



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

Approved as submitted, January 21, 2015

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
January 7, 2015

Present

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

Staff

David Coulombe, *Deputy City Attorney*
 Kevin Young, *Planning Division Manager*
 Claire Pate, *Recorder*

Visitors

Barbara Bull, *City Councilor*
 Dan Brown

Excused Absence

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Planning Commission Training – Continued Discussion of Quasi-Judicial Land Use Decisions			Postponed
III.	Minutes <ul style="list-style-type: none"> • November 5, 2014 • November 19, 2014 			Approved, 1 comment Approved
IV.	Old Business			For information only
V.	New Business			Recommendation for Goal Setting
VI.	Adjournment			Adjourned at 9pm

Attachments to the January 7, 2015 minutes:

- A. LDC Chapter 3.36. – Choosing the Path Forward, submitted by Dan Brown.

CONTENT OF DISCUSSION

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

I. VISITOR’S PROPOSITIONS.

II. PLANNING COMMISSION TRAINING - CONTINUED DISCUSSION OF QUASI-JUDICIAL LAND USE DECISIONS.

Manager Young said they had not been able to locate the video for this training, and would reschedule this at a later date.

III. MINUTES.

A. Planning Commission - November 5, 2014:

Commissioner Daniels shared for the record that under the discussion in Item II (Progress Report – OSU Facilities Staff presentation) he remembered a comment made by OSU about working to enhance the transit system. He did not see that captured in the minutes.

MOTION:

Commissioner Woodside moved to approve the minutes as drafted. Commissioner Woods seconded the motion, which **passed** unanimously, with Chair Gervais abstaining.

B. Planning Commission - November 19, 2014:

MOTION:

Commissioner Daniels moved to approve the minutes as drafted. Commissioner Woods seconded the motion, which **passed** unanimously.

IV. OLD BUSINESS:

- A. Campus Crest. Deputy City Attorney Coulombe updated commissioners on the status and possible timeline for the appeal filed with the Court of Appeals relating to LUBA’s rejection of seven of the issues raised by opponents to the Campus Crest application. The oral hearing has been scheduled sometime in the next few weeks. He summarized for the commissioners the issues being appealed, and said that the City would likely know more about the possible outcome by late February.
- B. Downtown Riverfront Hotel status. In response to a question from Commissioner Ridlington, Planning Division Manager Young said that a new application had been received with a different proposal for a hotel development on the old Copeland Lumber Yard parcel. It was still in the review process.

V. NEW BUSINESS:

A. Discussion of Potential Participants on Planning Commission/City Council Work Group to Evaluate OSU-Related Comprehensive Plan Findings and Policies.

Chair Gervais said that she had been approached by some people who had expressed an interest in serving on such a workgroup, and thought it advisable to find out which commissioners might have such an interest. She had expressed to the Mayor her hope that as many commissioners who might wish to serve could do so, as there is a wide degree of background and depth of experience to bring to the workgroup discussions, even though a smaller group might be considered more efficient. Councilor York said that the appointments would likely be made by the Mayor if the City Council decides to use a workgroup, though this had not as yet been established. If so, he would likely be interested in knowing of interested candidates for potential appointment. Manager Young said that this would likely be a topic of discussion at the joint work session. A straw poll determined that the following commissioners would be interested and able to serve: Commissioners Woodside, Sessions, Lizut, Daniels, Woods, and Gervais.

B. Commissioner Feldmann's Announcement of Pending Departure/New Liaison to HRC.

Commissioner Feldmann announced that he would be moving to Germany in April, and would discuss with staff as to when a replacement should be brought on board to the Commission to replace him. He also asked if another commissioner could serve as liaison to the Historic Resources Commission, starting immediately, and Commissioner Ridlington volunteered. Commissioner Feldmann shared some of his concerns about the need for Chapter 2.9 to be revised with clearer language in some instances. One of the concerns he identified was specificity and consistency about acceptable materials/appearance for windows. Deputy City Attorney Coulombe and Manager Young both commented about the subjectivity that is built into that chapter, as "historicity" is often in the eyes of the beholder.

C. Memoranda from City Attorney's Office and Community Development related to OSU Campus Master Plan Legislative Review (Information):

Deputy Attorney Coulombe and Manager Young said they were available to answer any questions related to the memoranda included in the packet.

Commissioner Woods referred to item 3.c on page 4 of the memo from Deputy City Attorney Brewer, and asked if this meant that any new building proposed by OSU would just be reviewed under the normal non-OSU type processes; i.e. not necessarily under Chapter 3.36, but under whatever type of building was being proposed. Deputy City Attorney Coulombe explained that though the Campus Master Plan might have expired, it did not mean that Chapter 3.36 goes away. This chapter also implements the Comprehensive Plan policies, not just the Campus Master Plan. He said that the interpretation option proposed in item 3.c was to use a conditional development review process to look at larger development plans, bringing in the compatibility considerations specified in Chapter 3.36 for a planned development as appropriate. Manager Young added that Chapter 3.36 provides the specific zoning designation and requirements for OSU, and it would be appropriate to continue to use it as the framework for development on campus. If City Council determines that the planning period has terminated

and the City is asked to review a potential new campus development, it would still be appropriate to look at the development proposal using the Chapter 3.36 standards in conjunction with planned development compatibility criteria.

Commissioner Sessions asked if one of the intents of Chapter 3.36, and more specifically the Campus Master Plan, was to expedite the process for development review on campus. Staff agreed that was the case, and Deputy City Attorney Coulombe further explained that the Campus Master Plan (CMP) was a bit of a hybrid in that it had characteristics of a Planned Development but also has some ambiguities built in to it. It is in a breed of its own.

Commissioner Lizut referred to the City Attorney's memorandum and said that it makes both cases for either a ten-year or a twelve-year period for the CMP. The memo from OSU's attorney, Christie White, strongly makes a case for it being a twelve-year period. He asked who would be making the decision on this. Deputy City Attorney Coulombe said that City Council has the job of interpreting its local regulations, not OSU, OSU's attorney, or the City's Attorney. This is why the City Attorney has laid out for City Council a broad spectrum of possible outcomes, and given some instruction on how to make those interpretations. It is not the intent of the City Attorney's office to take a position on any of the options. Only the City Council gets deference, and it will then be the City Attorney's job to defend whatever decision they make.

Councilor York informed the commissioners that City Council had received a more recent memorandum from OSU's attorney White which seemed to take a softer stance and acknowledge that there could be some ambiguity.

Commissioner Daniels referred to a letter sent by Dan Brown, former City Councilor, to the new City Council (**Attachment A**). One of its points was that the CMP should have been changed and updated already as a response to conditions that have changed significantly. Commissioner Daniels felt that a review like this should happen before OSU submits a new plan. Deputy City Attorney Coulombe cautioned about making assumptions about what OSU might be bringing forward; however, City Council has initiated a legislative review and a comprehensive review of the Campus Master Plan. Manager Young also cautioned against talking about specifics related to the OSU CMP and instead focus the discussion on reviewing relevant Comprehensive Plan policies.

Commissioner Woods said that in his review of Section 3.36.90 relating to monitoring of the CMP, there appeared to be very specific items on which OSU was supposed to report annually. He had tried to find those reports, and he was only able to find one in the City's archives. In checking OSU's website, he was only able to find some reports from 2006 to 2010. This seems to be a major detriment to being able to figure out how the agreement is working out. Also, there does not seem to be any language specifying a means of sharing the monitoring reports with the public.

Commissioner Lizut pondered how all of the events around updating the CMP as well as the Comprehensive Plan and Chapter 3.36 would be sequenced, realizing that much of the decision-making rested on City Council's shoulders. Councilor York added that another "ball in the air" was the current campus development impact. Deputy City Attorney Coulombe reminded all that discussions about OSU tended to enter the arena of quasi-judicial subject matter with inherent concerns about ex parte contacts etc.; wherein discussions about the

Comprehensive Plan policies and livability for all city residents were part of a legislative process which has been initiated by City Council. There certainly is some circularity in that a legislative review of the Comprehensive Plan policies has to take in to consideration factual circumstances on the ground. Their advice is to do an initial review of the issues from a 10,000-foot elevation, not from the ground looking up.

Commissioner Woodside asked how the Vision statement played into the discussion. Manager Young said that the Vision informs the Comprehensive Plan, and in a perfect world one would start with a review and potential revision of the City's Vision statement prior to reviewing the Comprehensive Plan. Revision of systems' plans, such as the Transportation Plan, and the Land Development Code would then follow. At this point, there does not seem to be a willingness to wait while all this occurs, though there is an intention to update the Vision statement as part of an upcoming work program.

Commissioner Feldmann noted that Dan Brown was in the audience, and asked if he might address the commissioners about the contents of his memo. Chair Gervais invited him to do so.

Dr. Brown said he had been involved in the process for more than a decade, and had been involved in the deliberations leading to the original CMP. Many of the people who were involved are not around anymore, and he still has an interest in this issue. There are important words that have been a part of the evening's discussion, one of which is "ambiguity." This is a dominant theme. He has not heard a cogent statement about what happened ten years ago in terms of the Comprehensive Plan, Land Development Code or anything else. There had been a process and a product that has been described as a hybrid, and it is hard to conjure up what criteria were used to approve that process. However, it was approved by the City Council, and when the City Council approves something the plausible interpretation is that it has been approved. The present situation is that it is hard to identify what is the dog and what is the tail. There is no clear path, and it will be up to City Council to determine what the path will be. Time is of the essence, and the new City Council will need to take a leadership role and determine the path after considering the options available to them. They should also rely on the Planning Commissioners for some help in making the decision. His letter to City Council (**Attachment A**) suggested an option for how to get out of the morass of ambiguity.

Commissioner Daniels cited Comprehensive Plan policies 13.2.2 and 13.2.5. Policy 13.2.5 states that "*development on the OSU main campus shall be consistent with the 1986 Oregon State University plan, its City-approved successor or approved modifications to the plan.*" His interpretation is that this opens the door to the possibility of suggesting modifications to the current CMP. Policy 13.2.2 states that "*the City and the University shall continue to work together to assure compatibility between land uses on public and private lands surrounding and within the main campus.*" This is also a broad and undefined statement which if fleshed out could make some of the things in the current CMP either out of force or outdated.

Dr. Brown added that with regard to the Comprehensive Plan, he cited in his memo the significant issue with Policy 11.4.3 that states "*All traffic generated shall provide adequate parking.*" He is concerned that Chapter 3.36 does not implement this policy. In response to a question from Commissioner Feldmann, Brown said that a course of action for resolving the issues could either be to enforce compliance or legislate. Chapter 3.36 should be revised to make it work under Comprehensive Plan policies.

In response to a question from Chair Gervais, Deputy City Attorney Coulombe said that it might not be prudent to start with a revision of Chapter 3.36 if the Comprehensive Plan policies were also being reviewed and possibly revised. It would make more sense to first revise the Comprehensive Plan, and then make appropriate Land Development Code text amendments.

Commissioner Woods suggested that it seemed appropriate for commissioners to look at and study Chapter 3.36 just to understand the lines that are drawn between the Comprehensive Plan and the Land Development Code, and whether they make sense. There is already evidence that there could be a compliance problem. Understanding that, and feeding it back to the City Council, could inform them about how they might need to revise the Comprehensive Plan in order to get what they really want in the Land Development Code. Chair Gervais agreed that studying and reviewing the text language to inform the Comprehensive Plan review was appropriate, but that initiating a text amendment prior to the Comprehensive Plan review was not prudent.

In response to a question from Commissioner Sessions, Manager Young said that though the Comprehensive Plan will likely be completely updated in the next few years, it can also be revised as part of a more focused and discreet review. Commissioner Sessions voiced support for fixing the issues at this time as part of a focused review and revision.

Councilor Bull asked to address the commissioners. She said that as councilors had entered into a possible legislative discussion the conversations explored the timeline and the fact that the current CMP does not address the issues the community is facing. Her feeling is that they should be looking to change the code text if it is not working for the community. She understands that one normally should not “change the goal post” in the middle of game, but she also does not believe that if there is a problem with the game the players should keep playing it. It is possible that a “band aid” might need to be applied until a more thorough review of the Comprehensive Plan can take place.

Commissioner Feldmann referred to page two of the memo from Jim Brewer, option “a” under the first question. He said that both options “b” and “c” had clear timelines for when the planning period expired. Option “a” does not give the exact date of adoption of the CMP so therefore does not have a specific date for when the ten years is up. Manager Young said that he believed the adoption date was December 2004, and agreed that under this option the CMP would be viewed as already expired. Deputy City Attorney Coulombe added that another part of option “a” was the explanation that if the duration of the CMP was precisely ten years, the range in LDC 3.3.6.40.05 had no meaning. Again, it would be up to City Council to look at the options and make its decision on an interpretation.

Commissioner Woods asked for more clarification relating to what it means for the CMP to have been adopted and what its legal authority was. Deputy City Attorney Coulombe explained that the CMP is referenced in Chapter 3.36; in particular, the traffic improvement plan within the CMP has a requirement that development be consistent with it. It is adopted as a supporting document, and is a successor to a physical development plan. It has components and characteristics that are similar to a Comprehensive Plan and other characteristics that are similar to a physical development plan. He then offered the analogy of a planned development and the regulations contained in the planned development chapter. There are review criteria that also look at the Comprehensive Plan policies for consistency. Even though that chapter implements the Comprehensive Plan, it also refers back to the Comprehensive Plan as a

criterion. It functions both as guiding and also as review criteria. The CMP functions in much the same way. Chapter 3.36 not only relates to the CMP – for which City Council will make a determination of whether it has or will ever expire - but it also implements the Comprehensive Plan which has not expired. The criteria contained in Chapter 3.36 should still be used as guidance.

In response to another question from Commissioner Woods, Deputy City Attorney Coulombe said that a “planning period” could be interpreted as the relevant period of time upon which a plan is based and that there is an expectancy that one would begin another review for the next 10-12 year period after it has expired. Chair Gervais further explained that the planning period is the time that one is attempting to address with the CMP, with the assumptions of conditions and concerns that that period of time would encompass. Councilor Bull added that an analogy might be that the Comprehensive Plan is intended to last from 5-7 years before being reviewed again in its entirety; however, it does not get thrown out if it has not been reviewed by that time. Commissioner Woods said he still does not understand why the CMP has such elevated legal status. His belief is that the CMP informs OSU in a similar fashion as the Good Samaritan hospital plan informs the hospital.

Deputy City Attorney Coulombe said he concurred with Councilor Bull’s analogy; even though there is an expectation under State law that the Comprehensive Plan would undergo periodic review, it did not mean that all of the Land Development Code regulations would be terminated if the review had not taken place. He again explained why he is reluctant to express an opinion. The City Attorney’s office will be charged with defending whatever position the City Council takes, and it is important that he not take a stand on interpretation for that reason.

Commissioner Sessions opined that the CMP update is what OSU will be providing to the City and will be an expression of what they want to do on campus. The City and Planning Commission need to focus on the general planning documents and the Land Development Code and specifically address those areas of concern that have been raised by residents. It really is not in the commissioners’ purview to discuss the CMP update until it is brought forward by OSU, and instead they - and City Council - should be focusing on the legislative process.

Chair Gervais said that a lot of this will be decided at the joint City Council and Planning Commission work session coming up on January 13, 2015, and that this discussion will help to inform councilors about the issues. Councilor York encouraged commissioners to be fully participating in the conversation during the upcoming work session.

D. Discussion of City Council Goal Setting:

Manager Young said that it would be appropriate for commissioners to make an endorsement or recommendation to City Council around any goal(s) they wished to have them consider. He also invited commissioners to individually send in any suggestions for goals they specifically would like to champion.

MOTION:

Commissioner Daniels moved to ask the Mayor/City Council to, at the appropriate time, appoint a citizen-driven steering committee or task force to work with staff and the City Council on the planning for the revision/update of the current Vision and Comprehensive Plan. The motion was unanimously **approved**.

- E. Commissioner Daniels asked that staff look into whether a liaison needed to be appointed from the Planning Commission to the newly approved Community Involvement and Diversity Advisory Board. In the past, Planning Commission has had a liaison to the Committee for Citizen Involvement. Manager Young said he would look into this.
- F. Commissioner Daniels asked for information on new projects coming down the pipeline, such as Johnson Hall and the new forestry buildings on campus; Marys River golf course development; and the Hub. He asked that staff consider putting a process in place to let commissioners know of larger projects under consideration or review. Manager Young said that he would explore options for getting that information out routinely. Staff has pre-application meetings with lots of potential developers, but they often do not pan out so it would be premature to send out information on those instances. He said that Johnson Hall had been reviewed and approved by the Historic Resources Commission and was currently being built to the north of the Kelley Engineering building. The forestry buildings were in an early stage of consideration by OSU. The Hub application had still not been deemed complete, and is a complicated application because it involves some of the remaining pieces of the Timberhill property. It will come to the Planning Commission as a planned development. At this time, there is no application for a development at the Marys River golf course. Commissioner Woods suggested that the information on the City's website listing out current planning applications might meet the commissioners' needs for information.
- G. Councilor York said that the previous City Council had done some work reviewing progress on the Vision statement, and she was still planning to share that information with commissioners. She will send the documents to Manager Young for distribution, and then would be happy to answer questions at a future meeting. She explained that she, Dan Brown and Councilor Sorte had spent two years digging into the issue and viewing vision statements from other jurisdictions. Many jurisdictions link their vision statement with a strategic, or action, plan instead of a Comprehensive Plan. She and Mayor Traber are planning to meet with the Hillsboro City Manager and team, as they are in the process of updating their statement and strategic plan from the year 2020 to year 2035. They have an implementation committee that meets annually and reviews progress towards attaining the goals set out.
- H. Manager Young announced that the next meeting would be held at the LaSells Stewart Center due to the potential interest in the Coronado Tract B public hearing. There was discussion about parking and the hope that there was not a major sporting event happening that evening which could make it difficult to park.
- I. Chair Gervais said that she would need to transition out of her chair position by June, and asked commissioners to consider who might be the next chair. She said she would continue as chair through consideration of the Coronado Tract B application, but thought it would be wise to resign shortly thereafter and bring someone else on board.

VI. ADJOURNMENT: The meeting was adjourned at 9 p.m.

To: Corvallis City Council
From: Dan Brown

January 7, 2015

Topic: LDC Chapter 3.36. -- Choosing the Path Forward

In the *Gazette-Times* yesterday, I learned that the "*OSU District Plan looks like key issue for new mayor, council*" I'm pleased to read that because I think that dealing this issue is way overdue. The last ten years have witnessed an unprecedented increase in the number of new, large buildings on the OSU campus. The inventory of parking spaces has actually decreased while growth in the student population and employee count has been much greater than expected a decade ago. During this time period, the University has not provided annual data on changes as required by **Section 3.36.90** of the Corvallis *Land Development Code*. The *LDC* is the law of our City, and it should be obeyed by all land owners.

OSU growth has impacted Corvallis significantly, and the impact has spread over increasingly larger areas of the City. In 2013, the City went to the voters for a levy to pay for police officers and a code enforcement officer to patrol the part of the city where dense college-student-oriented development has sprung up. In 2014, voters soundly rejected the City's residential parking district plan because it minimized the role of the University in mitigating the problems caused by OSU growth. Numerous public meetings under the Collaboration label over the past three years have clearly demonstrated that livability in the City of Corvallis has deteriorated because of OSU growth and development. In my opinion, the City Council should act now on behalf of citizens.

Chapter 3.36 - Oregon State University Zone in the *Corvallis Land Development Code* implements the *OSU Campus Master Plan (CMP)*. It is the only zone in the *LDC* created for a specific organization, and it creates a special mechanism on campus to facilitate development for OSU. Like other parts of the Code, **Chapter 3.36** was created through legislation and can be changed through the legislative process.

If the Council has the will to do something about **Chapter 3.36**, the task can be relatively simple:

- The council has the complete text of **Chapter 3.36**, which implements the *CMP*, in their hands today.
- This chapter is only 32 pages long, when written in very large type.
- The pages of interest to the general community are few, mainly those covering parking and transportation. A quick perusal will reveal that most of the text does not need to be changed, e.g. *roof-mounted equipment, landscaping, drainage, building entrances, franchise utilities, etc.*

I doubt, based on the results of the City's three year study of concerns in the areas surrounding the OSU Campus, that any Councilor would deny that problems exist. I have identified seven specific problem areas and two general options for resolving them. The first, improved compliance with **Chapter 3.36**, can be accomplished quickly; it only requires enforcement by the City.

Legislation will require more time than enforcement, perhaps months. Council action is necessary, but legislation is what the Council does. For example, the Council just added a whole new chapter, **Chapter 3.34 - University Neighborhoods Overlay**, in December 2014. In my opinion, legislation can begin immediately. Refinements of the Code, based on experience, can be commenced at any time. Why wait?

With regard to new legislation, *LDC* provides a trigger for an update of **Chapter 3.36** (which implements the *OSU CMP*):

Section 3.36.40.05 - Campus Master Plan Update

The CMP covers a 10- to 12-year planning period. However, if conditions change significantly or other unanticipated events occur, it may be necessary to update the CMP before the end of the planning period. An update of the CMP shall be reviewed as described in Section 3.36.40.02.b "1", through "3" [See Appendix.] The review shall comprehensively evaluate the need to update or otherwise modify the Campus Master Plan, its policies and related traffic and parking studies, and this Chapter.

Within the standard of "plausible interpretation" of the Code language, the Corvallis City Council is the agency which interprets the words quoted above. To justify change now, the Council could decide, plausibly, that (1) *conditions have changed significantly* and/or that *other unanticipated events have occurred, and* (2) *these changes have rendered the "steady state" assumptions of 2004 obsolete*. These assumptions were the foundation for City and University planning back then, but times have changed radically.

- Student at OSU enrollment growth has exceeded projections.
- Employment on campus has increased more than expected.
- Transient parking in neighborhoods surrounding OSU has increased dramatically.
- New building on campus has been unprecedented - especially in former parking lots located in the campus core - which attracts the most vehicles.
- Development in the OSU Zone now includes private development on land leased from OSU. One example is the Samaritan Athletic Medical Facility which serves the general public from its campus location and 400-500 people per day.
- Sections of 3.36.90 requiring monitoring have not been implemented by OSU.
- OSU has eliminated some on-campus housing for students.
- The City has had to hire three new police officers, at public expense, to patrol affected neighborhood.
- Over the past 20 years, University efforts have not mitigated parking and traffic problems.
- OSU has purchased properties off campus to support University enterprises.
- Since 2010, OSU generates its own electricity from natural gas at the OSU Energy Center.

- The Land-Grant, Oregon Agricultural College has morphed into a corporation with typical corporate revenue generation goals.

Option #1: Compliance

The first option for the City Council is to actually insist that OSU comply with the monitoring and mitigation language as required in the existing **Chapter 3.36**. Although more examples exist, I will provide three:

1) The first example relates to a Council request for information at the January 5, 2015 meeting about the square footage of recent building on campus. This information should already be available to Councilors in reports from OSU because it is required by the *Corvallis Land Development Code*.

Section 3.36.a - *As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis.*

1. Updated tabulations of development and open space for the planning area, including -
 - a) Gross square footage of development by type that occurred in each Sector over the previous 12 month period;
 - b) Remaining available Development Allocation for each Sector; . . .

Please note that, if the University had reported this information to the City, staff time required to retrieve and update the latest annual report would be inconsequential now.

2) A second example of lack of implementation also involves required annual reports:

Section 3.36.90.a.2.c - *As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis.*

Updated parking utilization reports, including -

Identification of available parking spaces . . . and usage within each residential parking district bordering OSU

and of the number of residential permits funded by the University.

In addition, provide details of other efforts undertaken by the University to address neighborhood parking issues;

Here are some (perhaps rhetorical) questions for the council and City Staff: (1) Question: Where is the utilization data for Parking District "C"? Answer: There isn't any. (2) Question: How many residential permits have been funded by the University? Answer: None. (3) Question: What are the details of the efforts undertaken annually by the University to address neighborhood parking issues. Answer: Not done.

3) The third example of lack of implementation involves mitigation strategies:

Section 3.36.90.b2. *OSU shall participate as a full partner in a task force initiated by the City with City, University, neighborhood association and neighborhood business representation, to review and evaluate existing baseline traffic measurements, parking studies, and other relevant information and develop strategies to mitigate problem areas.*

At the end of 2014 and a decade of experience with **Chapter 3.36**, questions remain. What is the list of mitigation strategies that have been implemented as required under the *LDC*? How effective have they been at mitigating problems?

To summarize about compliance: (1) Monitoring of campus development was the mechanism put into **Chapter 3.36** for informing the Council, Planning Commission, and general public about changes; and (2) Proper monitoring could have provided information allowing the Council to respond to problems earlier and to make better mitigation decisions.

Option #2: Legislation

The second option for the City Council is to eliminate obvious weaknesses in **Chapter 3.36** which have allowed campus growth and development to degrade livability in the City. I will provide four examples:

1) **Parking Utilization Reports**. Because the geographic scope was too limited, monitoring efforts required by **Section 3.36.90** failed to reveal the true extent of neighborhood parking problems.

***Section 3.36.90.a.2.c** - As a means of monitoring the implementation of the Campus Master Plan, the University shall provide the following information to the City on a yearly basis.*

*Updated parking utilization reports, including - Identification of available parking spaces . . . and usage within **each residential parking district** bordering OSU*

Early on, neighborhood parking utilization studies in two districts, District "A" and District "B," found that transient parking was excessive -- especially in identified "hot spots" where utilization exceeds 100% of capacity. The University and the City did nothing to mitigate that. Later, the City added a third Parking District, called "C", but the University has never measured parking utilization in that district.

A fatal flaw with **3.36.90.2.c** was that only existing residential parking districts were to be monitored. Over the past 10 years, transient, daytime parking associated with the University has expanded into a much, much larger area, and **Section 3.36.90** provides no mechanism for measuring that change

2) **Campus Parking Utilization Standard**. Many citizens have spoken to the Council about the 90 percent utilization rule:

***Section 3.36.60.08.d** - When usage of campus-wide parking facilities exceeds 90 percent based on the most recent parking usage inventory, any development that increases building square footage shall be subject to the provisions of Section 3.36.40.02.*

The fatal flaw with this standard is that it is not a measure of neighborhood livability. Instead, low levels of employee and student parking on campus may reflect and be the cause of the neighborhood parking problems we see now.

Further, as currently measured, utilization of on-campus parking lots can be manipulated downward by the University through their own actions. Prices that are too high for students and employees, parking lot locations which are not convenient, and inadequate shuttle service will all discourage utilization. Instead of mitigating parking problems, Such actions stimulate demand for the substitute, i.e. free, on-street parking in neighborhoods surrounding the University.

3. **Development Area**. **Chapter 3.36** grants the OSU Zone a unique privilege which is not shared by any other developer in the City of Corvallis. OSU shares that special treatment with other organizations who can lease land and then also build on campus without the usual regulations.

***Section 3.36.20** - The following definitions contained in Section 3.36.20 pertain only to instances where the term is used within the contents of Chapter 3.36 – OSU Zone.*

Development Area – The portion of land involved in a building/construction permit application or land use application. The Development Area shall include all of the following that are associated with the development: buildings, yards, open spaces, setbacks, Development Frontage, abutting parking areas, and access. The Development Area shall be indicated on a project site plan. Within Chapter 3.36, the Development Area definition supersedes the **Development Site** definition found in Chapter 1.6 and used elsewhere within this Code.

In contrast, the Corvallis *Comprehensive Plan*, is very clear on its intentions:

Policy 11.4.3 All traffic generators shall provide adequate parking.

One could easily argue that this policy is not implemented under **Chapter 3.36**. Whereas the campuses around the Corvallis medical facilities and HP buildings requires parking for each building site, the OSU campus, comprising hundreds of acres, is deemed to be a single traffic generator. Under **Section 3.36.20** parking for students, employees, and visitors can be located many blocks and many minutes of walking time away from the actual destination. Does the Council consider this to be "adequate parking"?

4. **Campus Shuttle Service.** Continued use of the "Development Area" concept in campus land use decisions depends on the campus shuttle.

3.36.60.08.e - New development in Sectors A through H may construct additional parking facilities in any of the Sectors A through H, **provided the OSU campus shuttle is operational.**

However, the "operational" standard above is too low to be useful; for example, a once-a-day run around four blocks of the campus would meet this criterion. There is no requirement that the level of service must be sufficient to satisfy the needs of people parking in remote parking lots so that employees and students will use them. Further there is no direct tie between shuttle operations and measured livability in neighborhoods surrounding campus.

To summarize about refinements to **Chapter 3.36** based on ten years of experience, there is plenty of opportunity for big improvements with just a few changes.

APPENDIX

Section 3.36.40.05 cites the following language which references provisions which are also applied in areas of Corvallis outside the OSU Zone. These requirements are standard operating procedure for the City. They do require transparency through public hearings, which is a good idea in Corvallis.

Section 3.36.40.02.b - *Development not consistent with the standards contained in this Chapter shall be reviewed as*

b. A Major Adjustment, as described in Section 3.36.40.04 - Major adjustments, shall be reviewed as follows:

- 1. All proposals that meet or exceed the thresholds identified in Section 3.36.4 0.04 "a", through "n", shall be reviewed under Section 2.5.60.03 - Major Modifications in Chapter 2.5 - Planned Development.*
- 2. In addition to the process required in "1," above, proposals that meet or exceed the thresholds identified in Section 3.36.4 0.04 "d" through "k" shall be reviewed for consistency with Chapter 1.2 - Legal Framework.*
- 3. In addition to the processes required in "1", and "2", above, proposals that meet or exceed the threshold identified in Section 3.36.4 0.04 "h" shall be reviewed as a **Zone Change**, consistent with process and criteria in **Chapter 2.2 - Zone Changes**, and if needed, as a **Comprehensive Plan Amendment**, consistent with the process and criteria in **Chapter 2.1 - Comprehensive Plan Amendment Procedures**.*