center I and II

Chair Woodside drew attention to testimony at Commissioners' places from Perkins Coie, representing the applicant and developer of Creekside I and II, requesting that the Planning Commission take action and approve the request to extend approval periods for the applications **(Attachment B)**.

Planning Division Manager Young briefly reviewed the analysis and recommendation as detailed in the staff memo. Staff finds that the Planning Commission has no authority under current Land Development Code (LDC) provisions to honor the request and recommends that the Planning Commission take no action to extend the Creekside Center approvals. The applicant has indicated a willingness to submit a formal Request for Interpretation consistent with LDC Chapter 2.16, a process that would include the opportunity for public review, comment and appeal, which would not occur if the Planning Commission takes formal action based on the request.

City Attorney Coulombe explained that at the time of the subject decision, the City Council had, by ordinance, standardized approval periods and removed the authority for any hearing body to extend approval periods. A question is whether the Council intended that applications with an approval period based on earlier LDC would automatically be extended. In his reading of the materials, there was no express language indicating retroactivity and the Notice of Disposition states the approval ends on September 10, 2015. An Interpretation process would resolve this issue for the subject application as well as other similar situations that may be out there. Brief discussion followed and staff provided additional clarifying information.

City Attorney Coulombe reviewed case law related to the state's "goal posts rule." He said it seems fairly clear that the standards and criteria referred to in that rule are those that are necessary to make a final decision on an application for permit, limited land use, or zone change, and that the approval period is not a standard or criteria for the purposes of the "goal posts rule."

Commissioner Price said the applicants went into this expecting to use the mechanisms of law that existed when they applied and they are now hearing that the mechanism has changed. In reading what the City Council wrote, he thinks they meant for the old standards to apply. City Attorney Coulombe said it could be interpreted that the Council intended for the new standards to apply retroactively or they could have intended for them only to apply moving forward. He can't presume what the City Council intended but can only take the

Order on its face, which is why staff is recommending an Interpretation process which also includes opportunities for public input and appeal.

Further discussion followed regarding the process. Planning Manager Young explained that a Request for Interpretation is a land use application. The Director's Interpretation would explore the legislative record on this matter, and would be final unless it was appealed to the City Council. The decision could ultimately be appealed to the Land Use Board of Appeals. The process would be publically noticed and people interested in this issue beyond the Creekside applications could also participate.

Councilor York said the Order has the City Council's final decision, it's signed by the Mayor, and it has an effective date. She said this is a Council matter and she wondered why it was brought to the Planning Commission. Manager Young said he thinks the applicant was operating under the assumption that the "goal posts rule" applied to the effective period for land use decisions which, under the old LDC, would go to the Planning Commission.

Chair Woodside asked if previous Planning Commission discussion about retroactive decisions would be considered in an Interpretation process. Attorney Coulombe said the Planning Commission minutes would be part of the legislative history to the extent that information was provided to the City Council and relied upon to inform their decision.

A straw poll indicated that a majority of the Commission agreed with the staff recommendation to take no action.

Commissioner Woods said a Request for Determination process requires a fee and can take up to 30 days. He would like to make a decision and give it to the City Council to clarify, keeping this in the hands of the decision-makers.

Commissioner Price said he sees no action from this body as placing a burden on the applicant who were going forward with the law at the time they made the application. He thinks this body would be the fastest way to get it to Council.

Commissioner Selko said he doesn't think the Request for Interpretation would necessarily be the slower process and it would include the ability for public input.

Commissioner Woods asked if there was support for a shorter extension so the approval is not lost while the Interpretation process proceeds. A straw poll indicated there was not majority support.

There was no motion or action on the request.

III. TRAINING/DISCUSSION

How to build a case in making a land use decision

Planning Manager Young said the Planning Commission's role as quasi-judicial decision-makers relies on the fact that all Commissioners are viewing the same information in the record. Commissioners are not independent investigators and seeking additional information not in the record is not good practice. However, it is appropriate to contact staff with questions or requests for additional information so that information can be included in the

record, if needed. It's also appropriate when reviewing the application and staff report to note questions for the applicant where a Commissioner is not persuaded that the criteria have been met or where they may want to better understand decisions related to the project design.

Manager Young said that building a case needs to begin and end with consideration of applicable decision criteria. Land use applications that come before the Planning Commission are discretionary decisions and reasonable people can come to different conclusions based on the information presented. The staff report will include analysis and a recommendation but the Planning Commission is not bound to agree with the recommendation. Staff strives to include all applicable criteria in a staff report; however, it is absolutely acceptable for a Commissioner to raise additional criteria they feel may be applicable. Commissioners are encouraged to contact staff prior to the hearing if they have questions about the thinking behind the staff analysis and findings. Fundamentally, staff's job is to ensure that the land use decision is a sound and defensible decision.

Manager Young said that if a Commissioner is not satisfied that a criterion is met, the next step is to consider if a condition of approval will satisfy the concern. If the recommendation is for denial and the Commissioner believes the criteria are met, the task is articulating that perspective based on the applicable decision criteria. Fundamentally, making a case doesn't need to be anything more than articulating the perspective and reasons for voting a different way on deliberations; however, it helps to lay the groundwork for the perspective by asking questions of staff and the applicant and exploring alternative solutions. In addition to helping the body reach a decision, building a case in deliberations is helpful to subsequent decision makers in the event of an appeal of the decision.

City Attorney Coulombe discussed regulations that require fair and impartial decision making in a public setting, an opportunity for public participation, and all evidence related to the decision be included in the hearing. He generally agrees that Planning Commissioners should not be investigators; however, if something in the record prompts a Commissioner to check something, there is nothing wrong with that so long as the new information is brought out during the evidentiary portion of the hearing. Commissioners should not wait to raise something in deliberations where there is no opportunity for the applicant or others to respond. Decisions must be based on the applicable decision criteria. Decisions should not be based on feelings, sense of fairness, or whether a Commissioner agrees with the criteria. The City Council has determined the criteria that will be applied. There is a text amendment process under which changes to the criteria can be considered.

Mr. Coulombe said the City Council will often look to the Planning Commission's minutes to see how the body came to terms with the evidence about a particular criteria, so it's good to have some statement in the minutes about the thinking around any issue that has tension around it. There is gray area in the law related to whether jurisdictions are required to apply conditions of approval if possible to make an application approvable. The statute only applies to certain types of applications, there are no court cases on the statute, and it isn't included in the land use chapter in state law. The advice from his office is that conditioning an application to make it approvable is good practice which demonstrates a fair and impartial body who is looking for ways to approve; however, to say that is required may not be accurate.

How do the various adopted land use plans and documents work together to inform a land use decision?

Manager Young said the Land Development Code is the primary land use document for the Planning Commission. A number of documents inform the LDC, including the 2020 Vision statement, the Comprehensive Plan, adopted area plans and utility plans. The LDC implements the Comprehensive Plan. We look to the Comprehensive Plan for a few types of land use decisions, particularly when considering amending rules or variations to standards through a Lot Development Option or Planned Development process. There are times when you will find Comprehensive Plan policies on opposite sides of an issue, such as parking requirements and a desire to limit impervious surface, and the LDC is the balancing document. The 2020 Vision is not a state-required planning document but is the culmination of the community's desire to describe our desired future. The Vision Action Plan, which is going to be developed, will take a slightly different approach but is still expected to provide a framework for measuring future progress for the community. Three area plans – the North Corvallis Area Plan, South Corvallis Area Refinement Plan, and the West Corvallis/North Philomath Plan – are background documents which provide in-depth analyses of the issues that should be considered with development in those areas, and they inform the LDC. Utility and transportation plans are technical documents designed to ensure that necessary infrastructure will accommodate demand as the City builds out, and they also directly inform the LDC. The LDC includes a chapter that implements the Oregon State University (OSU) Master Plan and differences between the Campus Master Plan and the OSU Chapter of the LDC (Chapter 3.36) will be addressed with the update of that plan. The Good Samaritan Regional Medical Center Plan is not embedded in the LDC but is basically a very elaborate Planned Development. The Planning Commission needs to be aware of the interplay between local regulations and county, state and federal regulations and processes, as well as the need to be mindful of statewide planning goals.

City Attorney Coulombe said the Commission could think of the Comprehensive Plan as the aspirational document and the LDC as the regulatory document. He reviewed one case where LUBA decided that a Comprehensive Plan policy was a decision criteria because the decision makers had treated it as such. He suggested that when the Commission evaluates a Comprehensive Plan policy in a land use hearing, they clarify for the record that it is not a decision-making criteria so they do not inadvertently elevate it to that status.

Review of the current Unresolved Planning Issues list?

The 2015 Updated Unresolved Planning Issues List was provided in meeting packets. The Planning Commission intends to review this further as the schedule allows.

IV. PLANNING COMMISSION MINUTES

August 5, 2015

MOTION: Commissioner Woods moved to approve the minutes as presented. Commissioner Selko seconded the motion and it passed unanimously.

LAND DEVELOPMENT HEARINGS BOARD MINUTES

August 5, 2015

MOTION: Commissioner Selko moved to approve the minutes as presented. Commissioner Sessions seconded the motion and it passed unanimously.

V. OLD BUSINESS:
Planning Manager Young provided a brief update on the LUBA Appeal decision for the Coronado subdivision.

VI. NEW BUSINESS: None.

VII. ADJOURNMENT: The meeting was adjourned at 9:10 p.m.

LWV Corvallis
PO Box 1679, Corvallis, OR 97339-1679
541-753-6036 • http://www.lwv.corvallis.or.us

September 2, 2015

Dear Members of the Corvallis Planning Commission:

The League of Women Voters supports the Staff's recommendation that the Planning Commission take no action on the applicant's request for Extension of Approvals of on the Creekside Center I & II Conceptual Development Plan and Tentative Subdivision Plat (Case PLD09-0004/CDP09-0003/SUB09-0002).

It seems wise for the City to take the advice of the City Attorney who has stated that this application, first submitted in 2009, but not approved until September 2013 after appeal, may be subject to the Land Development Code amendments passed in 2012. If this is so, the Planning Commission does not have the authority to grant the requested extension. We believe the Request for Interpretation process that includes public review, comment, and appeal is the appropriate procedure, and is necessary to remove all ambiguity as to which Code provisions are applicable.

For your information, the League has not supported the Creekside development because we believe that the proposed multi-use path that cuts through the wetland north of Dunawi Creek, and the above-ground stormwater detention facilities to be located in the floodplain south of Dunawi Creek negate both the letter and the intent of the Comprehensive Plan, the Land Development Code, the Stormwater Master Plan, and other city plans. Thus, in 2011, we appealed the Planning Commission's approval to the City Council and the Council's approval to LUBA.

The path cuts through a wetland, a streamside woodland (also called a riparian corridor), and a floodplain – all of which have been designated as "Highly Protected." Locating the path in these highly sensitive areas is totally inconsistent with Comprehensive Plan policies, Land Development Code standards, and Stormwater Management Plan policies.

The above-ground stormwater facilities actually reduce the properly functioning conditions of the stream and floodplain, and the applicant's flood study shows that encroachment in the floodplain may increase flooding on properties north of the site. (On page 16 of the Unresolved Planning Issues in the packet for this meeting, Issue 46 reads: "Evaluate whether it is appropriate to allow surface stormwater detention facilities within protected natural resource areas if the soils do not allow significant percolation, or if other factors preclude infiltration in these areas.")

League's appeal resulted in some changes, but the final plan still allows significant encroachment into the wetland.

The League of Women Voters supports comprehensive planning effectively implemented, and we believe that following Staff's advice is the best course of action in this case. We recommend, therefore, that the Planning Commission take no action on this issue.

Sincerely,

Laura Lahm Evenson, President

Shelly Murphy, Community Planning Chair

Attachment A

PERKINSCOIE

1120 NW Couch Street
10th Floor
Portland, OR 97209-4128

+1.503.727.2000
+1.503.727.2222
perkinscoie.com

September 2, 2015

Michael C. Robinson
MRobinson@perkinscoie.com
D. +1.503.727.2264
F. +1.503.346.2264

VIA EMAIL TO KEVIN.YOUNG@CORVALLISOREGON.GOV

Jasmin Woodside, Chair
Corvallis Planning Commission
c/o Community Development Planning Division
PO Box 1083
Corvallis, OR 97339

Re: Time Extension Request
Creekside I and II (City of Corvallis Case Nos. PLD09-00004/CDP09-00003/SUB09-00002)
Applicant's Response to Staff Report

Dear Chair Woodside and Members of the Corvallis Planning Commission:

This office represents the applicant and developer of Creekside I and II, originally approved by the City of Corvallis as a quasi-judicial matter in City Case Nos. PLD09-00004/CDP09-00003/SUB09-00002 on August 19, 2013 ("City Decision"). The purpose of this letter is to request that the Planning Commission take action on and approve applicant's request to extend the approval periods for the Creekside I and II Conditional Development Permit ("CDP") and Tentative Subdivision ("SUB") applications at tonight's meeting.

Background

The City Decision to approve Creekside I and II expressly provides that the CDP and SUB expire on September 10, 2015, if development has not yet occurred consistent with these approvals. The provisions of the City's Land Development Code ("LDC") applicable at the time applicant filed the applications with the City on July 10, 2009, allowed an applicant to request, and the Planning Commission to approve, a two-year extension of the CDP and a one-year extension of the SUB upon findings that conditions had not changed. *See* Exhibit 1.

As a result, with the September 10, 2015 expiration date rapidly approaching, Applicant requested an extension of the CDP and SUB approvals pursuant to the 2009 LDC

provisions. City staff accepted, reviewed, and recommended approval of Applicant's request. *See* Exhibit 2. That item was scheduled for the Planning Commission's consideration on August 5, 2015, but was pulled at the last minute at the City Attorney's request. Applicant then requested that the item be rescheduled for action by the Planning Commission before the September 10, 2015 expiration date provided in the City Decision. City staff have now rescheduled the matter but have recommended that the Planning Commission take no action on the request.

Basis of Request that Planning Commission Take Action

With due respect to City staff and the City Attorney, Applicant believes that it is entitled to a decision on its request and requests that decision before the expiration date provided in the City Decision (September 10, 2015).

Applicant believes that it is vested to request approval of an extension under the 2009 version of the LDC because the extension standards are part and parcel of the "standards and criteria" in effect at the time applicant made its applications in 2009. By analogy, If the City had amended setback provisions affecting the subject property between the time of application and today's date, applicant would not be required to comply with the new setback provisions because applicant has a pre-existing approval that provides otherwise. The same reasoning applies to the extension provisions. Applicant is grandfathered under the 2009 LDC and asks that the City take action on the request. The Planning Commission's failure to act would prevent applicant from having a timely extension (or a denial of an extension, which could be appealed), which could cause applicant's approvals to expire.

Applicant makes this request in an abundance of caution and due to the impending expiration date. Applicant reserves the right to request an interpretation that the approval periods of the LDC are controlled by the current version of the LDC and that no extensions are required.

Compliance with Prerequisites for Extension

In the event the Planning Commission decides to consider the request under the 2009 LDC, the Planning Commission can find that the prerequisites for an extension are met

for the reasons set forth in applicant's letter dated July 27, 2015 and the City staff report dated July 28, 2015.

Conclusion

Applicant requests that the Planning Commission take action on this request at tonight's meeting and that the Planning Commission approve the requested extensions. If the Planning Commission fails to take action tonight, it may cause applicant's approvals to expire.

I regret that I am not able to attend the Planning Commission meeting tonight, but I have asked City Planning staff to place this letter before you and to include a copy in the official record for this matter.

Thank you for your attention to this letter and to Applicant's request.

Very truly yours,

for

Michael C. Robinson

Encls.

cc: Mr. Kevin Young (via email) (w/encls.)
Mr. David Coulombe (via email) (w/encls.)
Mr. Bret Fox (via email) (w/encls.)
Mr. Seth King (via email) (w/encls.)

Any Conditional Development request on residentially designated property shall also result in a clear and objective set of development standards, between the Conditional Development proposal, required adherence to this Code, and Conditions of Approval.

2.3.30.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall approve, conditionally approve, or deny the Conditional Development. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.3.30.06 - Notice of Disposition

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing. For development on property with a Willamette River Greenway Overlay Zone, a Notice of Disposition shall also be mailed to the Oregon Department of Parks and Recreation.

2.3.30.07 - Appeals

The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.

2.3.30.08 - Effective Date

Unless an appeal has been filed, the decision of the hearing authority shall become effective 12 days after the Notice of Disposition is signed.

2.3.30.09 - Effective Period of Conditional Development Approval

Conditional Development approval shall be effective for a two-year period from the date of approval. If the applicant has not begun the Conditional Development or its phases within the two-year period, all approvals shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed two additional years.

Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.4.30.07 - Appeals

The decision of the Director or Planning Commission, whichever the decision-maker as outlined in this Chapter, may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

2.4.30.08 - Effective Date

Unless an appeal is filed, the decision of the Director or the Planning Commission shall become effective 12 days after the Notice of Disposition is signed.

2.4.30.09 - Effective Period of Tentative Subdivision Plat Approval

Tentative Subdivision Plat approval shall be effective for a two-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the two-year period (with appropriate assurances for improvements, if applicable), all approvals shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period once for a period not to exceed one additional year.

Section 2.4.40 - FINAL SUBDIVISION PLAT REVIEW PROCEDURES

2.4.40.01 - Application Requirements

Three originals of the Final Subdivision Plat, as well as an electronic version of the Plat that is compatible with City formats, shall be submitted to the Director. The Final Subdivision Plat shall conform to the approved Tentative Subdivision Plat and Article IV - Development Standards, except where modified by a Planned Development approval. See Chapter 2.5 - Planned Development. The Final Subdivision Plat shall also meet Benton County's survey and Subdivision Plat standards and contain or be accompanied by the following information:

a. Name of the Subdivision ;

b. Date, north arrow, scale, legend, and existing features such as highways and railroads;

c. Legal description of Subdivision boundaries;

MEMORANDUM

DATE: July 28, 2015

TO: Planning Commission

FROM: Jason Yaich, Senior Planner

SUBJECT: Consideration of Extension of Existing Approvals for the Creekside Center I and II Development, located at the northwest corner of SW 53rd Street and Hwy 20/34 (SW Philomath Blvd) (cases **CDP09-00003 and SUB09-00002)**

ISSUE

On August 20, 2013, a Notice of Disposition was signed (Order 2013-043) by the City Council, approving Planned Development (PLD09-00004), Conditional Development Permit (CDP09-00003) and Tentative Subdivision Plat (SUB09-00002) applications for the proposed Creekside Center I & II commercial development, located at the northwest corner of SW 53rd Street and Hwy 20/34 (Philomath Boulevard). The City Council's decision, on remand from LUBA, was final and not appealed, and the approvals became effective on September 10, 2013.

The approved application was submitted on July 10, 2009, and was reviewed under the provisions of the Land Development Code (LDC) in place at that time. Per Section 2.5.50.09 of the aforementioned version of the LDC, the Detailed Development Plan approval is effective through September 10, 2018. However, the associated Conditional Development Permit and Tentative Subdivision Plat approvals are set to expire on September 10, 2015. Per the provisions of the effective code, the Planning Commission may extend the approval of the Conditional Development Permit by up to two years and may extend the approval of the Tentative Subdivision Plat by up to one additional year, if the Planning Commission finds that conditions have not changed.

The applicant requests that the Planning Commission grant a two year extension for the Conditional Development Permit and a one year extension to the Tentative Subdivision approval in order to finish preparing materials required with the Final Subdivision Plat and site development permits (see attached letter).

STAFF RECOMMENDATION

Staff support the applicant's request for the following reasons:

1. The conditions in the area surrounding the subject site have not changed in any way relevant to the proposal to subdivide the vacant site.

EXHIBIT 2

2. The associated Planned Development approval is still effective and will not expire until September 10, 2018. Not granting the extension would simply require the applicant to submit new applications for the same proposal, and those applications would be required to be consistent with the Planned Development approval.

3. The current review criteria for evaluating a new commercial subdivision proposal are the same as those used to evaluate the existing application. Therefore, analysis of the same proposal against the same review criteria would likely yield the same decision to approve the request.

4. Since the application was submitted, the LDC has been amended to extend the effective period of approval for Conditional Development Permits and non-residential Subdivisions from two years to four years. This broader policy direction is aligned with the applicant's request.

Decision Options
With respect to the applicant's request for a two year extension to the approval of the Conditional Development Permit (CDP09-00004) and one year extension to the approval of the Tentative Subdivision Plat (SUB09-00002), the Planning Commission has three options:

Option 1: Approve the request, thereby extending the effective date of approval to September 10, 2017 for the Conditional Development Permit, and September 10, 2016 for the Tentative Subdivision Plat.

Option 2: Approve an extension of the effective dates of approval by some other period of time less than requested by the applicant.

Option 3: Deny the request, thereby maintaining the current approval effective date of September 10, 2015, for both the Conditional Development Permit and Tentative Subdivision Plat.

Staff recommend the Planning Commission chose Option 1, and approve a two year extension for the Conditional Development Permit and one year extension to the Tentative Subdivision Plat approval. If the Planning Commission accepts this recommendation, the following motion is suggested.

Motion
I move to extend the effective dates of approval for the Creekside Center I and II Conditional Development Permit to September 10, 2017, and Tentative Subdivision Plat to September 10, 2016.

Attachment
Letter from Perkins Coie; Received July 27, 2015
Excerpt from Order 2013-043 (Final City Decision on Creekside Center I & II)

PERKINSCOIE

1120 NW Couch Street
10th Floor
Portland, OR 97209-4128

+1.503.727.2000
+1.503.727.2222
perkinscoie.com

July 27, 2015

Michael C. Robinson
MRobinson@perkinscoie.com
D. (503) 727-2264
F. (503) 346-2264

VIA EMAIL

Mr. Kevin Young, Planning Division Manager
City of Corvallis
Community Development Department
501 SW Madison Avenue
Corvallis, OR 97333

Re: City of Corvallis Case Numbers PLD09-0004/CDP09-0003/SUB09-0002; Creekside Center I & II; Request for Extension of Approvals of Conceptual Development Plan and Tentative Subdivision Plat

Dear Mr. Young:

This office represents the applicant for the above-referenced applications. The owner hereby requests that the City of Corvallis Planning Commission (the "City") extend the conditional development permit and tentative subdivision plat approvals provided for in Order 2013-043 (the "Order") approving the applications and issued on September 10, 2013. Pursuant to the Order, the conditional development permit and tentative subdivision plat are valid for a period of two (2) years from September 10, 2013 until September 10, 2015.

The Order provides that the conditional development permit is subject to expiration unless development occurs. The Order also provides that the tentative subdivision plat expires within two (2) years unless the applicant has submitted a final subdivision plat. Neither event has occurred. Therefore, the owner requests an extension of both decisions.

1. **Conceptual Development Plan.** Corvallis Land Development Code ("LDC") (2009) 2.5.40.09.b. provides that the approval may be extended by the Planning Commission for two (2) years if conditions have not changed. Conditions on the site have not changed since the 2013 approval on remand. The owner requests that the Planning Commission extend the approval for two (2) years.

2. **Tentative Subdivision Plat.** LDC 2.4.30.09 (2009) provides that the Planning Commission may extend the decision for one (1) year if conditions have not changed. Conditions on the site have not changed since the 2013 approval on remand. The owner requests that the Planning Commission extend the approval for one (1) year.

I understand that no application form is required for an extension request nor is a fee charged for an extension request.

Please schedule this request for consideration by the Corvallis Planning Commission at the earliest possible date. Pursuant to ORS 227.178(3), the standards for the extension of these decisions are those in effect on the date the applications were originally submitted on July 10, 2009.

Very truly yours,

Michael C. Robinson
MCR:rsp
cc: Bret Fox (via email)
Seth King (via email)

Community Development
Planning Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6908
FAX (541) 754-1792

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

CITY COUNCIL

NOTICE OF DISPOSITION

ORDER: 2013-043

CASE: **Creekside Center I & II**
(PLD09-00004 / CDP09-00003 / SUB09-00002)

REQUEST: Approval of a Conceptual and a Detailed Development Plan, a Conditional Development Permit, and a Tentative Subdivision Plat for the Creekside Center I & II development. The Conceptual & Detailed Development Plan is for a commercial (retail and restaurant) development on 6.64 acres. The development plans include approximately 43,000 sq. ft. of commercial floor area divided among seven buildings. The request includes approval of a Conditional Development Permit to allow a drive-through conditional use adjoining one of the buildings. The request also includes a commercial Tentative Subdivision Plat, creating 3 Lots and 4 Tracts. The Planned Development request also includes variations to Land Development Code (LDC) standards.

On December 20, 2010, the City Council approved the subject application, with conditions. This decision was appealed to the Oregon Land Use Board of Appeals (LUBA), and LUBA remanded the decision on June 28, 2011. On April 5, 2013, the applicant submitted a modified application and a letter to the City, requesting that the City proceed with the remand hearing. On June 17, 2013, the City Council held a public hearing review the modified application and to address the remand issues. On July 1, 2013, the Council deliberated on the matter and approved the modified application, with revised conditions of approval. On August 19, 2013, City Council adopted Formal Findings and Conclusions, in support of their decision.

APPLICANT: Oregon Architecture
Attn: Mark McKechnie
221 W 10th Street
Medford, OR 97501

OWNER: Apple Creek I LLC
PO Box 4460
Medford, OR 97501

LOCATION: The site is located at the northwest corner of SW 53rd Street and Highway 20/34 (SW Philomath Boulevard). The site is identified on the Benton County Assessor's Map # 12-5-05 DD, as Tax Lots 500 and 600.

DECISION: On June 17, 2013, the City Council held a duly-advertised public hearing to consider the modified application and issues remanded by LUBA. The public hearing was opened to allow the public the opportunity to submit testimony related to the modified application and remand issues. The Council deliberated on the matter on July 1, 2013, and voted to tentatively approve the Conceptual and Detailed Development Plan, Conditional Development Permit and Tentative Subdivision Plat requests, including revisions to previously adopted Conditions of Approval (**see Attachment A**). On August 19, 2013, City Council adopted Formal Findings in support of their decision to approve the applications (**see Attachment B**).

If you wish to appeal these decisions, 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.

Julie Jones Manning

Julie Jones Manning

Mayor, City of Corvallis

Signed: August 20, 2013

LUBA Appeal Deadline: September 10, 2013

CONCEPTUAL AND DETAILED DEVELOPMENT PLAN EXPIRATION DATE (IF NOT APPEALED): September 10, 2018

If no appeal is filed by the LUBA appeal deadline, the Detailed Development Plan shall be valid for five (5) years. The approval shall expire unless development occurs, an Active Detailed Development Plan is established in accordance with LDC Section 2.5.50.09, or the approval is otherwise extended consistent with the Corvallis Land Development Code.

CONDITIONAL DEVELOPMENT PERMIT EXPIRATION DATE (IF NOT APPEALED): September 10, 2015

If no appeal is filed by the LUBA appeal deadline, the Conditional Development Permit shall be valid for two (2) years. The approval shall expire unless development occurs consistent with the approved Conditional Development Permit, in accordance with LDC Section 2.3.30.09.

TENTATIVE SUBDIVISION PLAT EXPIRATION DATE (IF NOT APPEALED): September 10, 2015

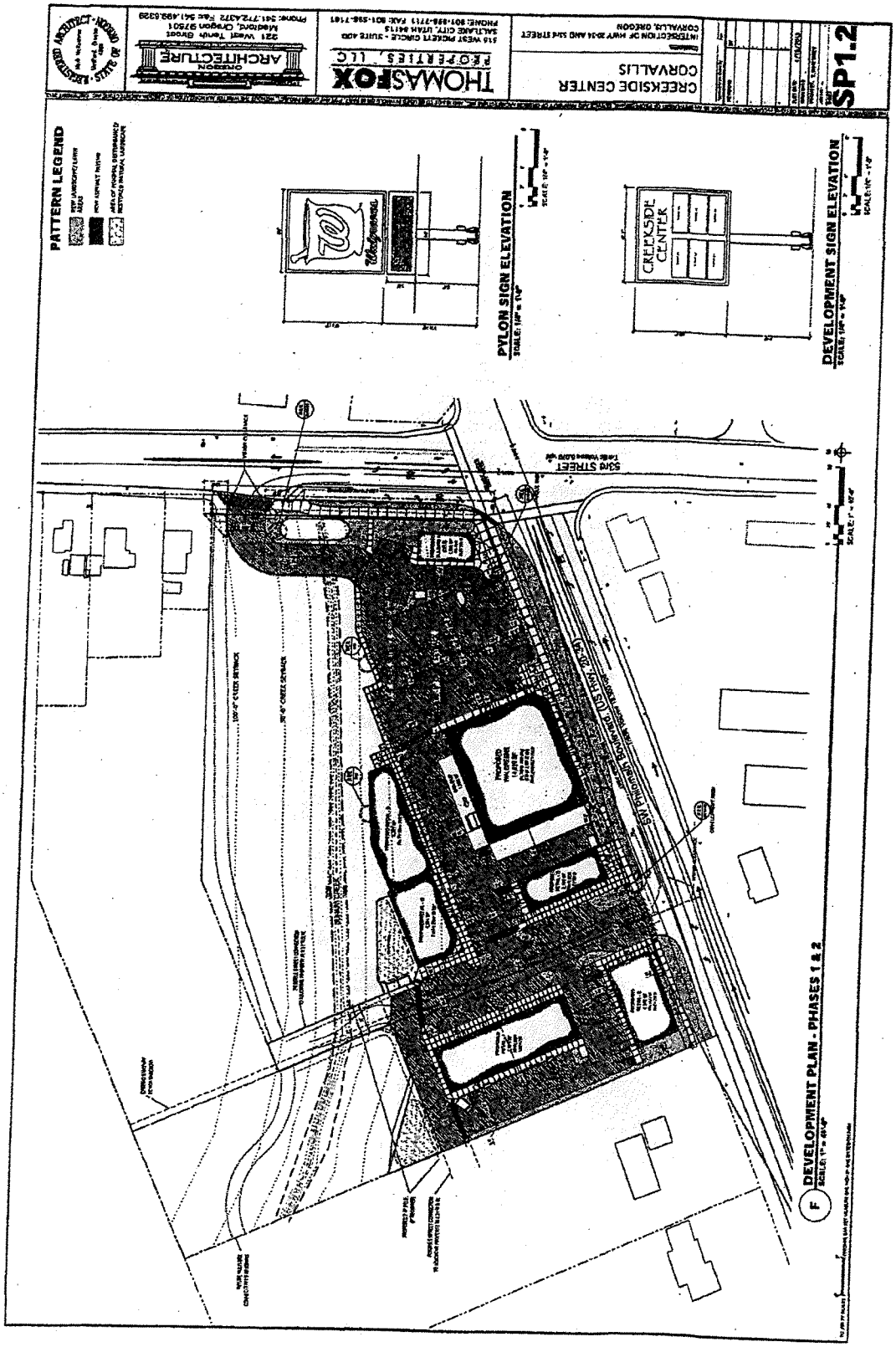
If no appeal is filed by the LUBA appeal deadline, the Tentative Subdivision Plat shall be valid for two (2) years. If the applicant has not submitted a Final Subdivision Plat within the two-year period (with appropriate assurances for improvements, if applicable), or a Tentative Subdivision Plat Modification has not been approved, all approvals shall expire.

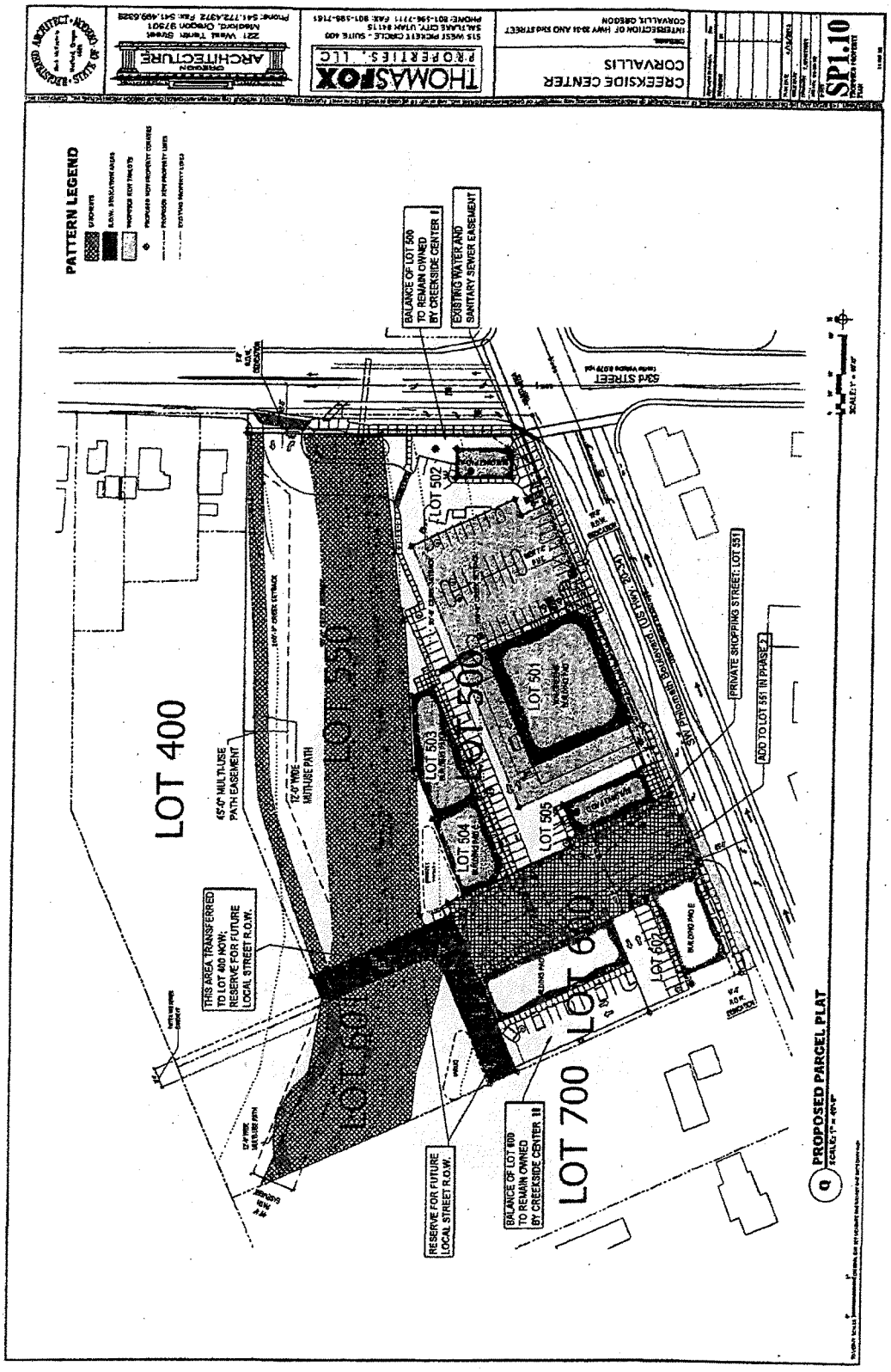
ATTACHMENT A:

- Conditions of Approval
- Approved Plans (Conceptual and Detailed Development Plan, Conditional Development Permit, and Tentative Subdivision Plat)

ATTACHMENT B:

- Formal Findings and Conclusions


CREEKSIDE CENTER
CORVALLIS
INTERSECTION OF HWY 20-34 AND 53rd STREET
CORVALLIS, OREGON
THOMAS FOX PROPERTIES, LLC
ARCHITECTURE
SP1.2
PATTERN LEGEND
PYLON SIGN ELEVATION
DEVELOPMENT SIGN ELEVATION
CREEKSIDE CENTER
53rd STREET
DEVELOPMENT PLAN - PHASES 1 & 2


CREEKSIDE CENTER
CORVALLIS
INTERSECTION OF HWY 20/34 AND 53rd STREET
CORVALLIS, OREGON
THOMAS FOX PROPERTIES, LLC
515 WEST PICKETT CIRCLE - SUITE 400
SALTLAKE CITY, UTAH 84115
PHONE: 801-596-7711 FAX: 801-596-7161
OREGON ARCHITECTURE
221 West Third Street
Medford, Oregon 97501
Phone: 541.772.4372 Fax: 541.499.0328
SP1.10
PATTERN LEGEND
LOT 400
LOT 500
LOT 501
LOT 502
LOT 503
LOT 504
LOT 505
LOT 600
LOT 601
LOT 700
65'-0" MULTI-USE PATH EASEMENT
12'-0" WIDE MULTI-USE PATH
THIS AREA TRANSFERRED TO LOT 400 ROW; RESERVE FOR FUTURE LOCAL STREET R.O.W.
RESERVE FOR FUTURE LOCAL STREET R.O.W.
BALANCE OF LOT 600 TO REMAIN OWNED BY CREEKSIDE CENTER II
BALANCE OF LOT 500 TO REMAIN OWNED BY CREEKSIDE CENTER I
EXISTING WATER AND SANITARY SEWER EASEMENT
PRIVATE SHOPPING STREET: LOT 551
ADD TO LOT 551 IN PHASE 2
53rd STREET
PROPOSED PARCEL PLAT

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

DRAFT

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
September 16, 2015

Present
Jasmin Woodside, Chair
Ronald Sessions, Vice Chair
Carl Price
Paul Woods
Tom Jensen
Rob Welsh

Staff
Dan Miller, Deputy City Attorney
Kevin Young, Planning Division Manager
Rian Amiton, Associate Planner
Claire Pate, Recorder

Excused Absence
Jim Ridlington
Roger Lizut
G.Tucker Selko
Penny York, Council Liaison

Absent

SUMMARY OF DISCUSSION

	Agenda Item	Recommendations
I.	Visitor Propositions	
II.	Public Hearing A. Toyota of Corvallis (PLD15-00010)	Approved, as conditioned.
III.	Minutes Review: August 19, 2015	Approved, with revisions
IV.	Other Business/Info Sharing	
V.	Adjournment – 7:55pm	

Attachments to the September 16, 2015 minutes:

A. Written testimony regarding Homeless Services Overlay, submitted by Jan Napack.

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Jasmin Woodside at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. VISITOR'S PROPOSITIONS:

Jan Napack, 3998 NW Hollyhock Circle, spoke in regard to her desire to have the City's land use regulations better address definitions of and appropriate siting for social service facilities including homeless shelters. She suggested that the City might look at adopting a homeless shelter, or services, overlay, similar to the other overlays the Land Development Code employs. She submitted written testimony **(Attachment A)**. She believes that the lack of attention to this type of regulation is one reason the community is now faced with unprecedented fallout surrounding the efforts to build a homeless shelter in the proposed site downtown.

Because of this concern, she had done some research. She reviewed Corvallis' codes and could not find any definition for "homeless" or "drop-in center," nor does it speak to "emergency" or "cold weather" shelters. She researched other jurisdictions and found some information that could be used as a starting point. California, for instance, recently mandated that all cities have code related regulations about homeless issues.

Her research shows that in Corvallis there are three residential zones, four commercial zones, and one industrial zone for which a "social service facility" is permitted outright. She suggested that revisions to the codes be considered to allow for more industrial zones to have such a use permitted outright. It would be good to be proactive, and to have an administrative, non-political approach to the issue.

She also urged that the Planning Commission take a long look at micro-housing, and suggested Olympia, Washington be looked at as an example of what could be done.

Commissioner Sessions shared his concerns for and experiences with homeless sheltering and services. Chair Woodside and other commissioners thanked Ms. Napack for her research and her testimony. She was encouraged to be a part of the upcoming work on Corvallis' Vision statement and action plan.

II. PUBLIC HEARING – TOYOTA OF CORVALLIS (PLD15-00010):

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

1. Conflicts of Interest – none.
2. Ex Parte Contacts – none.
3. Site Visits – none.
4. Objections on Jurisdictional Grounds – none.

C. Staff Overview:

Planner Amiton said the application is for a Major Planned Development Modification to a Conceptual and Detailed Development Plan (Toyota of Corvallis) which was approved in 2013. The site is located at 800 NW 5th Street, and is bounded by railroad tracks to the west, other auto-related uses to the north and east of the site. To the south and southeast are some high-density residential apartment buildings. The City has received no public testimony to date on the case.

The applicant requests to modify a condition of approval which allowed one wall-mounted sign to be placed at 26', exceeding the City's 25' maximum height for such signs. As compensating benefits, the overall sign allocation for the site was capped at 75% of the City's standard, and pole signs were prohibited. The Applicant now wishes to comply with the 25' sign height maximum in exchange for being allowed the pole sign that would typically be permitted. The end result would be installation of a 24'6" wall-mounted sign and a 25' tall pole sign. The 75% limit on overall signage would remain.

The site is zoned Mixed Use General Commercial with a Planned Development Overlay – PD(MUGC). It is primarily surrounded by MUGC zoning, with some High Density Residential (RS-20) to the south and some Central Business Fringe (CBF) to the southeast.

He said that a representative of the applicant, Michelle Pierson, was present and available to answer any questions the commission might have.

D. Legal Declaration:

Deputy City Attorney Miller 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:

Michelle Pierson did not wish to make a presentation, but said she was available to answer any questions that might arise.

F. Staff Report:

Planner Amiton said the application was presented in detail in the staff report, and he would only briefly highlight some of the issues.

The effective result of the request would be to raise the height of a freestanding sign from 12' to 25', and lower a wall-mounted sign from 26' to 24'6". In effect, this would be bringing the site into compliance with standard Land Development Code (LDC) sign regulations (Chapter 4.7). They would still be limited to 75% of the overall signage permitted, per one of the compensating benefits of the previous approval.

This particular request requires a Major Planned Development Modification to a Conceptual and Detailed Development Plan, according to LDC 4.7.90.09. This section states that modifications of a Planned Development sign plan follow the provisions for a Major Planned Development Modification as outlined in Chapter 2.5 – Planned Development. It is subject to review criteria outlined in section 2.5.40.04.

Staff finds that not all the review criteria are relevant, so he touched on only those that were most relevant. 2.5.40.04.a.1 (Compensating benefits): no new compensating benefits are necessary since the request is to remove a variation. 2.5.40.04.a.2 (Basic site design): the signs will be located in the same locations as were previously

approved, so staff find the proposal compliant with basic site design. 2.5.40.04.a.3 (Visual elements): the free standing sign will be larger than what was previously approved, but still compliant with LDC Chapter 4.7 (sign regulations), and the 75% limitation on overall signage. It is buffered from the multi-family residential buildings either by distance or by landscaping, including several existing trees along 5th Street. There are newly planted trees in excess of what is actually required between the location of the sign and the apartment complex to the south. In addition, staff find that pole signs are common along this stretch of 5th Street. Practically every business to the north along 5th Street as it bends into Buchanan has a pole sign between12-25' in height. For these reasons, staff find the application consistent with visual elements. 2.5.40.04.a.6 (lighting): there is no change in the total amount of signage permitted being requested. The freestanding sign is likely to emit slightly more light than the previously approved monument sign, but the wall-mounted sign will likely emit less light since it will be smaller in size. Staff find that overall the change is negligible. 2.5.40.04.a.7 (Signage): attached signs are typically permitted up to 25' in height, and pole signs are permitted up to 25'. Staff find the request to be compliant with this.

In conclusion, staff find that the request is consistent with all applicable LDC criteria. The recommendation, based on this analysis, is for approval of the request, with the conditions found in the staff report.

G. Public Testimony in favor of the application: none

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

I. Neutral testimony: none

The Chair reminded people that speaking neutrally removes rebuttal rights.

J. Rebuttal by Applicant: none

K. Sur-rebuttal: none

L. Additional time for applicant to submit final argument::

The applicant waived the additional time to submit written argument.

M. Close the public hearing:

The public hearing was closed through unanimous consent.

N. Discussion and Action by the Commission:

Questions from the Commission:

Commissioner Jensen referred to Conditions of Approval #13 and #14 of the previous and asked for clarification about the right-of-way width, to which staff responded.

Commissioner Jensen asked if there was an overall increase in the square footage of lighting going from a pylon to a monument sign. Planner Amiton said the new monument sign is both wider and taller, and is increased in size. However, the wall-mounted sign is smaller and the net change in light emitted is negligible. There are no elements emitting light on the sign aside from the logos.

Commissioner Price asked if his understanding that this brought the signage into compliance with LDC requirements was correct. Planner Amiton answered affirmatively, and said that the applicant would still need to go through a staff review and approval process for a sign permit.

MOTION: Commissioner Woods **moved** and Commissioner Price **seconded** to approve the proposed Major Planned Development Modification (PLD15-00010) with conditions, as described in the associated Staff Report. His motion was based upon the staff recommendation to the Planning Commission. The motion was unanimously **approved**.

O. Appeal Period:

The Chair explained that the decision will be effective 12 days from when the Notice of Disposition is signed, unless an appeal is filed with the City Recorder.

III. PLANNING COMMISSION MINUTES:

A. August 19, 2015:

MOTION: Commissioner Sessions moved to approve the minutes with revisions. Commissioner Woods seconded the motion and it passed unanimously.
Revisions:
Page 6 – Change the second "Commissioner XX" to "Commissioner Lizut." In other locations where Commissioner XX is used, staff will eliminate the reference to a specific commissioner without altering the substance.
Page 8, 2nd to last paragraph – change the attribution from Commissioner Woods to Commissioner Sessions as the person who made the statement "the owner of the GT building came forward as the applicant."

IV. OLD BUSINESS:

A. Chair Woodside reminded commissioners that staff had distributed the update to Chapter 4.5 of the Land Development Code at their last meeting, and it needed to be inserted into their personal copies of the Code in lieu of the old chapter. For those who use an electronic copy downloaded off the web site, they also need to be reminded to download the most current version.

B. Commissioner Jensen asked when there might be time to review sections of the LDC as training. Chair Woodside said that training would occur at their next meeting, October 7, 2015, since there were no public hearings scheduled.

V. NEW BUSINESS:

A. Planning Division Update:

Planning Division Manager Kevin Young said City Council had met to determine what to do with LUBA's Coronado Tract B decision. They decided that they would appeal the decision. Part of the concern is that there are some larger ramifications for this decision to the Oregon Court of Appeals. Additionally, Manager Young noted that the Campus Crest action on remand is final, since the 21-day appeal period has run with no appeal having been received. Therefore the Campus Crest application has been approved.

B. Commissioner Sessions referred to the testimony provided by Ms. Napack earlier, and he suggested that staff might give them a report back at a future meeting on the subject. Commissioner Price suggested that they get some direction from City Council as to whether they want the Planning Commission to pursue this, since they might already be pursuing this as a Council objective. Chair Woodside suggested that it be added to the unresolved planning issues list to not lose sight of it. Manager Young added that a homeless shelter falls within the larger category of social service facility. The Land Development Code does not have a specific use classification for a homeless shelter.

C. Commissioner Woods suggested that they pursue a modification to the Land Development Code so that a change to a Conceptual and Detailed Development Plan which makes a proposed development even more compliant with the code would not have to go through a Major Modification public hearing process, and could instead be reviewed by staff to make a determination. Manager Young said they could add this to the unresolved planning issues list as well.

VI. ADJOURNMENT: The meeting was adjourned at 7:55p.m.

Jan Napack
4998 SW Hollyhock Circle
Corvallis, OR 97333
541.745.5335

To: Corvallis Planning Commission

Re: Homeless Services Overlay September 16, 2015

Our County and City development codes generally do not impose additional criteria or conditions of approval upon a Permitted Use. In the case of an enterprise that desires to develop a Social Service Facility under the Civic Use type zoning the city offers one (1) industrial, three (3) residential, and four (4) commercial zones granting 'Permitted Outright' use; (see attached chart).

After researching development codes from other Oregon communities (e.g. Eugene, Lebanon) and neighboring states (WA, CA) I realized that our code does not reference "homeless" or "drop-in center", nor does it describe "cold weather" or "emergency" in terms of shelter. ("Emergency Shelter" in 24 CFR 91.5 is any "...temporary shelter for the homeless in general or for specific populations of the homeless...")

As a result of these omissions I don't see how the code can comprehensively address siting, building or operational standards for any type of homeless facility whether a shelter, centralized intake center, or staffed counseling office. Indeed, in reading our code one might suppose that a homeless shelter of any size could be put just about anywhere in the city. I think this lack of strategy is one reason our community is now faced with unprecedented fallout surrounding our downtown homeless Service Provider.

California has recently mandated that all communities shall generate land development plans that assert inclusion of service facilities for the homeless. Indisputable reasons for using this approach are covered in the article "A Sound Approach to Regulating Social Service Facilities", (*Margaret Wuerstle, American Planning Association, Zoning Practice, January 2010, Issue 1*). https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAAahUKEwin5bC97_zHAhVIN4gKHUG4CnY&url=https%3A%2F%2Fwww.planning.org%2Fzoningpractice%2F2010%2Fpdf%2Fjan.pdf&usg=AFQjCNHnThh1fsE1NVXjXY-wEsSDjLI8dg&sig2=pGpn3zZGkoF9ynwftv0xaQ The article explains how zoning amendments for social services facilities were formed using input by providers and neighborhood representatives. The process, although long and complex, was well documented and used quantifiable metrics to gauge success. The homeless services overlay for the city of Menlo Park, CA, is attached as an example of the final product of such collaboration.

I would like to see Corvallis take a positive step toward incorporating standards for homeless shelter operations that include more zoning options and identification of specific potential sites, all while developing operational criteria with neighborhood input. I ask that the Commission also take a long look at micro-housing, similar to what has been accomplished in Olympia, WA (http://www.huduser.org/portal/casestudies/study_08312015_1.html)

Sincerely,

Jan Napack

Land Use Development Code - Corvallis, OR

Compiled J.Napack 09/15/2015

Summary Listing of Permitted Zones for Homeless Shelters

ZONE CODE, CHAPTER, AND DESCRIPTION			Civic Use Type: Social Service Facillity * (P= Permitted Outright)
RESIDENTIAL ZONES			
RS-3.5	3.1	Low Density Residential	–
RS-5	3.2	Low Density Residential	–
RS-6	3.3	Low Density Residential	–
RS-9	3.4	Medium Density Residential	–
RS-12	3.6	Medium-High Density Residential	P
RS-20	3.8	High Density Residential	P
MUR	3.9	Mixed Use Residential	P
RS-1	3.10	Extra-low Density Residential	–
COMMERCIAL AND OFFICE ZONES			
P-AO	3.11	Professional and Administrative Office	–
NC-Major	3.14	Major Neighborhood Center	–
NC-Minor		Minor Neighborhood Center	–
RF	3.15	Riverfront	P
CB	3.16	Central Business	P
CBF	3.17	Central Business Fringe	P
MUCS	3.19	Mixed Use Community Shopping	P
MUGC	3.20	Mixed Use General Commercial	–

ZONE CODE, CHAPTER, AND DESCRIPTION			Civic Use Type: Social Service Facillity * (P= Permitted Outright)
INDUSTRIAL ZONES			
MUT	3.21	Mixed Use Transitional	–
LI-O	3.22	Limited Industrial Office	–
LI	3.23	Limited Industrial	–
GI	3.24	General Industrial	–
II	3.25	Intensive Industrial	–
RTC	3.26	Research Technology Center	–
MUE	3.27	Mixed Use Employment	P
OTHER DESIGNATIONS			
OSU	3.36	Oregon State University	–
AG-OS	3.37	AG-OS - Agriculture - Open Space	–
C-OS	3.38	C-OS - Conservation - Open Space	–

* Social Service Facilities - Facilities operated in the interest of the physical and mental health and welfare of the community's population. Typical services include two or more of the following: individual counseling, family counseling, meal services, medical and/or dental services in structures less than 3,000 sq. ft in size, short-term overnight accommodations, and office and administrative functions related to any or all of these services. Excludes the Medical Services Use Type.

ORDINANCE NO. 1002

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADDING CHAPTER 16.99 [EMERGENCY SHELTER FOR THE HOMELESS OVERLAY] AND AMENDING CHAPTER 16.04 [DEFINITIONS] TO TITLE 16 [ZONING] OF THE MENLO PARK MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1: The City Council of the City of Menlo Park hereby finds and declares as follows:

a. The City desires to add Chapter 16.99 [Emergency Shelter for the Homeless Overlay] to Title 16 [Zoning] to fulfill implementing program H3.A in the City's current 2007-2014 Housing Element, and for compliance with Senate Bill 2, which requires every California City and County to regulate for these facilities by identifying where an emergency shelter to meet the City's unmet need is allowed without a discretionary action, and to amend Chapter 16.04 [Definitions] for clarity and consistent implementation of Chapter 16.99.

b. The Planning Commission held a duly noticed public hearing on March 10, 2014 to review and consider the proposed addition of Chapter 16.99 [Emergency Shelter for the Homeless Overlay] to Title 16 [Zoning], at which all interested persons had the opportunity to appear and comment.

c. The City Council held a duly noticed public hearing on April 1, 2014 to review and consider the addition of Chapter 16.99 [Emergency Shelter for the Homeless Overlay] to Title 16 [Zoning], at which all interested persons had the opportunity to appear and comment.

d. After due consideration of the proposed addition of Chapter 16.99 [Emergency Shelter for the Homeless Overlay] to Title 16 [Zoning], public testimony, staff reports, and the Planning Commission recommendation, the City Council finds that the proposed ordinance is appropriate.

SECTION 2: Chapter 16.99 [Emergency Shelter for the Homeless Overlay] is hereby added to Title 16 [Zoning] to read as follows:

Chapter 16.99

EMERGENCY SHELTER FOR THE HOMELESS OVERLAY

Sections:

16.99.010 Purpose and goals
16.99.020 Applicability
16.99.030 Permitted uses
16.99.040 Conditional uses
16.99.050 Development regulations
16.99.060 Performance standards
16.99.070 Compliance review procedures

16.99.010 Purpose and goals. The purposes of this Chapter are to ensure the development of emergency shelters for the homeless do not adversely impact adjacent parcels or the surrounding neighborhood, and to ensure they are developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, while providing housing for the homeless of the community. Further the goal of this Chapter is to create a local approach to housing for the homeless, which includes veterans who, as of the date of the adoption of this ordinance, make up approximately 25 percent of the homeless population in San Mateo County and who may be served by the U.S. Department of Veterans Affairs located in Menlo Park.

16.99.020 Applicability. This Chapter shall apply only to emergency shelters for the homeless and only to the following properties, listed by the San Mateo County Assessor's Parcel Number (APN) as of the date of the adoption of this ordinance: 062470050, 062285320, 062285210, 062285300, 062065050, 062065070, 062285200, 062285220, 062064080, 113910999, 062065060, 062065010, 062064110, 062065030, 062064090, 062064100, 062064140, 062064130, 062490999, 062064120, 062065020, 062490020, 062490010, 113910010, 113910030, and 113910020. Any use other than an emergency homeless shelter shall be regulated by the underlying zoning district.

16.99.030 Permitted uses. The only permitted use in the Emergency Shelter for the Homeless Overlay is a facility housing the homeless with 16 or fewer beds, which shall serve no more than 16 homeless persons at one time. The cumulative number of beds allowed through this Chapter shall be no more than 16 beds, except as authorized by a use permit.

16.99.040 Conditional uses. Conditional uses allowed in the Emergency Shelter for the Homeless Overlay, subject to obtaining a use permit, are as follows:

(1) Single facility housing the homeless with more than 16 beds;
(2) Facility housing the homeless that would increase the cumulative total number of beds allowed through this Chapter above 16.

16.99.050 Development regulations. The emergency shelter for the homeless shall conform to all development regulations of the zoning district in which it is located, except for the off-street parking requirement. A modification to a development regulation of the underlying zoning district may be permitted subject to approval of a use permit by the Planning Commission.

(1) Off-street parking. All required parking spaces and access thereto shall conform to the City parking standards. Parking shall be provided per the requirements and shall not be located in any required yard abutting a street or R district. The Community Development Director may also reduce the parking requirement if the shelter can demonstrate a lower need.

Type	Parking Spaces	
Vehicular*	Per employee or volunteer on duty when the shelter is open to clients	1 space
	Per family	1 space
	Per non-family bed	0.25 space
Bicycle	Per bed	0.2 space
*A 10 percent reduction in the overall parking requirement is permitted if the facility is located within one-half mile of a rail station or one-quarter mile of a bus stop that serves at least four buses per hour during the weekday peak periods in the morning (7-9 a.m.) and afternoon (4-6 p.m.).		

16.99.060 Performance standards. The shelter for the homeless shall conform to all performance standards. A modification to a performance standard may be permitted subject to approval of a use permit.

(1) **Waiting and Client Intake Areas.** Shelters shall provide 10 square feet of on-site, interior waiting and client intake space per bed. In addition, one office or cubicle shall be provided per 10 beds, with at least one office or up to 25 percent of the offices designed for client privacy. Waiting and intake areas may be used for other purposes as needed during operations of the shelter.

(2) **Facility Requirements.** Each facility shall include a written management plan that uses best practices to address homeless needs (e.g. Quality Assurance Standards developed by the San Mateo County HOPE Quality Improvement Project) and shall include, at a minimum, the following:

(a) **On-site management:** On-site personnel are required during hours of operation when clients are present. The provider shall have a written management plan that includes procedures for screening residents to ensure compatibility with services provided at the facility.

(b) **Hours of operation:** Facilities shall establish and maintain set hours for client intake and discharge. The hours of operation shall be consistent with the services provided and be clearly posted.

(c) **Services**: Facilities shall provide overnight accommodation and meals for clients. Staffing and services or transportation to such services shall be provided to assist clients to obtain permanent shelter and income. Such services shall be available at no cost to all clients of the facility.

(d) **Kitchen:** Each facility shall provide a common kitchen and dining room adequate for the number of clients served on a daily basis.

(e) **Sanitation:** Each facility shall provide showers adequate for the number of clients served on a daily basis.

(f) **Storage:** Each facility shall provide secure areas for personal property adequate for the number of clients served on a daily basis.

(g) **Other amenities:** Other amenities may be required that are consistent with the State's provision for emergency housing, as recommended by the Police Department prior to Compliance Review approval.

(h) **Coordination:** The Shelter Operator shall establish a liaison staff to coordinate with City, Police, School District officials, local businesses, and residents on issues related to the operation of the facility.

(3) **Exterior Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

(4) **Security.** On-site security shall be provided during the hours of operation when clients are present.

16.99.070 Compliance review procedures. Each facility proposed under the Emergency Shelter for the Homeless Overlay requires review for compliance with Section 16.099.050 (development regulations) and Section 16.99.060 (performance standards) prior to occupancy of the facility, where a use permit is not required.

(1) **Application.** Requests for compliance review shall be made in writing by the owner of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the City. The application shall be accompanied by a fee, set by the City Council, plans, and a project description explaining the details of the proposal.

(2) **Noticing.** A notice shall be mailed to all property owners and building occupants within 300 feet of the exterior boundary of the property involved, using for this purpose the last known name and address of such owners as shown upon the current assessment roll maintained by the City. The notice shall include a description of the proposal, methods for providing comments, and date and time of a public meeting.

(3) **Public meeting.** Prior to making a determination of compliance, the Planning Commission shall conduct a study session. The review by the Planning Commission shall be advisory and non-binding and shall be limited to the proposal relative to the development regulations and performance standards.

(4) **Compliance determination.** The Community Development Director or designee shall make a determination of compliance in writing after reviewing the application materials and considering any comments received. The determination of the Community Development Director is final and not subject to appeal.

SECTION 3: Section 16.04.299 [Emergency shelter] is hereby added to Chapter 16.04 [Definitions] of Title 16 [Zoning] for clarity and consistency in implementation of Chapter 16.99 [Emergency Shelter for the Homeless Overlay] as follows:

> **Section 16.04.299 Emergency shelter**. "Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code Section 50801(e))

SECTION 4: A Negative Declaration was prepared that considered the environmental impacts of the adoption of an emergency shelter for the homeless overlay for the identified area and determined that any potential environmental impacts were less than significant.

SECTION 5: If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 6: This Ordinance shall become effective 30 days after the date of its adoption. Within 15 days of its adoption, the Ordinance shall be posted in three public places within the City of Menlo Park, and the Ordinance, or a summary of the Ordinance prepared by the City Attorney shall be published in the local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

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INTRODUCED on the 1st day of April, 2014.

PASSED AND ADOPTED as an Ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the 29th day of April, 2014, by the following vote:

AYES: Carlton, Cline, Keith, Ohtaki, Mueller

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:

Ray Mueller
Mayor

ATTEST:

Pamela Aguilar
City Clerk