



**CORVALLIS
CITY COUNCIL AGENDA**

**October 5, 2015
6:30 pm**

**Downtown Fire Station
400 NW Harrison Boulevard**

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

COUNCIL ACTION

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PROCLAMATION / PRESENTATION / RECOGNITION

- A. American Pharmacists Month – October 2015
- B. Fire Prevention Week Proclamation – October 4-10
- C. Recognition of Carl Gustafson Proclamation – October 3, 2015

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

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

- A. Reading of Minutes
 - 1. City Council Meeting – September 21, 2015
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Bicycle and Pedestrian Advisory Board – September 4, 2015
 - b. Downtown Advisory Board – September 9, 2015
 - c. Historic Resources Commission – September 8, 2015
 - d. Planning Commission – September 2 and September 16, 2015

- B. Approval of an application for a Limited On-Premises liquor license for Paul Pinion and Robert Van Vleet, owners of The Beaver Hut – Dam Growler LLC, 108 NW 16th Street (New Outlet)
- C. Announcement of vacancy on the King Legacy Advisory Board (Ward-Satey)

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. UNFINISHED BUSINESS

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

- A. Human Services Committee – None
- B. Urban Services Committee – September 22, 2015
 - 1. Corrections to USC minutes, if any [information]
 - 2. Watershed Management Advisory Board Annual Report [direction]
***ACTION:** An ordinance relating to the Watershed Management Advisory Board, amending Municipal Code Chapter 1.16, "Boards and Commissions," as amended to be read by the City Attorney with no motion required by Council* [direction]
 - 3. Transportation System Plan Update: Goals and Objectives [direction]
 - 4. Unimproved Street Policy Discussion [information]
 - 5. Corvallis Community Access Television Intergovernmental Agreement [direction]
 - 6. Other Business: Pending issues [information]
- C. Administrative Services Committee – September 23, 2015
 - 1. Corrections to ASC minutes, if any [information]
 - 2. Arts Percentage for Municipal Building Construction [direction]
***ACTION:** An ordinance amending Corvallis Municipal Code Chapter 1.04, Purchasing, to include new provisions requiring one percent of the monies for construction or alteration of certain City buildings to be used for the acquisition and installation of art to be read by the City Attorney with no motion required by Council* [direction]
***ACTION:** An ordinance amending Corvallis Municipal Code Chapter 2.10, Capital Investment Plan, to include new provisions requiring one percent of the monies for construction or alteration of certain City buildings to be used for the acquisition and installation of art to be read by the City Attorney with no motion required by Council* [direction]
 - 3. Livability Code [information]
 - 4. Other Business: Pending issues [information]

X. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports

- B. Council Reports
Task Force minutes and meeting materials are available from the Archives link on the City's website.
1. Climate Action Task Force [information]
 2. Housing Development Task Force [information]
 3. Sustainable Budget Task Force [information]
 4. Vision and Action Plan Task Force [information]
 5. OSU-Related Plan Review Task Force [information]
 6. Other Council Reports [information]
- C. Staff Reports
1. Police Department Accreditation Manager Position [information]
 2. Timberhill Fire Update [information]
 3. Council Requests Follow-up Report [information]
 - a. Littering fines collected
 - b. Temporary Use Permit for Homeless Shelter

XI. NEW BUSINESS

- A. City Attorney's Office transition [direction]

XII. PUBLIC HEARINGS – None

XIII. ADJOURNMENT

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

A Community That Honors Diversity



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PROCLAMATION

AMERICAN PHARMACISTS MONTH

OCTOBER 2015

- WHEREAS,** Pharmacy is one of the oldest of the health professions concerned with the health and well-being of all people; and
 - WHEREAS,** Today, there are more than 300,000 pharmacists licensed in the United States providing services to ensure the safe and effective use of all medications; and
 - WHEREAS,** The safe and effective use of medication, as a cost-effective alternative and a mechanism to avoid more-expensive medical procedures, is a major force in moderating overall health care costs; and
 - WHEREAS,** Today's powerful and complex medications require greater attention to the manner in which they are used by different patient population groups – both clinically and demographically; and
 - WHEREAS,** It is important that all users of prescription and non-prescription medications, their families, or their caregivers, be knowledgeable about and share responsibility for their own drug therapy; and
 - WHEREAS,** Pharmacists have extensive education and expertise on drugs and medication therapy, which makes them ideally suited to work collaboratively with patients and their health care team members to improve medication use and outcomes; and
 - WHEREAS,** Pharmacists provide patients with expertise, knowledge, and accessibility – all crucial factors to support improvement in our nation's public health; and
 - WHEREAS,** Pharmacists are best positioned to be the health care professionals to help patients improve their adherence to their medications and provide patient care services that ensure optimal medication therapy outcomes; and
 - WHEREAS,** The American Pharmacists Association and the Oregon State University and Oregon Health and Science University Colleges of Pharmacy have declared October as American Pharmacists Month with the theme "Know Your Pharmacist, Know Your Medicine."
- NOW, THEREFORE,** I, Biff Traber, Mayor of Corvallis, Oregon, do hereby proclaim **October 2015** as **American Pharmacists Month** and encourage all citizens to acknowledge the valuable services of pharmacists to provide safe, affordable, and beneficial pharmaceutical care, services, and products to all citizens.

Biff Traber, Mayor

Date

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P R O C L A M A T I O N
F I R E P R E V E N T I O N W E E K
O C T O B E R 4 - 1 0 , 2 0 1 5

- WHEREAS,** The City of Corvallis, Oregon is committed to ensuring the safety and security of all those living in and visiting Corvallis; and
- WHEREAS,** Home fires killed 2,745 people in the United States in 2014, per the National Fire Protection Association (NFPA), and fire departments in the United States responded to 367,500 home fires; and
- WHEREAS,** Working smoke alarms cut the risk of dying in reported home fires in half; and
- WHEREAS,** Half of home fire deaths result from fires reported at night between 11 pm and 7 am, when most people are asleep; and
- WHEREAS,** Corvallis residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and
- WHEREAS,** Corvallis residents who have planned and practiced a home fire escape plan are more prepared and will, therefore, be more likely to survive a fire; and
- WHEREAS,** Corvallis first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and
- WHEREAS,** The 2015 Fire Prevention Week theme, "Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely.
- NOW, THEREFORE,** I Biff Traber, Mayor of Corvallis, do hereby proclaim **October 4-10, 2015**, as **Fire Prevention Week** throughout this city; and I urge all the people of Corvallis to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement, and to support the many public safety activities and efforts of Corvallis' fire and emergency services during Fire Prevention Week 2015.

Biff Traber, Mayor

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P R O C L A M A T I O N

Recognizing and Honoring Carl Gustafson

October 3, 2015

WHEREAS, The community wishes to celebrate significant honors bestowed on community members for their lifetime service; and

WHEREAS, Carl Gustafson, a native of Woodburn, Oregon, enlisted, in the United States Army Air Corps in 1942 at the age of seventeen; and

WHEREAS, As a nose gunner in a B-24 “Liberator”, flew 27 missions over occupied Europe and contributed to the liberation of the French people from the tyranny of Nazi Germany; and

WHEREAS, The grateful Republic of France is to award him its highest military decoration, the Legion of Honor on October 3, 2015; and

WHEREAS, He enrolled at Oregon State College in January 1946 under the “G.I. Bill” and played on its intercollegiate baseball team for four years as a centerfielder; and

WHEREAS, He, owner of M.V. Neuman Painting Company, painted many of the significant landmarks in the City of Corvallis and on the Oregon State campus.

NOW, THEREFORE, I, Biff Traber, Mayor of the City of Corvallis, hereby proclaim **October 3, 2015**, as **a day to recognize Carl Gustafson** for his heroic service to the nation during World War II, his French Legion of Honor Award for that service, and his continuing service to this community in the seven decades since, and I encourage all citizens in our region to join in this recognition.

Biff Traber, Mayor

Date

MEMORANDUM

To: Mayor and City Council

From: Tony Krieg, Customer Services / Risk Manager *AK*

Subject: Liquor License Investigation New Outlet – The Beaver Hut- Dam Growlers, LLC

Date: September 28, 2015

The City has received an application from Bob Van Vleet and Paul Pinion, Owners of The Beaver Hut-Dam Growlers, LLC located at 108 NW 16th St, Corvallis, OR 97330. This application is for a New Outlet with a Limited On Premise Sales liquor license.

An affirmative recommendation has been received from the Police, Fire, and Community Development Departments. No citizen comments or input were received regarding this application for endorsement.

Staff recommends the City Council authorize endorsement of this application.

Limited On-Premises Sales License:

Allows the sale of malt beverages, wine and hard cider for consumption on the licensed premises, and the sale of kegs of malt beverages for off-premises consumption.

MEMORANDUM

To: City Council Members
From: Biff Traber, Mayor *Cap for BT*
Date: September 30, 2015
Subject: Vacancy on King Legacy Advisory Board

Alicia Ward-Satey is resigning from the King Legacy Advisory Board. Alicia represents Corvallis School District 509J on the Board, and her Board term expires June 30, 2017.

I will seek nominees from 509J. This appointment will not require Council confirmation, but I wanted to inform you of the vacancy situation.

**URBAN SERVICES COMMITTEE
MINUTES
September 22, 2015**

Present

Councilor Zachariah Baker, Chair
Councilor Roen Hogg
Councilor Penny York

Visitors

David Brooks
Jim Day, *Corvallis Gazette-Times*
Marilyn Koenitzer
Jessica McDonald
Steve Rogers
Greg Wilson

Staff

Mark Shepard, City Manager
Mary Steckel, Public Works Director
Greg Gescher, City Engineer
Tom Hubbard, Utilities Division Manager
Robyn Bassett, Public Works Project
Manager
Jennifer Ward, Watershed Program
Specialist
Emely Day, City Manager's Office

SUMMARY OF DISCUSSION

	Agenda Item	Recommendations
	<i>Chair to call for corrections, if any, to September 22, 2015, USC Minutes</i>	
	Call to Order	5:00 pm
I.	Watershed Management Advisory Board Annual Report	Accept the Watershed Management Advisory Board Annual Report and amend Municipal Code Chapter 1.16, "Boards and Commissions," by means of an ordinance to be read by the City Attorney
II.	Transportation System Plan Update: Goals and Objectives	Accept draft Transportation System Plan Update and Transit Development Plan project goals and objectives
III.	Unimproved Streets Policy Discussion	Information; staff to provide additional information
IV.	Corvallis Community Access Television Intergovernmental Agreement	Not take further action regarding a new intergovernmental agreement with Corvallis School District 509J for Corvallis community access television
V.	Other Business A. Pending Issues	Information
	Adjournment	6:59 pm
	Next Meeting	October 6, 2015 – 5:00 pm

CONTENT OF DISCUSSIONI. Watershed Management Advisory Board Annual Report

Jessica McDonald, Watershed Management Advisory Board (WMAB) Chair, described her role as an ambassador to the public regarding the City's 2,300-acre forested Rock Creek Watershed – the source of 30 percent of Corvallis' drinking water. The WMAB was responsible for appropriate use and management of the Corvallis Forest within the Watershed. The City's goal for the Forest was to provide a reliable source of high-quality drinking water that surpassed all State and Federal water quality regulations. That required

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having a healthy forest, including dynamic streams, diverse forest habitats, and wildlife corridors. She reviewed the WMAB's purpose and mission summary and encouraged Committee members to review the City's annual Forest Activities Report of Public Works Department staff's efforts in the Forest.

Ms. McDonald thanked the Council for establishing the advisory board annual report process, which was useful in reviewing the WMAB's activities of the past year, which she highlighted:

- *Public Education* – Approximately 90 people participated in the May 2015 annual Corvallis Forest tour, hosted by City staff with WMAB assistance. Each year's tour had waiting lists of potential participants. The Forest was usually closed to public access, so the tour provided a unique opportunity.
- *Forest Management* – Staff monitored discussions regarding the Oregon and California (O&C) forest lands and how associated legislation might impact the Corvallis Forest. The WMAB met with outside counsel and was confident that the values of the Forest would not be jeopardized.
- *Board Management* – WMAB members created and approved a document outlining the WMAB's purpose, procedures, and guidelines, including issues of meetings, e-mail communications, and term limits.

Ms. McDonald encouraged Committee members to participate in an annual Corvallis Forest tour or contact a Board or staff member to arrange a private tour.

Watershed Program Specialist Ward noted that the City had drawn water from Rock Creek since 1906, with management patterns changing over time. Although the City had owned the Corvallis Forest land since the early 1900s, from the 1950s to the 1980s, it contracted for management of the Forest with the United States Forest Service (USFS), which owned adjacent land (Siuslaw National Forest). When the WMAB formalized its procedures and guidelines during the past year, it reviewed relevant Municipal Code provisions regarding the Watershed; those provisions were last updated during the 1980s, while the Forest was still being managed by the USFS. The Municipal Code provisions did not apply under the current Watershed management pattern. Approximately ten years ago, the City, with its consultant, considered multi-use management of the Forest and developed the Corvallis Forest Stewardship Plan, which the Council approved during 2006 and updated during 2012. When the existing Municipal Code provisions were adopted, the City did not have a forest stewardship plan, a consulting forester, or involvement in the Forest other than withdrawing water from Rock Creek. Staff recommended Municipal Code amendments to align Code provisions with current management practices and the City's current relationship with the USFS, as outlined in the proposed ordinance in the meeting packet.

In response to Councilor York's inquiry, Ms. McDonald said Ms. Ward conducted numerous tours with various groups. Ms. Ward noted that, during summer 2014, she and the City's consulting forester conducted a tour of the Forest for a group of international fellows from the World Forestry Institute who were interested in community forestry. She added that Forest Grove, Oregon, was one of the few Oregon municipalities that owned their

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watersheds. Forest Grove recently created a staff position similar to hers and expressed interest in how Corvallis managed the Forest and the nature of the WMAB. She added that WMAB members contributed expertise to the City. Ms. McDonald commented that municipalities interested in owning a watershed sent representatives to tour Corvallis' Watershed and consult with staff, recognizing Corvallis as a model.

Ms. McDonald said developing the Annual Report was a good opportunity to review WMAB activities from another perspective, and she would like the Report process continued to enable advisory boards to note progress each year. She said the WMAB reviewed the draft Annual Report, which prompted discussion of future Board projects.

In response to Marilyn Koenitzer's inquiry, Utilities Division Manager Hubbard said the City normally drew 2.5 million gallons of water from Rock Creek each day. It was difficult to determine the volume of water that would be drawn from Rock Creek each year, as snowpack and rainfall amounts varied. A wet winter would, of course, re-supply the Rock Creek reservoir and streams; water levels fluctuated with the seasons.

Ms. Koenitzer noted that a recent National Oceanic and Atmospheric Administration drought-projection map indicated that the current drought would likely continue in a severe condition through Oregon. She questioned what action the City would take next year if the coming winter was not wet, noting that people complained this summer about the taste of drinking water.

Based upon a motion moved and seconded by Councilors Hogg and York, respectively, the Committee unanimously recommends that Council accept the Watershed Management Advisory Board Annual Report and amend Municipal Code Chapter 1.16, "Boards and Commissions," **by means of an ordinance to be read by the City Attorney.**

II. Transportation System Plan Update: Goals and Objectives

Greg Wilson said he was surprised by the number of responses to the recent Transportation System Plan (TSP) on-line survey; during two weeks, 270 people entered responses. Overwhelmingly, respondents wanted more bicycle and pedestrian facilities, maintenance of bicycle and pedestrian facilities, and expanded public transit service. He urged that the City's funding requests reflect survey respondents' preferences.

TSP and Transit Development Plan (TDP) Project Manager Bassett requested the Committee's acceptance of Technical Memorandum 4/5 (TM4/5) regarding the draft project goals and objectives. Draft TM4/5 included input from the City Council, the TSP Update Steering Committee, the public, and staff. A survey was conducted to seek public comment on the draft goals and objectives; during July, the project team attended several events to solicit public input, which was summarized and included in the meeting packet. Upon Council acceptance of TM4/5, staff would begin developing project performance measures. She emphasized that TM4/5 would remain "fluid" throughout the project timeline.

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Steve Rogers, TSP Update Steering Committee Chair, added that the Steering Committee discussed goals and objectives during June. Staff amended the goals, based upon July survey input, and forwarded the revised goals to the Steering Committee for comment. He noted that the Steering Committee met only twice during the six months since it was established, so it was difficult for members to respond quickly to input. However, Steering Committee members seemed to want to include all ideas presented, which sometimes created conflicting objectives; those conflicts should be resolved as issues were addressed.

Councilor York appreciated the survey format and staff and the Steering Committee gathering all input before analyzing the potential viability of any suggestions.

In response to Chair Baker's inquiry, Ms. Bassett said the Healthy Streets/Healthy Streams Plan might provide a background for solutions in situations of adjacent streets and streams.

Regarding Chair Baker's inquiry concerning investment prioritization relative to the TSP update, Ms. Bassett clarified that no project aspects had been prioritized. Safety and environmental aspects were typically given top priorities for all modal types. Mr. Rogers added that prioritizing project aspects would occur later in the TSP update process. He explained that the TSP would outline a list of potential projects, with the understanding of fiscal constraints; as one of the final TSP update steps, projects would be prioritized for the available funding.

Public Works Director Steckel emphasized the importance of acknowledging early in the TSP update process that project prioritization would occur, and not all projects could be pursued. Priorities at the beginning and end of the TSP update project could differ.

Chair Baker noted jurisdictional conflicts for some streets, such as SE/SW Third Street, which was also Oregon State Highway 99 West. The street was within the City Limits but under the State's jurisdiction because of its highway designation. He questioned how the City's and the State's interests could be addressed, particularly when they conflicted.

Mr. Rogers said he cautioned Steering Committee members about their expectations of the local transportation plan, which may be overridden by the State's Highway Plan; the State's Plan could only be changed by the State Transportation Commission.

Councilor York inquired about a possible relationship between the City's policy regarding unimproved streets and the TSP update with a final list of desired projects.

Mr. Rogers suggested that many elements of the unimproved street issue could be addressed through the TSP. He further suggested that the Council postpone action regarding unimproved streets while the TSP was being updated. Ms. Bassett added that staff would objectively consider connectivity, whether a street was unimproved or met current City street standards.

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Based upon a motion moved and seconded by Councilors Hogg and York, respectively, the Committee unanimously recommends that Council accept draft Transportation System Plan Update and Transit Development Plan project goals and objectives.

III. Unimproved Streets Policy Discussion

Mr. Rogers said, while he was employed as the City's Transportation Division Manager, the Skyline West area was annexed into the City Limits with several public streets that were not constructed to City street standards. He believed the issue of unimproved streets encompassed three related issues:

1. *Maintenance versus upgrading streets to City street standards* – Unimproved streets must be maintained even if they were not upgraded to City street standards.
2. *Streets classified as collector or higher levels versus streets classified as local* – Streets classified as collector or higher levels would be maintained long into the future because of the volume of traffic they conveyed. The City had a good system for improving collector and arterial streets – developments along the streets paid some of the improvement costs. Systems development charges could be used to pay for some street upgrades, including installation of bicycle lanes. Local streets were an issue for which there was not a clear solution.
3. *City versus County street jurisdiction* – The City acquired unimproved streets that were built while under County jurisdiction and later transferred to City jurisdiction. Under Oregon Revised Statutes, the County could decide whether to maintain a road; the County only maintained roads officially deemed County roads; the City did not maintain official County roads within the City Limits. The City automatically was responsible for maintaining roads not officially deemed County roads or those for which the County transferred jurisdiction to the City.

When Skyline West was annexed into the City, the City indicated it would fill potholes in the streets in the Skyline West area. The City offered to maintain the streets at no additional cost to the Skyline West residents, if the residents improved the streets to then-City standards. Skyline West residents chose to accept the City's final offer that the residents maintain the streets to a level greater than the City offered. During the early-1990s, the residents had the major streets overlaid and the minor cul-de-sac streets slurry sealed.

The County recently changed its street standards, mitigating the issue of City versus County street development standards.

Mr. Rogers noted that Federal funding through the Metropolitan Planning Organization (MPO) could pay for street upgrades. He cautioned that the local MPO used 50 percent of its Federal funding to maintain, rather than improve, streets. Additionally, the local MPO's Federal funding must be shared with other governmental jurisdictions within the MPO region (Adair Village, Philomath, and Benton County).

Mr. Rogers suggested that chip sealing would be the least-expensive means of maintaining local streets and provide some surface strength.

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Mr. Rogers noted that he paid for construction of his street when he purchased a lot in a sub-division with improved streets. He did not want to pay to improve streets in another neighborhood. He believed the most-affected property owners should pay for street improvements.

Councilor York acknowledged Mr. Rogers' comment regarding who should pay for upgrading unimproved streets. However, she was impacted by needing to drive on streets not maintained by the City. That meant property owners along unimproved streets could control whether the streets were safe for her to drive on or walk along.

Mr. Rogers clarified that he should not be required to pay to upgrade another neighborhood's unimproved streets. He acknowledged that maintaining streets was likely more important than upgrading streets. He considered funding options for chip sealing streets; one option could involve increasing the Transportation Maintenance Fee, but he did not want to pay for maintenance of another neighborhood's streets; however, that may be the most equitable funding option.

Mr. Rogers deferred to staff Councilor Hogg's inquiry concerning the potential cost to upgrade streets.

David Brooks, Skyline West Neighborhood Association (SWNA) Road Committee Chair, said the SWNA welcomed review of the City's policy concerning unimproved streets. He believed continuing to wait to resolve the issue of unimproved streets was not a good strategy. He noted that annexing roads built to County standards created a potential problem or a need for a remedy that would not occur. The City indicated it would not maintain unimproved streets until they were upgraded to City standards. Upgrading of unimproved streets rarely occurred in conjunction with annexation. He believed the City's policy could not continue. A catastrophic event would force re-building the streets; or neighborhoods with unimproved streets would need to voluntarily pay for street repairs and maintenance or form a local improvement district to fund street maintenance, repair, and upgrading. All of the streets within the Skyline West area were unimproved but frequently traveled by school buses and garbage/recycling-collection trucks. The streets were classified as local streets but traversed by heavy vehicles and were not actively maintained by the City.

Referencing the issue of street maintenance, Mr. Brooks cited roadbed and street surface, drainage systems, and other elements of a City-standard street (e.g., sidewalks, planting strips, street lights, etc.). Roads not built to current City standards were subject to erosion and drainage infiltration. Drainage along unimproved streets was not maintained by the City; maintenance was the responsibility of adjacent property owners, many of whom were not aware of that responsibility and not required to maintain drainage standards.

Mr. Brooks suggested that the City change its perspective regarding unimproved streets. Regardless the location of a street, annexation into the City Limits placed the street under City jurisdiction. City streets were often used by people who did not reside along the

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streets, but the long-term maintenance of the streets was not planned. He suggested that the City survey and classify the unimproved streets within the City Limits, as they were not all of the same classification; and the system of classifying them the same was not, in his view, an adequate means of identifying the functions of the unimproved streets. Unimproved streets were constructed to County standards at different times and were maintained differently over time; some suffered water damage. He believed inspecting the unimproved streets within the City Limits would be beneficial.

Mr. Brooks further suggested that the City develop multiple standards for how unimproved streets should perform to meet the needs of residents along the streets and the City's performance desires. He suspected that the "one size fits all" approach to upgrading unimproved streets did not work in some neighborhoods and caused many neighborhoods to resist upgrading their streets. He suggested it would be more appropriate to develop four standards to accommodate neighborhoods' circumstances and appropriate infrastructure. Skyline West residents seemed opposed to construction of sidewalks, planting strips, or hard infrastructure in a neighborhood with a rural character. Skyline West did not receive City water services; drainage system changes within the area must be made with the understanding that the storm water runoff in the neighborhood needed to re-charge aquifers and protect City streets.

Mr. Brooks said Skyline West residents were interested in proceeding with the issue of maintaining unimproved streets, but he doubted that the residents would voluntarily pay for some forms of maintenance. Skyline West residents paid property taxes and fees with the expectation that their neighborhood was part of the City, the infrastructure within the neighborhood was owned by the City, and the City was responsible for maintaining the infrastructure. He respected the argument that neighborhoods with fully developed City streets paid for their street improvements. However, after 25 years since annexation into the City Limits and indifferent maintenance, he believed neighborhoods with unimproved streets deserved better City attention.

Ms. Koenitzer, a resident along an unimproved street, said she had similar experiences to those of Mr. Brooks. When she purchased her home during 1973, the United States Postal Service did not deliver mail in her neighborhood because the unimproved streets were in poor condition. At that time, dust from the streets infiltrated houses. One neighborhood resident organized construction of the streets to then-City standards in terms of roadbed depth but without sidewalks or drainage facilities; the streets were narrower than current City street standards. When the streets were constructed, neighborhood residents were told that the streets should last a long time. The streets remained in good condition until recently. Public Works Department staff put some asphalt in one of the few potholes that developed. The streets recently developed cracks along their centers and edges. Storm water runoff, often diverted by house remodeling projects, flowed from the fronts of houses to the streets; without the existence of a storm water drainage system, the water flowed downhill along the streets and into basements of lower houses. Residents constructed berms to keep storm water from flowing from the streets into their houses. She helped pay for construction of the street in front of her home. She did not want to be assessed for

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street upgrades based upon the 200 feet of street frontage for her corner lot. She hoped there was a more-equitable means of funding street upgrades but without sidewalk and drainage amenities. She would like the street cracks sealed, but some neighbors were not interested in paying for the work. One residence had storm water from the street pooling at the bottom of the front porch, even though drainage piping was installed. Heavy delivery and construction-related vehicles traveled her neighborhood's streets. She would appreciate some form of City maintenance for the streets and discussion about the neighborhood's storm water drainage system.

Ms. Koenitzer said property owners in her neighborhood paid property taxes, City water service and drainage fees, and the Transportation Maintenance Fee, even though the neighborhood streets were unimproved and the neighborhood was not serviced by Corvallis Transit System.

City Engineer Gescher and Ms. Steckel noted that the City also had unimproved alleyways and unimproved private streets; maintenance of the latter was not within the City's responsibility.

Mr. Gescher said staff investigated other Oregon cities' policies regarding unimproved streets.

- Springfield limited unimproved street maintenance to filling potholes and some skin patching. Skin patching was not structural in nature, and Corvallis used skin patching to level street surfaces.
- Eugene assigned unimproved streets three priority levels; maintenance of streets with the highest priority was limited to pothole repair and crack sealing; streets with the lowest priority may be allowed to return to a gravel condition, should the surface deteriorate that much.
- Salem increased unimproved street maintenance to fill potholes and provide a thin overlay periodically.

Mr. Gescher explained that upgrading unimproved streets to City standards often failed because of the expense involved. Recent discussions addressed what was involved in upgrading streets. Land Development Code (LDC) provisions allowed some flexibility regarding street standards, which could affect cost. Staff recommended street upgrades with appropriate structure and drainage to ensure longevity of the financial investment. The Council could discuss other options.

In response to Councilor Hogg's inquiry, Mr. Gescher said street upgrade costs could be hundreds of dollars per lineal foot of street frontage. Ms. Steckel added that the methodology for allocating costs could affect the cost per property fronting a street. Mr. Gescher noted that topography could affect street construction costs.

Mr. Gescher explained for Councilor Hogg that the LDC required sidewalks for new developments. With only a few exceptions in specific instances, variances from the LDC requirement had not been allowed. Ms. Steckel explained that, in most cases, the City

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would own the street right-of-way (ROW), even though the adjacent property owner used the ROW. Topography could affect whether a ROW could be used for a sidewalk or the work needed to construct a sidewalk.

City Manager Shepard noted that a fully improved street with curbs, gutters, parking strips, and sidewalks might not be wider than an unimproved street and its adjacent ditches.

In response to Chair Baker's inquiry, Mr. Gescher said it was generally more expensive to construct sidewalks after streets were constructed. It would be more economical to conduct all excavation and construction work at one time while necessary equipment and supplies were at the site. Typically, the City might ask a property owner to grade the future sidewalk area at the time of street construction; that could reduce later sidewalk construction costs.

In response to Councilor Hogg's inquiry, Mr. Gescher explained that street lighting was required in new developments. Ms. Steckel said the City was required to improve a street to full City standards, which would include street lights and sidewalks.

Mr. Gescher explained for Chair Baker that systems development charge (SDC) funds could be used to pay for bicycle lane construction along arterial and collector street and the additional street depth required for arterial streets, versus the depth required for local streets. Pedestrian and drainage facilities, landscaping, and parking strips were not considered extra-capacity components; SDCs were not collected for those amenities, so the amenities could not be paid with SDC funds.

Councilor York said she broached the issue of the City's policy regarding maintenance of unimproved streets in order to begin a discussion of a large issue; she did not expect the Committee to solve the issue immediately. Unimproved streets existed throughout the City Limits, but the largest areas of unimproved streets were in the Skyline West and Country Club Hill neighborhoods. She acknowledged that solutions to problems could vary among neighborhoods. She urged the City to address the issue of unimproved streets from a policy perspective. Some solutions would be borne by affected property owners; other solutions would be borne by the City as a whole. She urged that the Council and staff view the issue of unimproved street maintenance as a city-wide issue, even though people were impacted differently by unimproved streets.

Councilor York reviewed her handout concerning unimproved streets (Attachment A).

- *Codes and Policies:* The process for changing the Municipal Code, the Land Development Code, and Council or department policies differed. Possibly current department policies should be re-classified as Council policies. She suggested that public input be solicited concerning some of the greater policy issues.
- *Street Standards:* The City should consider options to the traditional "full City street standard."
- *Maintenance:* Different maintenance solutions may be needed.

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- *Community Benefit:* The staff report indicated that streets classified as collectors and arterials would be maintained because they provided a community benefit. SW Whiteside Drive (Whiteside) was not classified as a collector or arterial street but had a large volume of traffic and heavy vehicles (e.g., delivery vehicles, school buses, etc.). She questioned whether only the residents along Whiteside should be required to pay to improve the street. The entire Whiteside neighborhood did not need streets developed to the same standard (i.e., dead-end streets did not need the same amenities as Whiteside).
- *Funding:* The streets were under City jurisdiction, and the City and adjacent property owners would need to deal with the consequences if the streets failed. She believed the Council should determine a reasonable city-wide policy for funding street improvements.

Councilor York urged that the issue of upgrading unimproved streets be reviewed by the Council Goals Sustainable Budget Task Force (SBTF). She acknowledged that issues might be prioritized differently by each neighborhood and for each street; therefore, she urged development of a policy with flexibility. She would consider issues before considering solutions.

Councilor Hogg noted four issues regarding upgrading unimproved streets:

1. Whether neighborhood residents were interested in their streets being upgraded.
2. The standard to which streets should be upgraded. Adjusting the standard may make the cost of upgrading a street more affordable.
3. The means of funding street upgrading. Unimproved streets were typically bordered by larger, single-residence lots; therefore, the costs assessed to each property owner could be significant. More information regarding funding options was necessary.
4. Input was needed from neighborhood residents regarding their desires for upgrading streets and options for street standards.

Chair Baker said Ward 3 residents did not want their unimproved streets fully upgraded, preferring the rural character and traffic calming created by the streets' nature. He concurred with Councilors York and Hogg that multiple solutions may be needed to meet the needs of different neighborhoods.

Committee members suggested issues that should be investigated or considered:

- The possible cost of upgrading unimproved streets.
- Potential funding options, including local improvement districts.
- The process for developing a policy regarding upgrading unimproved streets.
- Neighborhood input, tracked by location of subject streets, would be helpful. Neighborhood associations may be helpful but should not be the only means of contacting neighborhoods, as some associations were inactive.

Mr. Shepard said staff could provide information regarding costs and funding options, along with options for upgrading that were not to the extent of full City street standards with

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associated costs. The next step would involve aligning that information with the desires of various neighborhoods.

Councilor Hogg suggested that different City advisory groups might be able to offer suggestions from their perspectives; Councilor York concurred but believed it was appropriate for the Committee to review the suggestions before presenting the issue to the Council.

Chair Baker said it would be helpful for the Committee to review department procedures related to street upgrades.

Councilor Hogg said the issue affected neighborhoods that must continually contend with unimproved streets, which reduced the quality of life for the neighborhoods' residents. He would like the policy-development process to be inclusive. He noted the importance of the process being equitable and improving the community-wide quality of life.

Councilor York noted the importance of diverse neighborhoods in the community and emphasized that the Committee would not seek a solution that would make all neighborhoods identical.

In response to Mr. Shepard's inquiry concerning the urgency and timing of the project, Councilor Hogg said he would like to align the issue with the Council's budget goal.

Ms. Steckel noted that funding option considerations could extend beyond the SBTF's timeframe for completing its work.

Councilor York reviewed that the issue of unimproved streets was presented during the Council's goal-setting process. The Council developed a sustainable budget goal that included the issue of unimproved streets. She acknowledged that not all of the City's financial problems would be resolved by the end of the current Council term. She expected that the budget would include an entry with some type of cost estimate for unimproved street upgrading. The SBTF could then consider funding options.

Chair Baker opined that policy questions must be resolved before funding questions could be considered. A different level of street development could affect the amount of funding needed to meet the Council's sustainable budget goal. He suggested that staff provide the requested information during November; the Committee would be able to forward the issue to the SBTF in early-2016.

Councilor Hogg concurred with Councilor York that the issue of upgrading streets must be included in the budget so it was not overlooked. He could accept a broad cost range in the budget; with further discussion, the cost would be refined. He agreed with Chair Baker that the Committee needed additional information before making recommendations.

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Chair Baker suggested that the Committee advise the SBTF of the forthcoming issue of considering funding for unimproved street upgrading. Meanwhile, staff could gather information for review by the Committee or an advisory board.

Ms. Steckel assured the Committee that the issue of unimproved street upgrades would be included in the Public Works Department's presentation to the SBTF.

In response to Chair Baker's inquiry, Mr. Shepard said staff could give the SBTF a broad cost range; the cost estimate would be very high and conservative. Staff would not want to under-estimate the costs of upgrading all unimproved streets to City standards, taking into consideration topography and other contingencies. Options of lower levels of street development might reduce cost estimates.

Councilor York noted that the date when the SBTF needed a cost estimate should not govern the Committee's work on the issue of unimproved streets.

Ms. Steckel said Chair Baker's suggested timeline would work with staff's timing needs.

IV. Corvallis Community Access Television Intergovernmental Agreement

Ms. Steckel reviewed that staff met with Corvallis School District 509J (509J) representatives regarding the intergovernmental agreement (IGA) that expired June 30, 2015, but was still being honored. City and 509J representatives agreed to continue operating under that IGA until the end of June 2016, as it did not impose any unwanted obligations on 509J or additional requirements on the City. Knowing that the future location of the Corvallis community access television facility was being determined by another process, there was no need for the City or 509J to negotiate a new IGA. Therefore, staff recommended not pursuing further action toward a new IGA.

Mr. Shepard confirmed that another group, of which Councilor Hirsch was a member, was working to identify a new location for the television facility. It was understood that the current 509J facility was not an option after June 30, 2016.

Based upon a motion moved and seconded by Councilors York and Hirsch, respectively, the Committee unanimously recommends that Council not take further action regarding a new intergovernmental agreement with Corvallis School District 509J for Corvallis community access television.

V. Other Business

A. Pending Issues

Councilor Hogg said he told Associated Students of Oregon State University (ASOSU) about the Committee's scheduled October 6 discussion of the residential parking permit district process; he invited ASOSU representatives to testify at the

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meeting to give input from students' perspectives concerning how they would like the process changed or how they would like to be involved in the Committee's discussions.

Chair Baker noted that staff would schedule the issue of unimproved streets for a November meeting.

ATTACHMENT A

COUNCILOR YORK

Issues concerning 'legacy streets' or streets not developed to full city standards

- **What should be controlled by council policy and what by department procedures?**
- **Street standards:** it seems that there are currently two options (full city standard vs. the state of the street at annexation). *How does this address maintenance and safety (especially pedestrian and bike)?* Are there alternatives (ex: upgrading road bed, drainage and adding a sidewalk on one side. In the more hilly areas sidewalks on both sides of the street are likely to be undesirable (maintain rural character) as well as difficult to accomplish because of the terrain.
- **Maintenance:** is patching adequate for these streets, given that the residents are paying city property taxes (unlike county property owners) and that that city has an interest in extending the life of the street? Are there alternatives?
- **Community benefit:** the staff report says that arterials and collectors are maintained because of the community benefit. *What is the standard being used for community benefit? Is that adequate and reasonable? (whiteside)*
- **Funding:** what are the options for funding both maintenance and upgrading? (improvement district, bond measure, etc.) This issue should be considered by the Sustainable Budget TF.

Note: the issues above would be prioritized differently depending on the particular neighborhood issues.

TO: Urban Services Committee for September 22, 2015
FROM: Mary Steckel, Public Works Director *MS*
DATE: August 27, 2015
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Watershed Management Advisory Board (WMAB) Annual Report
and Draft Ordinance



Action Requested:

Accept the Annual Report and approve changes to Municipal Code Section 1.16.230, defining the scope of the Watershed Management Advisory Board.

Discussion:

As a result of the Public Participation Task Force recommendations adopted in 2014 by the City Council, annual reports are required by each Advisory Board to the City Council. Preparation of the material for the annual report was led by the WMAB Chair and reviewed and approved by the Board. Staff assisted in this effort by providing the Chair with the prescribed format of the annual report and reviewing drafts as requested.

In the past year, the Board sought to formalize the guidelines, policies and procedures under which it operates (Attachment A). A review of the Corvallis Municipal Code revealed a need to update the Board's scope to reflect the City's current management of the Rock Creek Watershed as directed by the Corvallis Forest Stewardship Plan (adopted 2006). Staff and board members worked together to reframe the Board's scope to reflect the current functions of the Board which are captured in a draft ordinance (Attachment B).

Budget Impact:

None.

Attachments

A – WMAB Purpose, Procedures and Guidelines

B – Ordinance Draft

ANNUAL REPORT OF THE WATERSHED MANAGEMENT ADVISORY BOARD Fiscal Year 2014-15

Members: Jessica McDonald (Chair), David Hibbs (Vice Chair), Jacque Schreck, Charlie Bruce, Sheryl Stuart, David Zahler, Richard Heggen, Creed Eckert (resigned February 25, 2015)

Staff: Jennifer Ward, Watershed Program Specialist; Tom Hubbard, City Utilities Manager; Mary Steckel, Public Works Director

Council Liaison: Richard Hervey (former)/Joel Hirsch (current)

Purpose/Mission summary: The Watershed Management Advisory Board (WMAB) advises the Council concerning all matters related to the management of the Corvallis Forest, including implementing the Corvallis Forest Stewardship Plan, coordinating with natural resource professionals and conducting outreach and education to the public, and drafting/reviewing procedures, standards, guidelines, and costs incurred in management of the Forest.

Prior Year Report:

Activities and work completed:

In FY 2014/15, the WMAB worked on the following activities related to the Corvallis Forest:

Public Education:

- Held a public tour of the Corvallis Forest (May, 2015)
- Participated in Board tours of harvest activities

Forest Management:

- Reviewed 14/15 Harvest Plan
- Reviewed 13/14 Harvest Fiscal Report and Forest Activities Report
- Reviewed Peacock Larkspur Inventory
- Recommended staff proceed with prescribed burn for restoration
- Reviewed Marbled Murrelet survey results
- Recommended that staff continue in-stream monitoring annually, and conduct a comprehensive stream temperature report every 5 years
- Reviewed Oregon and California legislation and its potential impact on the Corvallis Forest
- Reviewed Barred Owl studies

Board Management:

- Developed a 'Policies and Procedures' document to guide the WMAB
- Reviewed Public Participation Task Force documents and made a recommendation to staff to continue as a Board, rather than as a Department Advisory Committee
- Developed a list of potential Board prospects to replace outgoing Board members
- Presented 13/14 Forest Activities Report to Council

Activities and work in progress:

- Continued review of 14/15 harvest operations and financials
- Review of public tour feedback

Next Year Proposed Work Plan:**Regular activities and work (ongoing):**

In FY 15/16 the WMAB anticipates working on:

- Presenting Forest Activities Report to Council
- Reviewing 15/16 Harvest Plan
- Tour active harvest operations
- Assist with annual public tour of the watershed

Special activities and work for the year:

- No special activities planned for FY 15/16

Resources:**Prior Year:**

The resources used by the WMAB include:

- Public Works staff
- Trout Mountain Forestry (TMF) consultant and intern (cost shared by TMF and the City)
- Meeting room
- Buses for public watershed tour
- Food/materials for public tour

Needed for the next year:

The same resources are anticipated to be needed in 15/16

Attachment A

**City of Corvallis
Watershed Management Advisory Board
Purpose, Procedures and Guidelines**

The Corvallis Municipal Code (1.16.230) defines the following Scope of Duties specifically for the WMAB:

- 1) A Watershed Management Advisory Board is hereby created for the City.
- 2) This Board shall consist of seven members, at least one of whom shall possess qualifications by experience or training in forest management, and at least two of whom shall possess qualifications by experience or training in natural resource fields, such as botany, wildlife biology, hydrology, fisheries, and ecology.
- 3) The Board shall advise the Council concerning all matters related to management of the watershed including, but not limited to, the following:
 - a. Implementation of the Corvallis Forest Stewardship Plan and other pertinent government management plans;
 - b. Coordination and consultation with natural resource professionals, and implementation of outreach and education to the public; and
 - c. Procedures, standards, guidelines, and costs incurred in management of the watershed property.

The following procedures are applicable to the WMAB as outlined in the Corvallis Municipal Code:**Appointment**

All boards and commissions shall be established by Council and, unless otherwise provided by ordinance, all board and commission members shall be appointed by the Mayor, subject to the advice and consent of Council. The Mayor shall announce all vacancies to Council at least two weeks prior to making an appointment. Councilors may recommend proposed nominees to the Mayor. Proposed appointees shall be presented to the Councilors not less than two weeks prior to Council confirmation (*Section 1.16.030, Ord. 81-99 § 3, 1981*).

Term

Members of the board or commission shall serve for a term of three years except for the initial appointment as hereinafter provided. All members shall retain their positions at the expiration of their terms until a replacement is named or for 60 days, whichever comes first (*Section 1.16.100, Ord. 81-99 § 10, 1981*).

Limitation on term

No appointee shall serve for more than three consecutive full terms on the same commission or board (*Section 1.16.050, Ord. 81-99 § 5, 1981*).

Vacancy

Any vacancy which may occur on any board or commission shall be filled for the unexpired term by the appointing authority. Such a vacancy shall be deemed to exist upon the incumbent's death, incompetence, conviction of a felony, resignation, failure to maintain the qualifications of office, or failure to attend four consecutive meetings or participate in board or commission activities for 60 days without the consent of the chair of the board or commission. All vacancies shall be filled within 60 days of the vacancy. If said vacancy is not filled within 60 days by the appointing authority, Council shall appoint by a majority vote someone to fill the vacancy (*Section 1.16.070, Ord. 81-99 § 7, 1981*).

Council representative

The Mayor shall appoint a Councilor to serve as a nonvoting observer and liaison between Council and each Board or Commission (*Section 1.16.040, Ord. 81-99 § 4, 1981*).

Ethics and compensation

- 1) Members of boards and commissions shall comply with the provisions of the State code of ethics found in ORS 244.040
- 2) No member of any board or commission shall receive any compensation for his or her services as a member of said board or commission (*Section 1.16.060, Ord. 81-99 § 6, 1981*).

Officers and meetings

Each board or commission shall, at its first meeting of each fiscal year, elect a Chair and Vice-chair who shall hold office for the fiscal year. Each board or commission shall adopt rules necessary for the conduct of its affairs and shall keep minutes of its proceedings. Meetings of each board or commission shall be held at the call of the Chair, three members of the board or commission, or at such other times as the board or commission may determine (*Section 1.16.080, Ord. 81-99 § 8, 1981*).

Residency

Except as otherwise provided by ordinance, all members of a board or commission shall meet one of the following qualifications at their appointment and shall retain such status during their term of office: At least two-thirds of any board or commission shall be composed of persons who reside in the territorial limits of the City. The appointing authority may also appoint persons who are employed or self-employed full time in the City or who reside in the Urban Growth Boundary (*Section 1.16.090, Ord. 81-99 § 9, 1981*).

Quorum

A quorum exists when there shall be present at any lawfully called meeting at least 50 percent of the voting membership (*Section 1.16.110, Ord. 81-99 § 11, 1981*).

WMAB Procedures:**Meetings**

- WMAB meets on the 4th Wednesday of every month, from 5:15-6:45pm at the Madison Avenue Meeting Room. Time and location subject to change as needed by current WMAB.
- Minutes for all WMAB regularly scheduled meetings will be taken by City staff and subsequently posted on the City website.
- Meeting packets, including agenda, are posted on the City website and emailed to all Board Members and interested parties at least one week prior to all regularly scheduled meetings.
- Meetings are led by the Chair or Vice-chair.
- A call for public testimony will be included on each regularly scheduled meeting. Public comments or testimony will be limited to three minutes, unless otherwise agreed to by the Chair. Written public testimony for inclusion in the board meeting packet should be submitted to City staff at least ten business days prior to meeting date.

During Meetings

- Treat everyone with respect
- Focus questions and comments on the subject at hand, and stick to the agenda
- Listen carefully with the intent of understanding
- Let others finish before speaking
- Share the air – let others speak before speaking twice
- Raise issues honestly and clearly
- Collaborate with other group members and seek to find common ground
- Put cell phones on silent mode
- Participate

Other Meeting Protocols

- Notify Public Works if unable to attend a meeting
- Arrive on time
- Read materials in advance

Decision Making

- Work towards consensus on all major decisions/recommendations (consensus is the point at which Board Members can support the recommendation as the most viable decision for the group as a whole, although it may not be an individual member's personal favorite).
- If it is clear, after repeated attempts to find a solution all can support, that no consensus is possible, the Board Members' recommendation will be the majority opinion.

Staff

City staff will be in charge of setting meeting agendas, working with Board Members to evaluate projects that fall outside of those identified in the annual budget, and taking minutes for all regularly scheduled meetings. Staff presents the annual budget and drafts the annual Forest Activities Report. Staff will provide an orientation session for new Board Members, including a tour of the City forest (with the WMAB Chair, if available).

Evaluation of Board Members

- Attendance: City staff will track Board Member attendance. The Chair of the WMAB will meet with any Board Member who has failed to attend four consecutive meetings or participate in board activities for 60 days without the consent of the Chair to evaluate whether WMAB is an appropriate fit for that Board Member.
- Following Protocol: The Chair of the WMAB will convene with staff as requested to consider any Board Member who has failed to willingly and consistently follow meeting protocols and meet ethical standards to evaluate whether WMAB is an appropriate fit for the Board Member.

Oregon Public Meeting Law

The Oregon Public Meeting Law generally requires that all public body meetings, including the WMAB, be open to the public. The Law provides that in order to constitute a 'meeting' a quorum must be present. Therefore, the law applies to regular meetings as well as meetings where a quorum of the WMAB is present and where City business is discussed. On-site inspections, staff meetings and gatherings of associations to which a public body or its members belong are not considered public meetings. Chance social gatherings are not considered meetings as long as no official business is discussed. Formation of sub-committees is permitted, but decisions can only be made during meetings of the full Board open to the public. In addition, discussions of matters of policy are not to be conducted via email.

Records Procedures

All electronic communications among WMAB members and from the public to the WMAB are open to Oregon Public Meeting Law inquiries and public records requests. All communications from one Board Member to all others will be provided to staff, as will all communications from the public to individual Board Members and will be included in the public record.

Conflict of Interest

Oregon Government Ethics law identifies and defines two types of conflicts of interest. An actual conflict of interest is defined in ORS 244.020(1) and a potential conflict of interest is defined in ORS 244.020(12). In brief, a public official is met with a conflict of

interest when participating in official action which could or would result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associated. Accordingly, Board Members must declare their conflict of interest:

- Potential Conflict of Interest: Following the public announcement, the public official may participate in official action on the issue that gave rise to the conflict of interest.
- Actual Conflict of Interest: Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest [ORS 244.120(2)(b)(A)].

WMAB Year at a Glance

Dates estimated, subject to change:

May	Public Tour of Corvallis Forest
June	<ul style="list-style-type: none"> • Staff presents annual budget and receives feedback on activities planned for the fiscal year • Staff tabulate attendance records and review terms served
July	<ul style="list-style-type: none"> • Chair and Vice-chair elected • Training for Incoming Board Members • WMAB Chair drafts and circulates a Board Annual Report, based off of the previous calendar year, and presents the Report to the Urban Services Committee in the Fall (date flexible).
September/October	Forest Activities Report draft circulated to WMAB by staff
November/December	Forest Activities Report presented to City Council and WMAB standing committee by Board Chair for the previous fiscal year

- Board Member Recruitment, Training, and Recognition continue throughout the year. The WMAB might consider establishing a schedule for recommending names for Board Member appointment to the Mayor when vacancies arise.

WMAB Board Member Appointments and Terms

	<u>Originally Appointed</u>	<u>Current Term Expires</u>	<u>Term Limited</u>	<u>Resigned</u>
Charlie Bruce	2/2/2009	6/30/2015	6/30/2018	
Creed Eckert	7/6/2009	6/30/2016	6/30/2018	2/25/2015
Jessica McDonald	12/19/2011	6/30/2016	6/30/2020	
Sheryl Stuart	7/6/2009	6/30/2016	6/30/2018	
David Hibbs	3/18/2013	6/30/2017	6/30/2022	
Jacque Schreck	3/3/2008	6/30/2017	6/30/2017	
David Zahler	7/6/2009	6/30/2017	6/30/2018	6/30/2015
Richard Heggen	6/24/2015	6/30/2018	6/30/2024	
Steve Rogers	7/22/2015	7/22/2018	7/22/2024	

Attachment B

ORDINANCE 2015-__

AN ORDINANCE RELATING TO THE WATERSHED MANAGEMENT ADVISORY BOARD, AMENDING MUNICIPAL CODE CHAPTER 1.16, "BOARDS AND COMMISSIONS," AS AMENDED

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 1.16.230 is hereby amended as follows:

Section 1.16.230 Watershed Management Advisory Board.

- 1) A Watershed Management Advisory Board is hereby created for the City.
- 2) This Advisory Board shall consist of seven members, at least ~~three~~ **one** of whom shall possess qualifications by experience or training in ~~watershed or~~ forest management, **and at least two of whom shall possess qualifications by experience or training in natural resource fields, such as botany, wildlife biology, hydrology, fisheries, and ecology.**
- 3) The Advisory Board shall advise Council concerning all matters related to the management of the watershed including, but not limited to, the following:
 - a) ~~Consulting with the City and Forest Service personnel, Oregon State University School of Forestry staff, and others~~ **Implementation of the Corvallis Forest Stewardship Plan and other pertinent government management plans;**
 - b) ~~Recommending future action be taken on the watershed based on economic and other considerations, both existing and anticipated~~ **Coordination and consultation with natural resource professionals, and implementation of outreach and education to the public; and**
 - c) ~~Analyzing Forest Service procedures, standards, controls and costs incurred in the management of City lands~~ **Procedures, standards, guidelines, and costs incurred in management of the watershed property.**

(Ord. 2015- § , 2014-16 § 7, 11/17/2014; Ord. 86-29, 1986; Ord. 81-99 § 59, 1981)

PASSED by the City Council this _____ day of _____, 2015.

APPROVED by the Mayor this _____ day of _____, 2015.

EFFECTIVE this _____ day of _____, 2015.

Mayor

ATTEST:

City Recorder

TO: Urban Services Committee for September 22, 2015
FROM: Mary Steckel, Public Works Director *MS*
DATE: September 8, 2015
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Transportation System Plan (TSP) Update-"Draft" Goals and Objectives



Action Requested:

Request the Urban Services Committee recommend City Council acceptance of the draft project goals and objectives for the TSP and Transit Development Plan (TDP) projects.

Discussion:

The TSP and TDP goals and objectives will provide the project team with direction throughout the project and continue to guide the City after the plans have been adopted.

The process of developing the TSP and TDP goals and objectives will be iterative. The initial draft project goals were revised according to City Council input and presented to the Steering Committee (SC) as part of Draft Technical Memorandum #4/5 at a meeting on June 9, 2015. The SC provided further input and participated in an exercise to help expand the goals and objectives.

The draft goals and objectives were updated accordingly and included as part of a public outreach (non-scientific survey) to solicit broader input on the project direction. The public outreach (made available online and in hardcopy format) was conducted between July 13 and August 2, 2015. A total of 274 responses were submitted either online or at community events. A summary report is attached that documents the process and outcomes of the public outreach regarding the project goals and objectives.

After review of the public input, the project team revised the draft goals and objectives again and submitted them to the SC for review and comment, which generated additional revisions. The new draft goals and objectives reflect input received to date from the SC and general public.

The acceptance being sought by City Council is to use the draft goals and objectives as a starting point, recognizing that they may be modified later. We expect to revisit the draft goals and objectives at major project milestones and as we learn more about the transportation system and the trade-offs involved in choices for the future.

Budget Impact:

No budget impacts.

Attachments:

- A - Technical Memorandum #4/5
- B - TSP/TDP Goals & Objectives Survey Results Summary



Technical Memorandum #4/5 – Draft

DATE: September 11, 2015

TO: Corvallis TSP Project Management Team and Stakeholders

FROM: John Bosket, Kevin Chewuk, and Courtney Furman - DKS Associates
Tom Brennan and Scott Chapman - Nelson\Nygaard

**SUBJECT: Corvallis Transportation System Plan Update
Tasks 3.5 & 3.6 Initial TSP and TDP Goals, Objectives, and Performance Measures
Development**

The purpose of this memorandum¹ is to initiate the process of developing the vision, goals, objectives, and performance measures that will guide the development of Corvallis' TSP, TDP, and future investment decisions. While the draft set of goals and objectives included in this memorandum were developed with input from the Steering Committee, City Council, and the general public, they will remain flexible and subject to change as we learn more through the planning process.

It should be noted that Corvallis intends to engage the community in a new visioning process beginning later this year with completion expected in 2016. As the outcome of that effort becomes available, the project team will revisit the vision, goals, and objectives formed for this plan to ensure they are consistent. The vision, goals, and objectives described in this memorandum pertain only to the TSP and TDP projects and should not be confused with those to be developed later for the over-arching community visioning process.

The Purpose of Performance-based Planning

The project team will apply a performance-based planning approach for developing the Corvallis TSP and TDP. The objective of a performance-based approach is to select investments that most effectively and efficiently achieve desired outcomes. Public input and agency direction establish the desired outcomes. The decisions made to achieve those outcomes are guided by data and analysis describing transportation system performance relative to a select group of measures that track progress toward key goals. Benefits to using a performance-based planning approach include:

- Improved investment decision making
- Improved return on investments and resource allocation

¹ Technical Memorandum #4 (Initial Goals, Policies, and Performance Measures Development for the TSP) and Technical Memorandum #5 (Initial Goals, Policies, and Performance Measures Development for the TDP) have been combined in this memorandum to simplify the process of discussing goals and objectives.

Corvallis TSP Update
 Technical Memorandum #4/5: Initial TSP and TDP Goals, Objectives, and
 Performance Measures Development – DRAFT

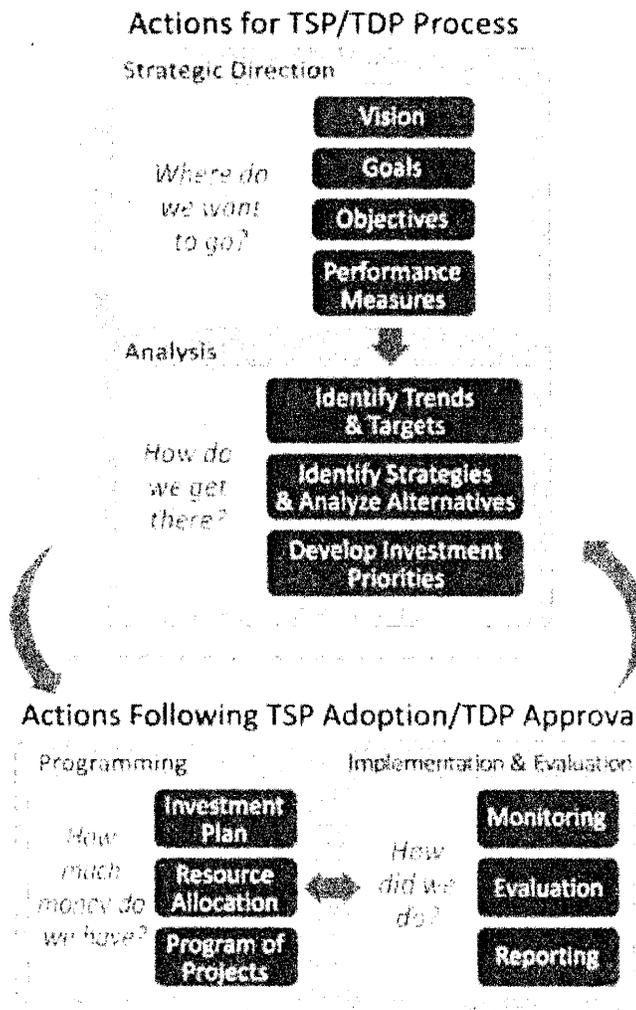


- Improved system performance
- Increased accountability and transparency
- Demonstrated link between funding and performance

Setting Direction for Transportation Planning

Figure 1 illustrates a framework for a performance-based planning process. The project team will employ the “Strategic Direction” and “Analysis” steps of this framework for the development of the Corvallis TSP and TDP. The remaining “Programming” and “Implementation & Evaluation” steps would be carried out by the city following plan adoption (or plan approval in the case of the TDP, which will not be adopted by City Council). Those involve a continuous process of funding and implementing projects and programs, measuring progress toward plan goals, and reevaluating investment priorities.

Figure 1: Corvallis TSP/TDP Performance-based Planning Process



Source: “Performance-Based Planning and Programming Guidebook,” FHWA, Sept. 2013.

Corvallis TSP Update
 Technical Memorandum #4/5: Initial TSP and TDP Goals, Objectives, and
 Performance Measures Development – DRAFT



The “Strategic Direction” step, involving the establishment of goals, objectives, and performance measures, is the focus of this memorandum. Collectively, these elements describe what the community wants the transportation system to do in the future, as summarized by a **vision statement**. A vision statement generally consists of an imaginative description of the desired condition in the future. It is important that the vision statement for transportation align with the community’s core values.

Goals and objectives create manageable stepping stones through which the broad vision statement can be achieved. **Goals** are the first step down from the broader vision. They are broad statements that should focus on outcomes, describing a desired end state. Goals should be challenging, but not unreasonable.

Each goal must be supported by more finite **objectives**. In contrast to goals, objectives should be specific and measurable. Where feasible, providing a targeted time period helps with objective prioritization and achievement. When developing objectives, it is helpful to identify key issues or concerns that are related to the attainment of the goal.

Performance measures are used to assess progress toward meeting goals and objectives. For the Corvallis TSP and TDP, they will initially be used during the planning process to benchmark how the current transportation system performs. Later, they will be used to inform the selection and prioritization of projects and policies for the plan by describing how well the alternatives considered support goal areas. As the plan recommendations are being implemented over time, the city can continue using these performance measures to monitor trends in transportation system performance and progress toward achieving goals. Because the selection of performance measures can be limited by the data available to evaluate them, the identification of performance measures for the plans will occur after goals and objectives have been defined.

Examples of sets of goals, objectives, and performance measures are provided in Table 1.

Table 1: Examples of the relationship between goals, objectives, and performance measures

Goals	Objectives	Performance Measures	Resulting Measureable Objectives
A safe transportation system	Reduce the frequency of serious crashes	Number of fatal and serious injury crashes	Reduce fatal and serious injury crashes 50% by 2030
Livable communities that provide a range of travel choices	Provide sufficient bicycle facilities to support travel between major activity generators	Miles of dedicated bicycle facilities	Increase the miles of dedicated bicycle facilities by 25% by 2030

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Developing Goals and Objectives for the Corvallis TSP & TDP

Goals and objectives from other important community and regional planning documents were reviewed to identify common themes and values important to Corvallis. The goals and objectives from existing plans have been summarized in the appendix and cover a wide array of topics that could be applied to the TSP and TDP. From that review, the project team developed an initial set of goals as a starting point for the development of goals and objectives for the plans.

The project team then began the process of developing unique goals and objectives for the Corvallis TSP and TDP with City Council and the appointed Steering Committee. The results were shared with the rest of the community through a public survey, with further input sought to refine them.² The new draft goals and objectives provided below reflect that input, as well as an additional review by the Steering Committee, and will be submitted to the City Council for acceptance. At this time, all goals and objectives are considered to be of equal importance and will be reconsidered throughout the project life cycle.

The project team will then develop a recommended set of performance measures for use with the accepted goals and objectives based on the available data. As we learn more about how Corvallis' transportation system will function in the future, a transportation system vision statement will be developed and further refinement of the goals and objectives may become necessary.

Draft TSP and TDP Goals and Objectives

Goal 1: Provide an efficient transportation system that supports economic vitality by facilitating the local and regional movement of people and goods.

Objectives:

- a. Reduce miles of travel and travel time through improved connectivity where barriers exist.
- b. Maintain acceptable roadway and intersection operations where feasible considering environmental, land use, and topographical factors.
- c. Improve pedestrian amenities in business districts.
- d. Provide access to local businesses and business districts by all modes of transportation.
- e. Improve north/ south and east/ west street connectivity.
- f. Provide efficient freight movement on regional travel routes.
- g. Increase the accessibility of major employment centers.
- h. Work with OSU to develop cooperative parking strategies for University area neighborhoods.
- i. Identify transportation system and service improvements that support the city's long-term land use vision.
- j. Maintain and support the Corvallis airport as a municipal facility.

² Comments received via the public survey have been described in the *"TSP and TDP Goals & Objectives Survey Results Summary"* memorandum.

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Goal 2: Provide a transportation system that enhances the health and safety of residents.

Objectives:

- a. Improve safety at locations with known issues.
- b. Minimize conflict points along high volume and/or high speed corridors.
- c. Support vibrant public spaces, and encourage a culture of walking, cycling, and social interaction.
- d. Expand the sidewalk, on-street bikeway, and multi-use path network in the city.
- e. Reduce traffic-related fatalities and serious injury collisions.
- f. Reduce the amount of collisions involving pedestrians and cyclists.
- g. Improve personal security on public facilities and services (e.g., street lighting, surveillance/patrols around transit).
- h. Preserve the function and prioritize investments on routes and transportation facilities critical for emergency response and evacuation.
- i. Apply a comprehensive approach to improving transportation safety that involves the five E's (engineering, education, enforcement, emergency medical services, and evaluation).
- j. Work with the school district and educational institutions to identify and implement circulation and access patterns to and around schools that are safe for pedestrians and bicyclists, as well as people in cars and arriving by bus.

Goal 3: Provide a diversified and accessible transportation system that ensures mobility for all members of the community and provides viable alternatives to automobile travel.

Objectives:

- a. Increase transit ridership by improving the quality of available transit service as measured by coverage, hours of service and frequency.
- b. Develop bicycle and pedestrian facilities that encourage non-vehicular travel and provide safe passage for pedestrians and bicyclists.
- c. Allow for alternative transportation facility designs in constrained areas to minimize impacts to natural resources.
- d. Encourage comprehensive on-site Transportation Options programs - including incentives and disincentives – by major employers & educational institutions.
- e. Make it easy for people of all ages and abilities to get where they need to go, comfortably and safely, by all modes of travel.
- f. Provide inexpensive transportation options in the city.
- g. Ensure Corvallis' Land Development Code requires new development to support multimodal connectivity and accessibility.
- h. Work with neighboring jurisdictions to identify and provide opportunities to commute to and from Corvallis by means other than single-occupant vehicles.

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Goal 4: Provide a sustainable transportation system through responsible stewardship of financial and environmental resources.

Objectives:

- a. Preserve and protect the function of locally and regionally significant transportation corridors.
- b. Establish priorities and define the incremental steps needed for investment of ODOT and Federal revenues to address safety and major capacity problems on the State transportation system.
- c. Develop transportation standards that preserve and protect the integrity of neighborhoods.
- d. Develop street standards to reflect the pedestrian realm of the neighborhood.
- e. Preserve and maintain the existing transportation system assets to extend their useful life.
- f. Improve travel reliability and efficiency of existing major travel routes in the city before adding capacity.
- g. Increase the number of walking, bicycling, and transit trips in the city.
- h. Reduce the number of vehicle-miles traveled.
- i. Pursue grants/ programs or collaboration with other agencies to efficiently fund transportation improvements and supporting programs.
- j. Evaluate and implement, where cost-effective, environmentally friendly materials and design approaches (water reduction, protect waterways, solar infrastructure, impervious materials).
- k. Support technology applications that improve travel mobility and safety with less financial and environmental impact than traditional infrastructure projects.

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APPENDIX

Excerpts showing goals and objectives from other regional and local planning documents are provided as background information and to highlight community values expressed in the past.

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Existing Goals, Objectives, and Policies

The following sections include goals, objectives, and policies from the Corvallis 2020 Vision Statement, the 1996 Corvallis Transportation System Plan, the Corvallis Transportation Demand Management Plan, the North Corvallis Area Plan, the South Corvallis Area Refinement Plan, the Oregon State University Campus Master Plan, the Benton County TSP, the 2012 Corvallis Area Metropolitan Planning Organization (CAMPO) Regional Transportation Plan, the Oregon Transportation Plan, and the Oregon Public Transportation Plan. These are provided to understand the direction the community and region have previously established for transportation decisions and to provide ideas to facilitate the process of developing a new vision with goals and objectives that reflect current interests.

Vision 2020 (and the 2013-2014 status report to City Council)

The categories in the 2020 vision statement included the following:

Central City

- Central City that is the vibrant commercial, civic, cultural, and historic heart of the county
- The Central City is supported by a commercial center, residential center, the riverfront, civic center, and cultural center

Cultural Enrichment and Recreation

- Community that enjoys a cultural life which is rich in the arts and recreational opportunities, and celebrates the diverse talents and cultures of the community
- Cultural enrichment and recreation are supported through festivals, library activities, park facilities, and the securing of art pieces within the community

Economic vitality

- Economic vitality anchored by key strategic industries and complemented by a wealth of diverse, environmentally-friendly businesses
- Economic vitality is supported by partnerships between Oregon State University, Hewlett Packard, the Oregon Nanoscience and Microtechnologies Institute, and other researchers

Education/Human Services

- High quality educational opportunities are offered and a comprehensive network of health and human services are available to all residents throughout their lifetime
- Education and human services are supported through Oregon State University being an institution that holds land, sea, sun, and space grants, the connection between Oregon State University and Linn-Benton Community College based in Albany, Good Samaritan Regional Medical Center, a highly regarded trauma and research hospital



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Governing and Civic Involvement

- Citizen participation is fostered in all aspects of community decisions, such as vigorous neighborhood associations with meetings and to provide opportunities for formal and informal discussions of community issues
- Governing and civic involvement are supported by the current elected officials, including the Mayor and City Council, as well as volunteer organizations such as the Madison Avenue Task Force

Protecting our Environment

- Successful integration of the economic and population growth with the preservation of its scenic natural environment, open spaces, clean air and water, wildlife habitat areas, and recreational opportunities
- Protecting our environment is supported by the abundant recreational opportunities including parks, natural areas, bike paths and bike lanes, ease of alternative transportation, use of green energy, and storm water management strategies to improve water quality, enhance fish and aquatic habitat and ensure proper handling of excessive water from heavy rain events

Where People Live

- Offer balanced and diverse neighborhoods that incorporate mixed-use, that are accessible to residents without driving, to form the building blocks that support a healthy social, economic, and civic life
- Where people live is supported by being a bicycle friendly community, providing riverfront housing opportunities, and an improved transit system

The performance measure highlights in the 2013-2014 Vision 2020 status report to City Council included the following:

Sustainability

- Conserve resources by reducing fuel and paper use
- Provide a local business environment that supports a successful, diverse traded-sector entrepreneurial community
- Remain below the national average of 10% annually for water loss in the distribution system
- Reduce printing and staff time through implementation of Electronic Citation Process

Diversity

- Assure that low income residents' housing needs are met in a cost effective manner
- Offer Library programs reflecting the diverse populations within Benton County
- Continue to design recreation programs to be inclusive, creating an opportunity for our diverse community to come together

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Citizen Involvement

- Maximize citizen satisfaction with the quality of City services, City communications and outreach
- Interact with at least 10% of residents (city and rural district) in public education events annually
- Provide opportunities for public involvement on boards, commissions, and public meetings
- Increase diversity of applicant pool through target recruitment outreach efforts

Cost Efficiency

- Increase organizational efficiency in providing service output
- Increase community safety by maintaining overall number of traffic accidents resulting in injuries/fatalities at less than the State average of 5.1 per thousand population
- Have utility rates that contribute to Corvallis being an attractive place to live
- Maintain transit operating costs below average of \$2.70 per transit ride

Corvallis Transportation System Plan (1996)

The current Corvallis TSP highlights existing plan policies supporting transportation that could be carried forward, as well as recommended new policies to continue guiding transportation plans.

Existing Comprehensive Plan Policies

- The transportation system shall be planned and developed in a manner which contributes to community livability, recognizes and respects the characteristics of natural features, and minimizes the negative effects on abutting land uses.
- The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.
- The City shall develop and promote alternative systems of transportation which will safely, economically and conveniently serve the needs of the residents.
- Special consideration in the design of the transportation system shall be given to the needs of those people who have limited choice in obtaining private transportation.
- The transportation system shall give special consideration to providing energy efficient transportation alternatives.
- The City shall maintain a long range transportation plan that will be periodically reviewed and updated.
- The City shall establish a Capital Improvement Program for the transportation system which:
 - Is subject to annual review
 - Is consistent with the land use policies of the Comprehensive Plan and considers other facility plans
 - Defines the locations of rights-of-way necessary for the creation of a community-wide transportation system

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- Establishes a priority for improvements to the system
- Provides for the needs of all modes of transportation within the rights-of-way
- Considers the economic impacts upon properties resulting from transportation improvements

Recommended Additional Transportation Policies

- The transportation system shall reflect consistency with the Corvallis Comprehensive Plan, land use designations, and regional and statewide transportation planning efforts.
- Uniform construction standards which accommodate all transportation modes shall be maintained for the City's transportation system.
- ODOT should fund, maintain, and improve all State Highway facilities (OR 99W, OR 34 and US 20) to meet level of service standards contained in the Oregon Highway Plan. When specific construction plans are proposed, ODOT should prepare comprehensive roadway designs that recognize urban usage for surface transportation modes, including facilities for pedestrians, bicycles, transit, drainage, curbs, and gutters.
- Corvallis will invest in planning and coordinate with the state and counties to develop highly detailed transportation and access plans that firmly fix the location of future arterial and collector streets for each developing sector with the Corvallis urban growth boundary.

Corvallis Transportation Demand Management Plan (1998)

The TDM Plan focuses on four topic areas to achieve the transportation goals.

TDM Support Facilities

- Pedestrian and bicycle infrastructure and access management to support non-automobile travel.

City supported programs

- Education and monitoring efforts to promote alternative modes, as well as incentives (fee waivers, civic recognition, variances, etc.) for alternative modes and disincentives (additional or increased fees, parking limitations, etc.) to automobile dependence;

Transit Plan

- Substantially increased transit service provide a genuine alternative to automobiles and reduce per capita vehicle miles traveled; and

Land Use Plan

- Reducing travel demand by providing a genuine alternative to automobiles and reduce per capita vehicle miles traveled; and bringing residences and jobs closer together.

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North Corvallis Area Plan (2002)

The plan has six guiding principles, including the following:

- Natural resource protection: dense development away from most sensitive areas
- Accessible open space network: spine of inter-connected natural features, parks and corridors with access
- Distributed but concentrated development: pedestrian-scaled local service and employment centers within walking distance of residences and larger scaled employment and commercial centers on heavily traveled corridors with transit potential
- Development pattern and landscape fit: land use and development patterns compatible with landscape character
- Transportation alternatives to private automobiles: transit service within walking distance of most residences, safe, direct, and convenient bicycle and pedestrian routes, on-street and off-street alternative mode system, and accessible, convenient transit routes and centers
- Local employment: strategically located major employment centers that are accessible from transit, bicycle, and pedestrian routes

South Corvallis Area Refinement Plan (1998)

The plan recommends four transportation strategies, including the following:

- New land use plan that promotes local trips by supporting transit and enhancing convenience of walking and biking
- Access management to add capacity by reducing turning conflicts and enhancing traffic flow
- Transportation demand management to reduce or shift demand on the system through various programs, such as transit subsidies by employers, incentives and facilities for employees who walk/bike to work, and flex time and/or telecommuting
- Promotion and enhancement of transit, walking and biking through increased coverage and more frequent transit, reduced fares, and advertising and promotion

Oregon State University Campus Master Plan (2004)

Key Standards or Policies

- Plan and construct OSU transportation system improvements consistent with the City of Corvallis Comprehensive Plan, Land Development Code, Transportation Plan, and Standard, Construction Specifications.
- OSU shall continue to implement Transportation Demand Management (TDM) measures such as the pre-paid mass transit program and explore opportunities to further reduce reliance on single occupancy vehicles. OSU shall report TDM activities taken and measure of effectiveness with annual parking.
- Consider TDM principles, such as continued participation in the pre-paid mass-transit pass program and other measures, whenever possible to avoid or delay construction of new

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transportation facilities and to reduce reliance on automobiles.

- Consider improvements to sidewalks, multi-use paths, on-street bicycle lanes, street alignments, intersections, turn lanes, and road striping as part of the physical development of campus, constructing the improvements as needed or as conditions warrant.
- Ensure that the cost of required transportation improvements associated with a project are included in the project construction budget.
- Develop an internal funding mechanism that requires that new construction and significant remodeling projects are assessed for needed campus infrastructure and other improvements. An assessment adjustment shall be made for projects that include infrastructure improvements.
- Implement improvements along 35th Street in accordance with the OSU-City 35th Street Improvement Agreement.
- Design the transportation system to emphasize and encourage walking as the primary form of transportation in the campus core area.
- Encourage alternative modes of transportation (e.g., walking, bicycling, car/vanpooling, transit).
- Organize the campus core such that academic uses are within a 10-minute walk to facilitate student travel between classes.
- Consider pedestrian amenities (lighting, sidewalks, bench placement, planters, courtyards, quads, transit stops/shelters, bike racks, recycling receptacles, etc.) as part of typical street improvements.
- Continue to maintain the transportation system of streets, roads, paths, sidewalks, and bicycle lanes for safety and good operating conditions.
- Continue to support the campus shuttle service.
- Continue to maintain and enhance pedestrian walkways throughout the campus, especially with new development.
- Reinforce the pedestrian nature of campus by minimizing the need for private automobiles for cross-campus travel. This shall be done by locating parking areas on the campus perimeter and by maintaining a street system that directs traffic to nearby collectors and arterials, to the maximum extent practicable.
- Establish a pedestrian network of paths and sidewalks for safe and convenient access to sites on and off campus.
- Develop a campus-wide bicycle route system that uses a combination of on-street bike lanes and off-street multi-use paths.

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Benton County TSP (2001)

The transportation system goals for the Benton County TSP are as follows:

Mobility, Circulation, and Safety Goals

- Develop a transportation system to facilitate appropriate travel modes.
- Ensure sufficient capacity is provided concurrent with future travel demand to, within, and through Benton County.
- Provide safe interactive multi-modal facilities.
- Ensure mobility to the transportation disadvantaged.
- Coordinate with local agencies and providers to expand transit services countywide.
- Ensure an adequate truck route network to reduce commercial/neighborhood conflicts.
- Provide both primary and secondary access for emergency services.

Capital Improvement Goals

- Maximize the useful life of existing facilities.
- Maximize the cost effectiveness of transportation improvements.
- Ensure adequate and equitable long-term funding mechanisms.
- Maintain a Transportation Improvement Plan.

Community Goals

- Provide transportation services that preserve and protect the scenic and natural resources and rural character of Benton County.
- Minimize conflicting uses on the transportation system that degrade neighborhoods and rural communities.

Economic Development Goals

- Preserve and protect transportation corridors essential to the economic vitality of the County.
- Promote the use of freight rail and air service to reduce trucking activity on County roads.
- Promote efficient and affordable ground transportation to existing regional airports (Portland and Eugene).

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CAMPO Regional Transportation Plan (2012)

The plan includes the following recommended policies for implementation throughout land use and transportation decision-making processes:

1. Transportation System Management

- a. Provide for the safety of motorists, bicyclist and pedestrians.
- b. Manage the transportation system to support the economic vitality of the area.
- c. Promote alternative modes of transportation and take measures to reduce reliance on SOVs.
- d. Preserve, protect and maintain the existing transportation system.
- e. Provide for transportation system connectivity to reduce vehicle miles of travel.
- f. Provide for movement of people and freight within and to destinations outside of the Planning Area.
- g. Construct bike and pedestrian facilities as a component of all arterial and collector construction.
- h. Improve gateways to the area and preserve historic transportation structures.
- i. Construct trails, bikeways, transit and pedestrian facilities.
- j. Allocate the majority of the area's allotment under the Surface Transportation Program (STP) to the maintenance and preservation of the existing transportation system.

2. Transportation Demand Management

- a. Provide transportation choices for all people.
- b. Support public transportation for both interurban and intra-urban trips.
- c. Enhance transit service throughout the Planning Area by adding new bus routes, extending transit routes, extending transit service hours, providing higher service frequencies and better bus stops, shelters and amenities.
- d. Develop a coordinated transit service throughout the Planning Area and to neighboring destinations.
- e. Monitor and modify, as needed, transit routes to serve the highest number of passengers.
- f. Engage with employers to reduce vehicular trips by developing transportation management associations.
- g. Seek funding to enhance TDM activities.
- h. Promote carpool and vanpool programs.
- i. Connectivity of transit, bicycle routes and pedestrian facilities shall be considered in the development review process for new developments.

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- j. Require planning for a network of bikeway and pedestrian facilities within new developments (internal circulation).
 - k. Construct Park and Ride facilities on the periphery of the Planning Area and adjacent to transit routes.
 - l. Support car-share and bike-share programs.
3. Land Use Management
- a. Land use and transportation decision making processes should be coordinated.
 - b. Promote higher residential density standards to make land use compatible with operation of viable public transportation.
 - c. Promote developments which blend commercial and residential uses.
 - d. Promote in-fill development.
 - e. Promote development of grid street pattern.
4. Environment Protection
- a. Preserve and protect the natural environment (air, water and soil).
 - b. Promote sustainability and livability throughout the transportation decision making process.
 - c. Preserve and protect the natural beauty of the area.
 - d. Preserve and protect the integrity of neighborhoods.
5. Energy Conservation
- a. Remain apprised of the energy outlook and its impacts on the transportation system to update the Transportation Plan every five years.
 - b. Promote the use of renewable and alternative energy sources/fuels, such as bio-diesel and electricity, to reduce dependency on petroleum-based products.
 - c. Promote alternative modes of transportation through land use and transportation decision-making processes to reduce demand for vehicular trips and particularly, single occupancy vehicle trips.
6. Parking Management
- a. Encourage major employers to use incentives that promote greater use of alternative transportation modes by employees, and disincentives for the use of workplace parking.
 - b. Give priority to the parking needs of those who carpool or vanpool, while accommodating visitors and persons with disabilities.
 - c. Limit the number of parking spaces required for new developments.
 - d. Encourage workplace incentive programs for public transportation, carpooling and vanpooling.

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- e. New development within or near central business districts should require fewer parking spaces than those in outlying areas.
- f. Encourage new developments to locate buildings near the street and provide parking behind buildings.
- g. Position parking in a manner that minimizes conflict with bicycle and pedestrian access.
- h. Encourage shared parking among neighboring businesses.
- i. Encourage telecommuting of employees.
- j. Encourage the consolidation of commercial driveways to the degree practicable

The Sustainability recommendations of the RTP include:

Reduce GHG Emissions

- Model CO2 emissions with the region's transportation model to provide information on the CO2 emissions of existing and/or future transportation networks.
- Consider CO2 emissions when prioritizing transportation projects.
- Fund pedestrian and bicycling programs and facilities that are likely to result in auto trip reduction.
- Research successful strategies for reducing GHG emissions to develop best practices for local implementation.
- Provide reliable transit services to all trip generators to reduce driving.
- Support maintenance, upgrades and enhanced efficiency of public transit services.
- Support the expansion of ride-sharing and carpool programs.

Promote Fuel-Efficiency and Cleaner Vehicles

- Support vehicle retrofits and the purchase of cleaner motor vehicles in public transit fleets.
- Upgrade bridges to lift weight restrictions for freight.
- Support initiatives to reduce unnecessary idling.

Integrate Transportation and Land Use Planning

- Support and promote Transit-Oriented developments (TODs).
- Support and promote the "5 D's" of sound land use planning: Density, Diversity, Design, Destination Accessibility, and Distance [to transit].

Integrate Transit, Cycling, and Walking as Viable Alternatives to the Car

- Make transit easier to use by decreasing wait times, coordinating fares and creating seamless transfers among transit systems. Also work to create connections to bicycle and pedestrian facilities.
- Real time information at transit stops and on board transit.
- Traffic signal prioritization for buses.

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- Incorporate mid-block connections, and multi-use paths into residential subdivisions.
- Encourage bicycling and walking through events, commute campaigns and public awareness campaigns.
- Encourage development of bicycle parking and clothes changing facilities at worksites, transportation terminals and other destinations. Establish standards for bicycle parking including size, number of spots, proximity to entrance and space needed around the parking to adequately fit bicycles.
- Publish local and regional cycling maps showing recommended cycling routes and facilities, roadway conditions (shoulders, traffic volumes, special barriers to cycling, etc.) hills, recreational facilities, and other information helpful to cyclists.
- Improve walking and cycling safety through traffic calming, streetscape and complete streets policies. Ensure that sidewalks are ADA-compliant and well-lit.
- Create safer bicycle and pedestrian crossings. Place pedestrian-activated signals at high-activity mid-block locations and intersections. Realign pathways further from their parallel streets when they approach intersections to help avoid collisions with right-turning cars. Also make bike lane crossings highly visible with pavement paint or signs.
- Develop and publicize internet tools for bicycling, such as bike route mapping and trip planning.

Implement environmentally sound roadway construction standards

- Reuse existing pavement materials.
- Reduce lifecycle impacts from extraction and production of virgin materials.
- Promote use of locally sourced materials to reduce impacts from transportation emissions, reduce fuel costs, and support local economies.
- Reduce lifetime energy consumption of lighting systems for roadways.
- Make roadway capital assets last longer and perform better by preserving and maintaining them.
- Utilize pavement technologies which reduce environmental impacts (such as long-life pavement, permeable pavement, warm mix asphalt, cool pavement and quiet pavement).

Oregon Transportation Plan (2006)

Each of the OTP's seven goals is defined by more specific policies and strategies:

OTP Goal 1, Mobility and Accessibility, aims to enhance Oregon's quality of life and economic vitality by providing a balanced, efficient, cost-effective and integrated multimodal transportation system that ensures appropriate access to all areas of the state, the nation and the world, with connectivity among modes and places.

OTP Goal 2, Management of the System, aims to improve the efficiency of the transportation system by optimizing the existing transportation infrastructure capacity with improved operations and management.

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OTP Goal 3, Economic Vitality, promotes the expansion and diversification of Oregon’s economy through the efficient and effective movement of people, goods, services and information in a safe, energy-efficient and environmentally sound manner.

OTP Goal 4, Sustainability, seeks to provide a transportation system that meets present needs without compromising the ability of future generations to meet their needs from the joint perspective of environmental, economic and community objectives. This system is consistent with, yet recognizes differences in, local and regional land use and economic development plans. It is efficient and offers choices among transportation modes. It distributes benefits and burdens fairly and is operated, maintained and improved to be sensitive to both the natural and built environments.

OTP Goal 5, Safety and Security, aims to plan, build, operate and maintain the transportation system so that it is safe and secure.

OTP Goal 6, Funding the Transportation System, seeks to create a transportation funding structure that will support a viable transportation system to achieve state and local goals today and in the future.

OTP Goal 7, Coordination, Communication and Cooperation, ensures coordination, communication and cooperation among transportation users, providers and those most affected by transportation activities to align interests, remove barriers and bring innovative solutions so the transportation system functions as one system.

Oregon Public Transportation Plan (1997)

While ODOT is currently undertaking an update to the plan, the goals and policies found in the plan will continue to guide Corvallis in their transit planning. The vision adopted by the Oregon Public Transportation Plan Advisory Committee, and which guides the plan includes:

- A comprehensive, interconnected and dependable public transportation system, with stable funding, that provides access and mobility in and between communities of Oregon in a convenient, reliable and safe manner that encourages people to ride.
- A public transportation system that provides appropriate service in each area of the state, including service in urban areas that is an attractive alternative to the single-occupant vehicle, and high-quality, dependable service in suburban, rural and frontier (remote) areas.
- A system that enables those who do not drive to meet their daily needs.
- A public transportation system that plays a critical role in improving the livability and economic prosperity for Oregonians.

Attachment B



TSP and TDP Goals & Objectives Survey Results Summary

Prepared for

City of Corvallis

Prepared by

JLA Public Involvement

September 10, 2015

Overview

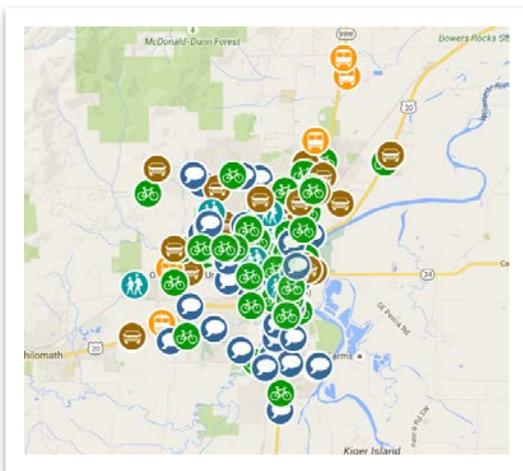
The City of Corvallis developed a survey to collect public input in July 2015. The survey was aimed at getting feedback on the draft goals and initial strategies for achieving those goals for the Transportation System Plan (TSP) and Transit Development Plan (TDP) projects. The TSP and TDP goals will provide the project team with direction throughout the project and continue to guide the City after the plans have been adopted. The draft goals were developed based on a review of other important community and regional planning documents and Steering Committee feedback.

This report includes a summary of outreach and public comments received through the following forums and events:

- Online and paper surveys received between July 13 and August 2, 2015.
- Information booths at community events in July 2015.

Survey Format

The public survey was made available online in an interactive format that allowed participants to post comments that were viewable to other community members. The same questions were also made available in a paper format. Both formats were available in Spanish.



The survey asked for input on the project goals and initial strategies for achieving those goals, input on how people currently get around and what may change their travel behavior, and feedback on issue areas via an interactive comment map. A total of 274 surveys were submitted either online or at community events.

Notification

The following forms of notification were used to invite people to complete the survey:

- **Project website announcement** – The website prominently announced the launch of the online survey and invited people to participate. The website received almost 600 page views in July 2015, with 77% of the visitors being new visitors.
- **Stakeholder email announcement** – Two emails were sent to approximately 330 project stakeholders. The first announcement (sent July 14) informed stakeholders that the survey was live, available in Spanish, and could also be completed online or in person at the staffed community events. Links were provided to English and Spanish

online surveys. This email was opened by 50% of the subscribers. The second email (sent July 29) was a reminder to complete the survey before it closed and also provided survey links. This email was opened by 39% of the subscribers. These emails were also distributed to all City of Corvallis and Benton County employees. *(Note: According to MailChimp, the average open rate for email campaigns for the government industry is 27%).*

- **Community events** – The project team hosted informational booths to promote the survey at the Corvallis Farmer’s Market, Benton County Fair, and Corvallis Family Table Meal Nite.
- **Social media** – The survey was advertised via the project Facebook and Twitter accounts throughout the survey’s duration. There were a total of 8 posts pushing the survey on Facebook and 15 posts on Twitter – including some in Spanish. Many of the tweets and posts were retweeted and/or liked by community members.
- **Survey distribution** – Hardcopies of the survey were left at Corvallis City Hall, the Library, Senior Center, and Benton County Health Department.

Information Booths

Project staff hosted information booths at the Corvallis Farmers Market (July 15 and 18) and Benton County Fair (July 31). Staff talked to approximately 175 people at these events. In addition, staff attended Corvallis Family Table Meal Nite (July 23).

Staff members encouraged participants to take the survey either online or at the event. The survey was available in English and Spanish. Nearly 20 people completed the survey at these events.

Most people at the events were interested in the project and provided general feedback on how they get around and current obstacles to travel in Corvallis. In addition, a large map of Corvallis was displayed and community members were encouraged to indicate troublesome areas or solution ideas to consider in the TSP and TDP processes.

A Spanish interpreter was available at Family Meal Night, which led to several productive conversations between City staff and Spanish-speaking community members.

Summary of Survey Results

The survey was completed by 274 respondents online and at community events. It was organized into three main sections (TSP and TDP Goals; Getting Around; and General Comments) with an additional set of demographics and contact information questions. The key themes included in this summary were developed from recurring responses, ideas and issues submitted by the survey participants.

TSP and TDP Goals

One of the primary purposes of the survey was to get feedback on the draft project goals and initial strategies to achieve those goals. Participants were asked how acceptable each of the draft goals and initial strategies are and what changes staff should consider via a multiple choice question. Answer options included Yes, Acceptable; Yes, with changes; No, Unacceptable, and Unsure. Those who responded that changes were necessary were provided with a comment box to provide additional feedback.

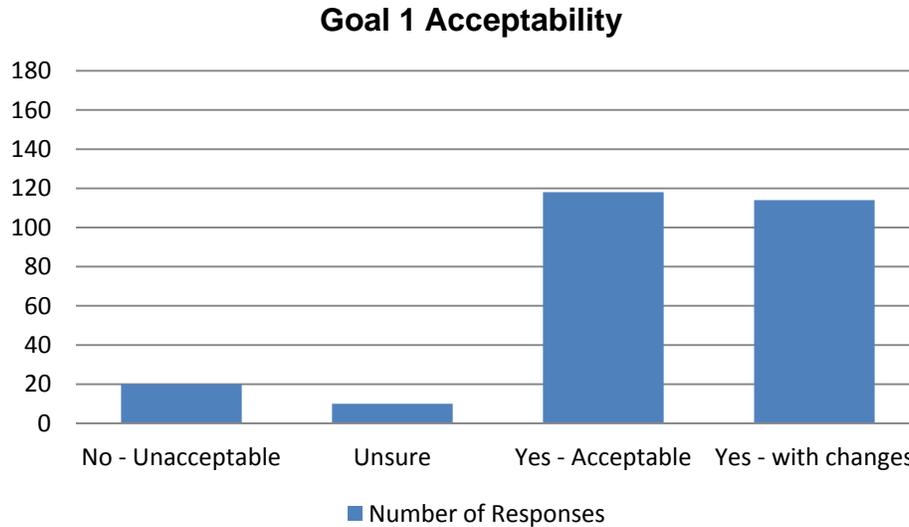
Overall, participants responded that the goals included in the survey are acceptable.

That said, changes, additions and further considerations were submitted and are summarized below for each goal.

Goal 1: Economic Vitality

Provide an efficient transportation system that supports economic vitality by facilitating the local and regional movement of people and goods.

A total of 262 people provided feedback on how acceptable draft Goal 1 and its initial strategies are. The majority of participants found Goal 1 acceptable either as is (118 responses, 45%) or with changes (114 responses, 43%).



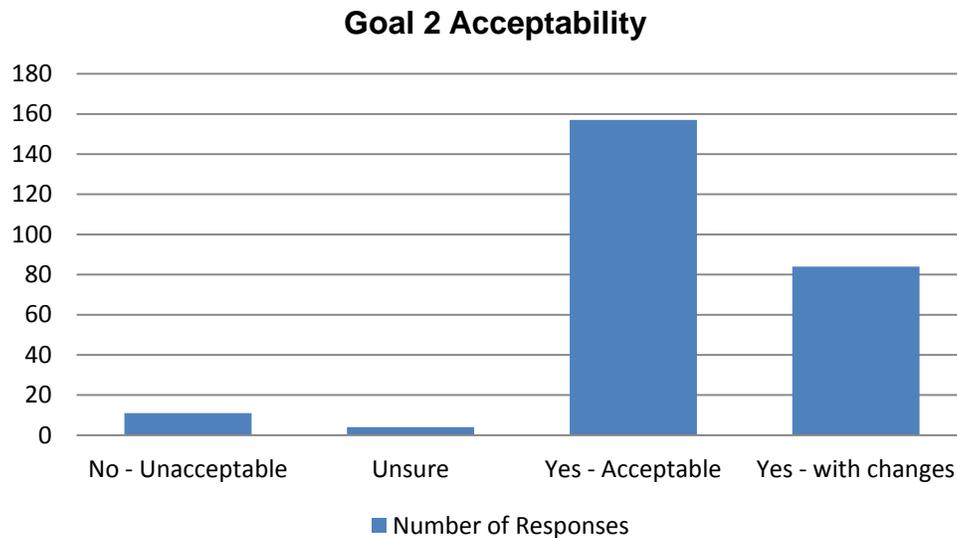
More than 190 comments were submitted about Goal 1. The following are the key themes from these comments.

- *Suggestions for bike and pedestrian solutions, including new connections and facilities.*
- *Expand transit service, including adding more routes and providing Sunday service.*
- *Downtown parking comments ranged from support of a parking garage to the desire for no additional parking to encourage fewer cars on the road so parking would not be an issue.*
- *Economic Vitality appeared to be the most important goal because it was listed first in the survey and some didn't think it should be first.*
- *Walkability was mentioned in the Goal 1 strategies but there was no mention of bikes, transit etc.*
- *Affordable housing is tied to transportation issues – if people could afford to stay in town versus commuting in, then they could use the transit system rather than a car.*
- *Walking downtown was currently fine and doesn't need improving.*

Goal 2: Health and Safety

Provide a transportation system that enhances the health and safety of residents.

A total of 256 people provided feedback on how acceptable draft Goal 2 and its initial strategies are. The majority of participants found Goal 2 acceptable either as is (157 responses, 61%) or with changes (84 responses, 33%).



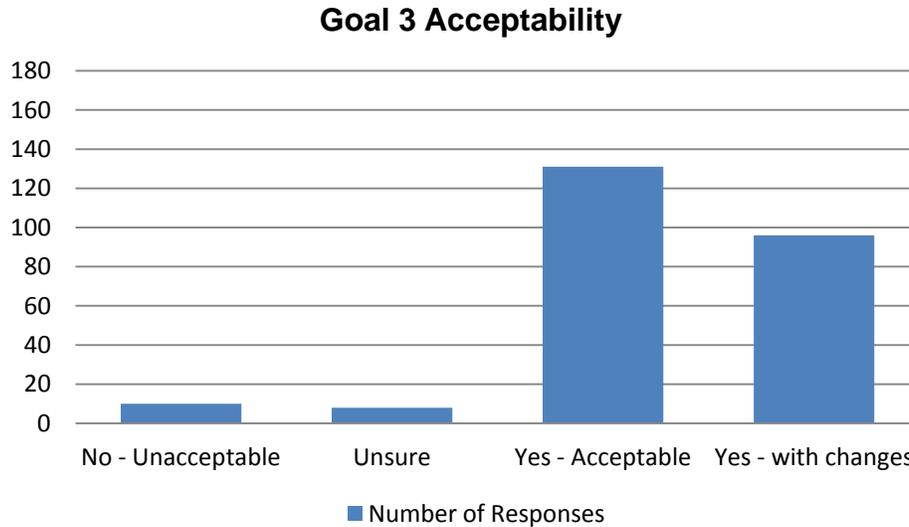
Almost 150 comments were submitted by participants about Goal 2. The following are the key themes from these comments.

- *Educate on and enforce laws for both bikes and drivers.*
- *More amenities that make using alternate transportation modes more pleasant – for example, covered transit stops, landscaping and other features.*
- *Provide more lighting – for example, street lighting, public-space lighting, and crossing beacons.*
- *Better separation between bikes/pedestrians and cars.*
- *Multi-use connection to Albany.*
- *Support for expanded transit service; including a wider service area (north and south Corvallis), hours of service (Sunday and later at night), and frequency.*
- *Keep travel speeds low.*
- *Keep bike lanes clear of parked cars and debris.*
- *Provide more marked crosswalks.*
- *Conflicts between cars and bike lanes were identified in specific areas.*
- *Equity and access should be a priority.*
- *Allow bikes and scooters to trigger traffic signals.*

Goal 3: Diversity and Accessibility

Provide a diversified and accessible transportation system that ensures mobility for all members of the community and provides viable alternatives to automobile travel.

A total of 245 people provided feedback on how acceptable draft Goal 3 and its initial strategies are. The majority of participants found Goal 3 acceptable either as is (131 responses, 54%) or with changes (96 responses, 39%).



Almost 150 comments were submitted by participants on things that the project team should consider with Goal 3. The following are the key themes from these comments:

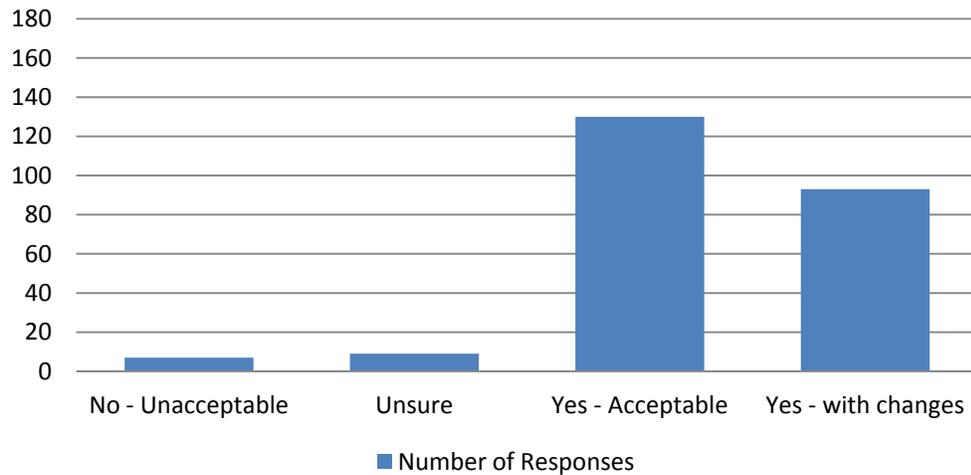
- *Expand transit service; specifically, include a wider service area (north and south Corvallis), hours of service (Sunday and later at night), and frequency.*
- *Strong desire for regional connectivity, especially between Albany and Corvallis through mass transit or alternate modes – bus or rail options and bike paths/trails.*
- *Generally, there is not a lot of support among participants for making the Corvallis Airport a priority and many felt that the Eugene Airport should be the regional facility.*
- *Expand Park and Ride facilities to promote regional connectivity.*
- *Use smaller mini-busses for efficiency. Some participants would be willing to pay for service if it was expanded.*
- *Promote accessibility for people with disabilities.*
- *Don't discourage vehicle use; those with disabilities, the elderly and people transporting children rely on driving.*
- *Need to translate key information into Spanish.*

Goal 4: Responsible Stewardship

Provide a sustainable transportation system through responsible stewardship of financial and environmental resources.

A total of 239 people provided feedback on how acceptable draft Goal 4 and its initial strategies are. The majority of participants found Goal 4 acceptable either as is (130 responses, 54%) or with changes (93 responses, 39%).

Goal 4 Acceptability



123 comments were submitted about Goal 4. The following are the key themes from these comments:

- *Add parking garages at OSU and downtown.*
- *Provide a new Park and Ride facility.*
- *Increase capacity of the transportation system for transit, bike and pedestrians.*
- *Too much content among the strategies and that they needed to be pared down and prioritized.*
- *Some comments suggested biking, walking and transit should be prioritized and driving should be discouraged, while others specifically said that driving should not be discouraged.*
- *Interest in making the bus fee-based and not free.*
- *Focus on the use of environmental materials and approaches (water reduction; protect waterways, solar infrastructure, impervious materials).*
- *Maintain existing assets before taking anything new on.*
- *Reduce speeds in neighborhoods and manage parking.*
- *Seismically retrofit bridges and transportation infrastructure.*

Goals – General Comments

In addition to comments specific to each of the goals, participants also provided 70 general comments relating to all of the project goals and strategies. The following are the key themes from those comments.

- *Providing multi-modal options was important.*
- *Better access and connectivity to and from specific areas – especially S. Corvallis.*
- *OSU's impact on surrounding neighborhood parking as an issue that needs to be resolved. A garage to accommodate OSU parking was suggested.*

- *Make strategies more specific and less vague. Some commenters were concerned that the goals were too broad and would like strategies to be pared down to what would be attainable.*
- *There was some concern about not following the Healthy Streets plan.*
- *Improving regional connectivity was a frequent comment throughout all the goals – especially connectivity to Albany.*
- *Some questioned the “barriers to neighborhoods” language and were concerned that opening neighborhood streets up to through traffic would have negative impacts.*
- *There was some concern about specific strategies being beyond the scope of transportation – for example, vibrant spaces and social interaction.*

Getting Around

The survey asked questions that address transportation options throughout the Corvallis area, asking for feedback on what would change travel behavior. The following is a summary of participant responses.

Transportation Investments Priorities

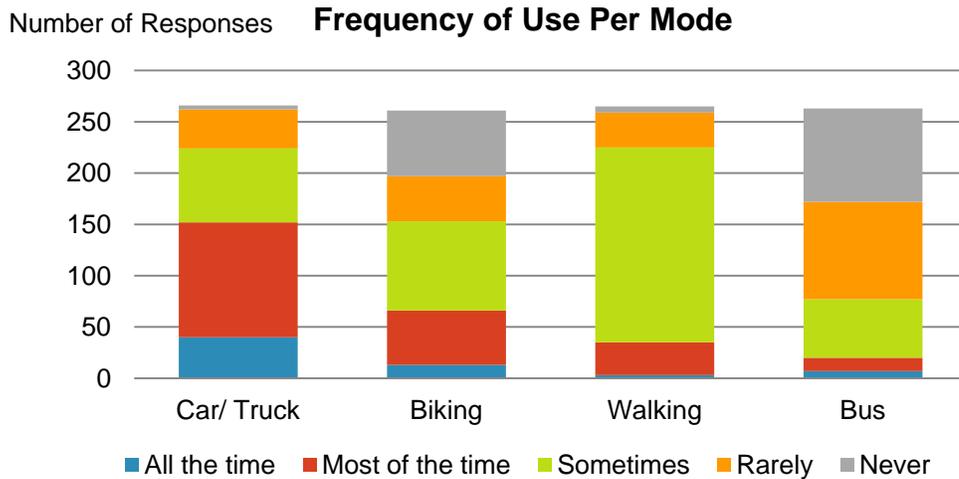
This question asked participants to help the team prioritize transportation investments by prioritizing outcomes on a scale of 1 – 9, where 1 was their top priority. 104 participants responded to this question and the following list shows the final prioritization of outcomes based on all participant responses.

The top three transportation investment priorities according to survey results should be: Making transportation safe and reliable (top priority), keeping existing facilities in good repair (second top priority), and finally, reducing dependence on fossil fuels (third top priority).

Participants' Ranking	Outcome
1	Make transportation safe and reliable
2	Keep existing facilities in good repair
3	Reduce dependence on fossil fuels
4	Promote public health
5	Improve air quality/reduce greenhouse gas emissions
6	Provide efficient access to jobs and educational opportunities
7	Expand business access to customers and markets
8	Decrease household transportation costs
9	Maintain business' efficient and cost effective access to products

Frequency of Use per Mode

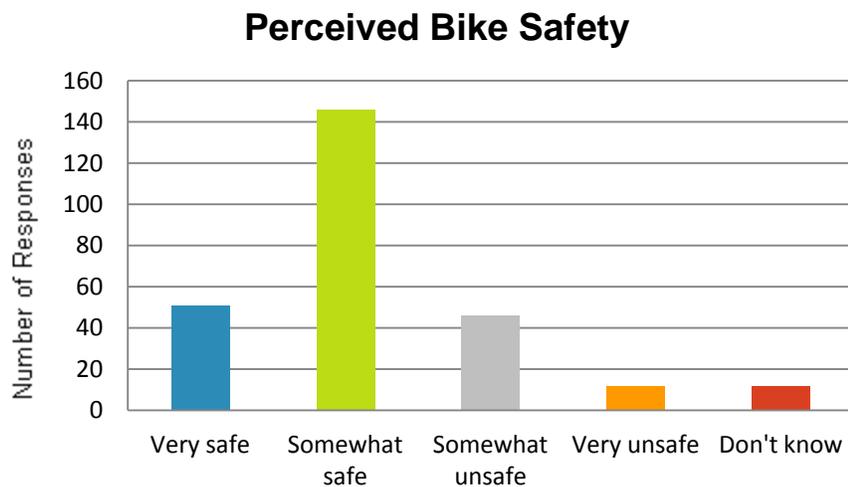
Participants were asked to indicate how frequently they get from one place to another by either driving or riding in a car or truck; riding a bike; walking; or taking the bus. The following chart shows the summary of 278 participant responses.



The majority of respondents get around by driving or riding in a car or other personal vehicle; 40 participants use this mode “all of the time” and 112 participants use it “most of the time.” Conversely, respondents indicated that the least used mode of transportation is the bus; 95 participants use this mode “rarely” and 91 participants never ride the bus.

Riding a Bike in Corvallis

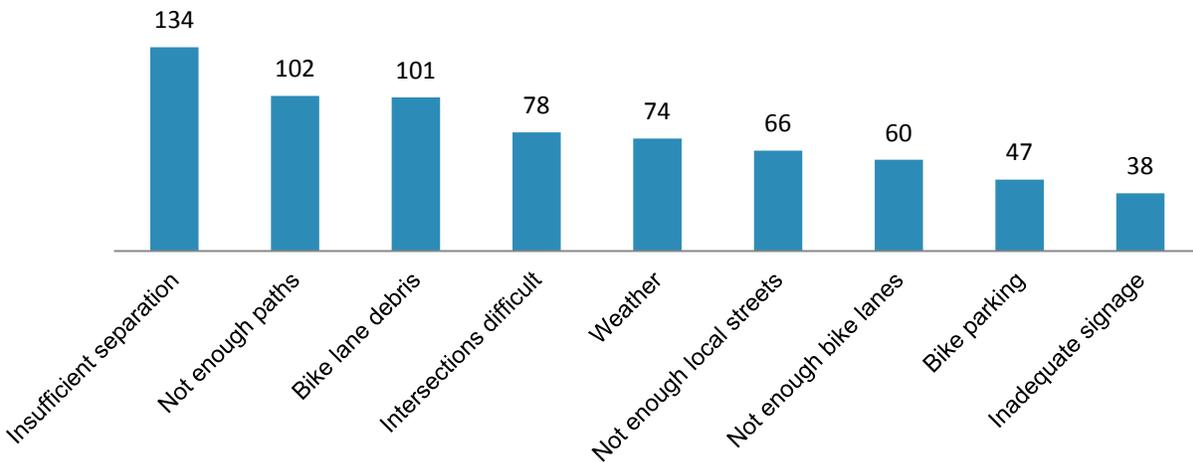
Participants were asked a series of questions about biking in Corvallis. The first question asked how safe it is to ride a bike in Corvallis. The majority of participants responded that it is either very safe (51 responses, 19%) or somewhat safe (146 responses, 55%).



The second question asked participants to indicate the main barriers to biking in Corvallis. Responses show that the top barrier is that there is not enough separation between bikes and

cars (134 responses). The next top reasons are that there are not enough off-street paths (102 responses) and that bike lanes are not clear of debris (101 responses).

Barriers to Biking

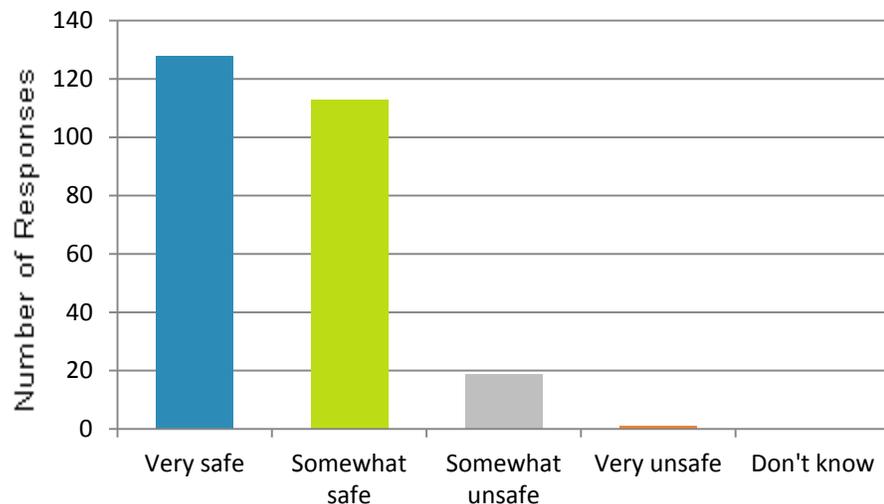


This question also encouraged people to share other reasons for why biking in Corvallis may be a challenge. Participants shared challenges that include: **cyclists and drivers do not follow the rules of the road** (29 comments); **safety and visibility are concerns** (16 comments), and **current biking facilities are inadequate or don't connect to where they need to go** (16 comments).

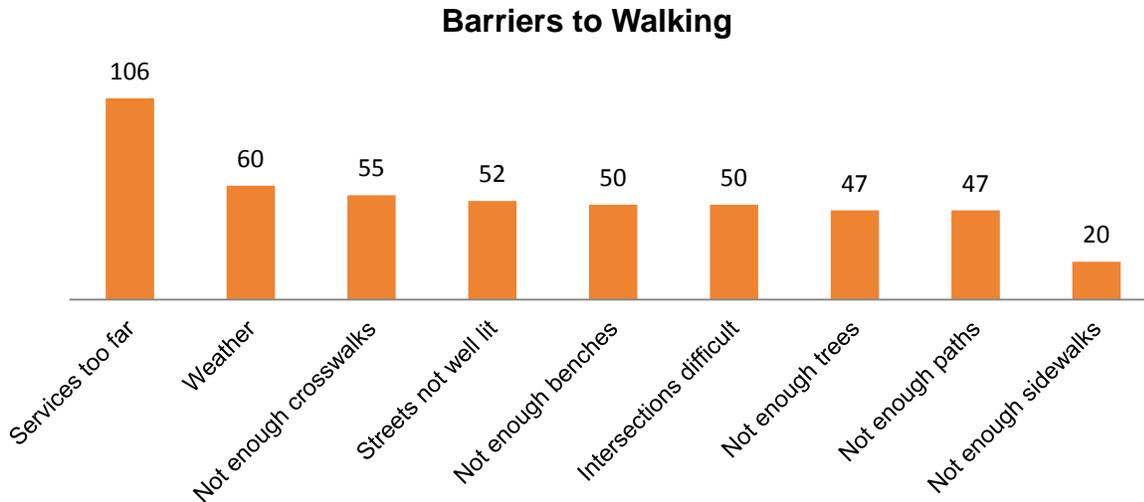
Perceived Pedestrian Safety

Walking in Corvallis

Participants were asked a series of questions about walking in Corvallis. The first question asked how safe it is to walk in Corvallis. Overall, the majority of participants feel that it is safe to walk in the city. 49% responded (128 responses) that it is very safe and 43% (113 responses) responded that it is somewhat safe.



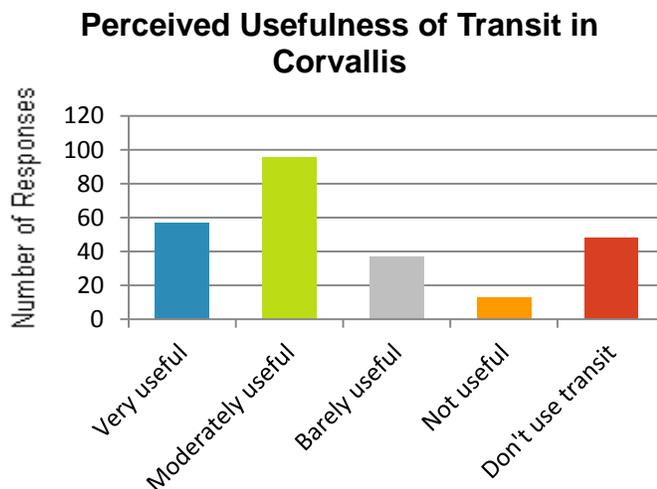
The second question asked participants to indicate what the main barriers are to walking in Corvallis. Responses show that the top barrier is that services and places are too far from their home (106 responses). The next top reasons were the weather (60 responses) and that there are not enough crosswalks or safe pedestrian crossings (55 responses).



This question also encouraged people to share other reasons for why walking in Corvallis may be a challenge. Participants shared several reasons, including that **it isn't safe** (includes comments about visibility and crime) (13 comments), that **sidewalks and crosswalks are poorly maintained** (10 comments), **there are not enough crossings** (8 comments), and that **drivers are reckless** (7 comments).

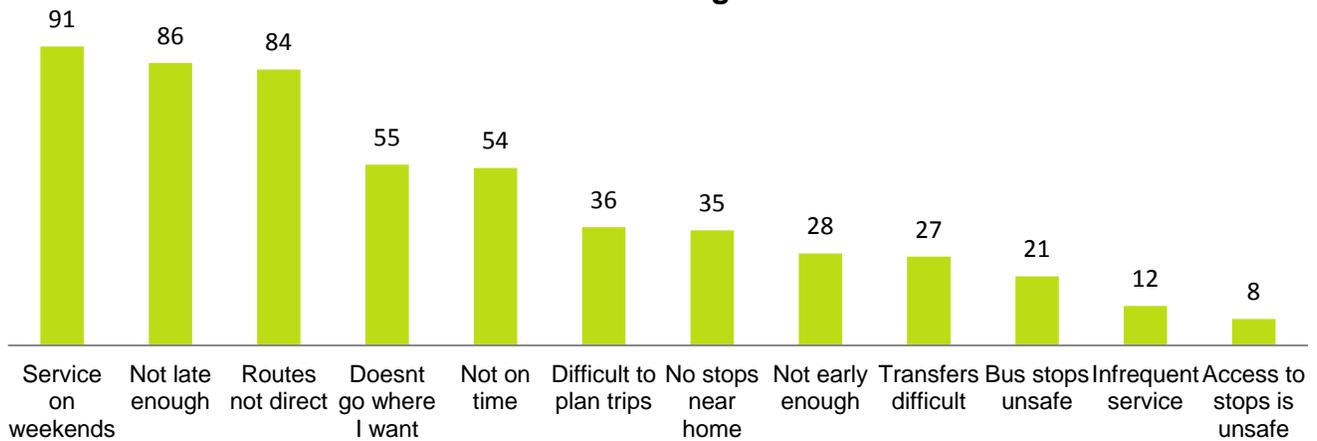
Using Transit in Corvallis

Participants were asked how useful transit is as a transportation option in Corvallis. Respondents indicated that transit is generally useful, with 23% (57 responses) stating it is “very useful” and 38% (96 responses) stating it is “moderately useful”.



Participants were asked what the main barriers to transit are. The number one barrier to using transit in Corvallis for participants is that there is not enough service on the weekends (91 responses). In addition, respondents stated that the buses don't run late enough (86 responses) and that the routes are not direct, increasing transit travel time (84 responses).

Barriers to Using Transit



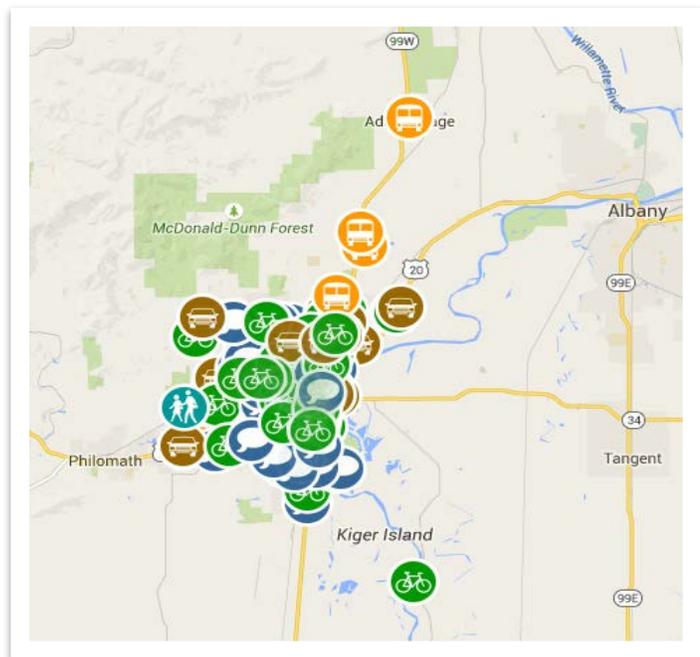
In addition, people submitted other barriers to riding transit in Corvallis, which included that it **takes too much time** (12 comments), that the **current service provided doesn't match travel needs, including limited service and not servicing certain destinations** (10 comments) and that the buses are **too crowded** or that **there are people on the bus that they would rather not travel with** (6 comments).

Map Comments

A total of 278 comments were submitted on an interactive Google comment map. Participants were able to designate a mode and location for each of their comments and were encouraged to comment and respond to each other's comments.

The locations that received the most comments are the following, in order of frequency:

1. **Harrison Boulevard at several intersections** (Kings, Campus Way, and 36th)
2. **Circle Boulevard at several intersections** (99W and Walnut appear to have the most conflicts)
3. **9th Street at several intersections** (Harrison, Van Buren, and Polk)
4. **Van Buren Bridge**
5. **South Town**



Comment Map Key Themes

The following are key themes from the responses received on the comment map:

Intersections are a Challenge for Cyclists

- *Traffic signals don't change when a cyclist is waiting at the intersection.*
- *Adding bike boxes or other solutions can bring better awareness to cyclists at intersections.*

Bike Boulevards / Dedicated Roads for Biking

Convert certain streets into bike boulevards or remove vehicle traffic all together in order to create safe bike connections.

Railroad Crossings

Improve paving and markings for the safety of cyclists crossing railroad tracks.

Right-of-Way Conflicts

There were 16 locations where participants indicated it wasn't clear who had the right of way between bikes and motor traffic.

Trails

Build a multi-use path along Willamette River, with connections to other trails.

Neighborhood Streets Serving as Collectors

Multiple neighborhood streets were raised as issue areas because motor vehicle traffic used them to bypass congested areas.

Schools

Areas near schools were identified as needing traffic calming and/or lower speed limits during school hours.

Transit

- *It is hard to connect to downtown, OSU and LBCC from north Corvallis.*
- *7 locations were listed as potential Park and Ride locations.*

South Town

- *This part of town needs more routes in and out of the area.*
- *Additional connections would support the business community in South Town.*

Downtown

- *Bike and pedestrian connections were identified.*
- *Parking spaces are not long enough, causing cars to hang into the bike lanes and traffic lanes and this is a visibility and safety issue.*
- *Drivers don't stop for pedestrians at crosswalks or see cyclists.*

OR 99W

- *Speeds are too high on OR 99W through town.*
- *Reduce OR 99W to one lane in either direction and add bike lanes.*

Van Buren Bridge

- *The bridge must be replaced or a bypass built in order to address congestion.*
- *Prioritize funding to improve the bridge.*
- *Consider multi-modal options for the bridge.*

Campus Way

- *Improve bike connections to Campus Way and pedestrian crossings at intersections along Campus Way.*

Harrison Boulevard

- *Speeds are too fast and not safe for cyclists.*
- *This street experiences a lot of congestion and some traffic signals took too long to change.*

Circle Boulevard

- *Circle has fast-moving traffic and dangerous intersections, making it an uncomfortable place to bike.*
- *The crossings at the intersection of OR 99W and Circle are dangerous.*

General Comments

The survey concluded with a question asking for any other general comments on the City's transportation system. Overall, the comments were similar in nature to those already received on the goals and map. The following summarizes these comments:

All Modes

- *People are generally impressed with the overall system, especially when compared to other similarly sized cities*
- *Planners should think about future growth and being more progressive with transportation planning.*
- *Maintain the existing system.*

Transit

- *Provide service in the evenings and weekends and/or service that is more reliable.*
- *Comments were divided on free bus service. Some indicated that they relied on it and that it is a great service to the community, while others felt it should be paid for by the users.*
- *Avoid bus routes that are loops and consider more direct route designs.*

- *More frequent out-of-city transport would be helpful. More frequent travel from Corvallis to Albany, for example, would help cut down on motor vehicle traffic in Corvallis, since many people work in Corvallis and live in surrounding areas.*

Land Use

- *Design for better walkability and connection to services.*
- *Land use needs to be tied to transportation planning for connectivity and environmental reasons.*

Bike and Pedestrian Facilities

- *Improve overall bike facilities and connectivity.*
- *Find ways to make Corvallis less auto-centric and more bike and pedestrian focused.*
- *Educate people about the rules of the road, particularly cyclists. Rules of the road need to be better enforced.*

Regional and Local Connectivity

- *Increase north/south and cross-town connectivity, especially to the South Town area.*
- *Improve connections to nearby cities where people live and work.*
- *Connect to passenger rail traveling to Portland.*
- *Improve connections to the Portland Airport.*

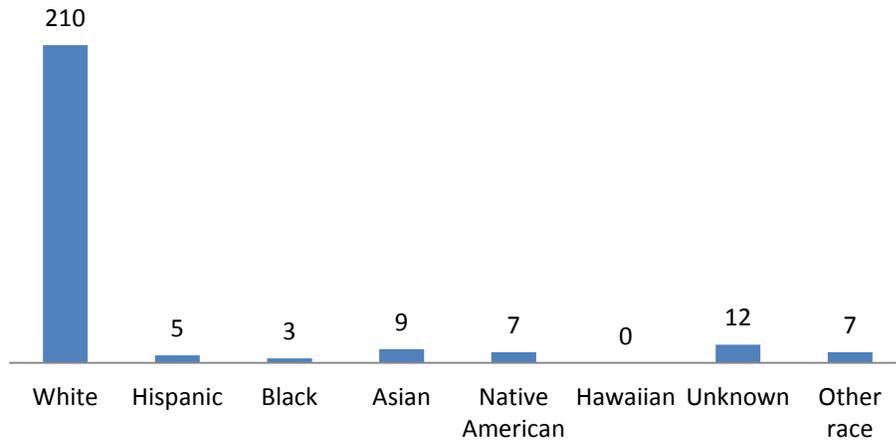
Participant Demographics

Several demographic questions were asked of respondents to provide a better idea of community members reached in the project area. The following is a summary of those responses:

Race/Ethnicity

222 participants completed this question. Of those who responded, the majority self-identified as White (210 participants). Participants also self-identified as Asian (9 participants), Native American (7 participants), Hispanic (5 participants), Black (3 participants), other (7 participants) and some indicated their race as unknown (12 participants).

Race / Ethnicity

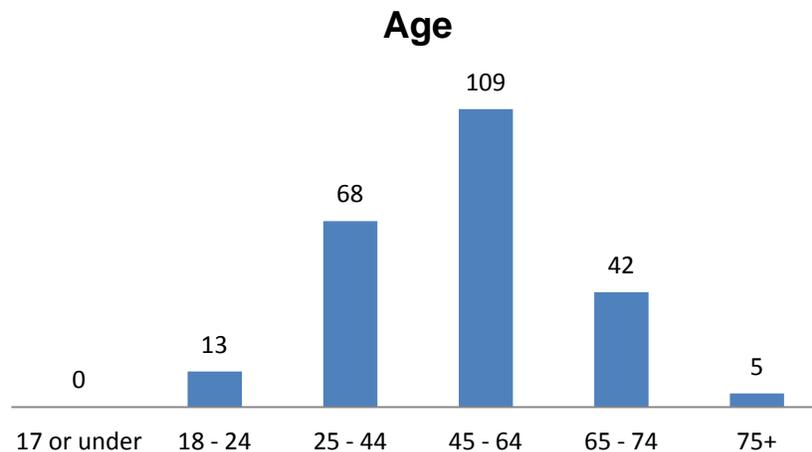


Participant Languages

Participants were asked if they speak any language other than English at home. 51 people responded to this question. Many people selected the “other language” answer choice for this question (42, with the majority of people clarifying that they speak English). Also, several people indicated they use American Sign Language. The second most common response was Spanish (8 participants).

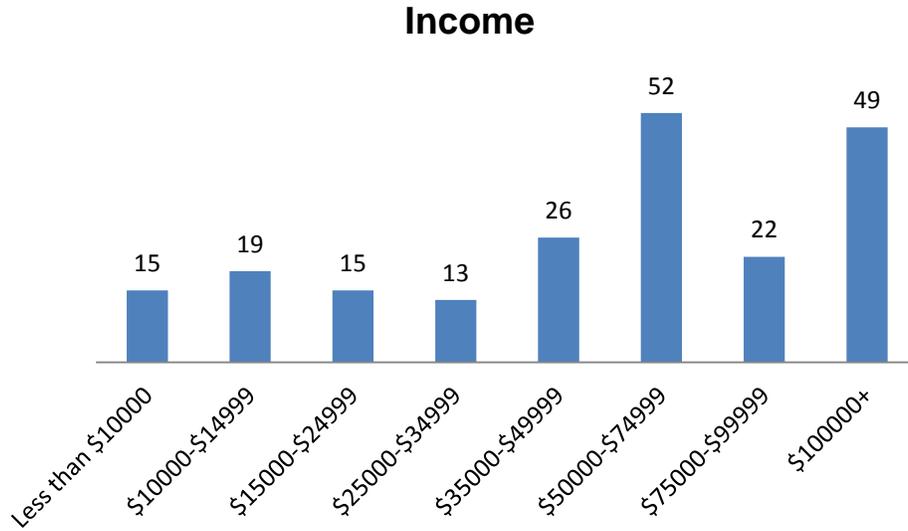
Participant Age

The largest group of respondents was between the ages of 45–64 (109 participants, 46%). The second largest group was between the ages of 25–44 (68 participants, 29%).



Household Income

The largest percentage of participants reported a household income of \$50,000–74,999 (52 participants, 25%); however, participant household incomes fell within all of the income bracket options.



Access to an Automobile

Of 245 responses, the majority of people responded that they had access to an automobile (217 responses). 14 people responded that they had access, but not on a regular basis and 14 people responded that they did not have access to a vehicle.



TO: Urban Services Committee for September 22, 2015
 FROM: Mary Steckel, Public Works Director *MS*
 DATE: September 15, 2015
 THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
 SUBJECT: Unimproved Streets Policy

Action Requested

Using the information provided below, staff requests the USC initiate a discussion of unimproved streets and the City's approach to managing them.

Discussion

Significant differences can exist between the standards established by cities and counties for public roadways. These standards reflect differences in traffic levels and patterns, as well as expectations of local residents. The responsibility for maintaining roadways can also differ with the City accepting responsibility for the maintenance of streets constructed to City standards, while many County roadways are maintained by the abutting property owners.

When developed County properties request annexation to the City, typically due to a health hazard issue, the City offers the option to improve rural streets to City standards along with whatever utility service is required to address the health concern. Funding for these public improvements is provided by the benefitted properties. Historically, offers to make street improvements have been rejected due to their cost.

In order to give some idea of the number of unimproved streets in our community, a map is attached for clarification. It should be noted that some of the unimproved streets within the City Limits are under the jurisdiction of Benton County. The map does not identify unimproved streets that are privately owned.

City standard streets, as established by the Transportation Master Plan and codified in the Land Development Code (LDC), consist of a paved surface over a structural base and include curb and gutter and a piped drainage system to keep water from saturating the street structure. In addition, City streets include a sidewalk separated from the roadway by a landscaped strip and street lights. The advantages of a City standard street over its rural counterpart include improved drainage through the piped system, multi-modal connectivity provided by a sidewalk system, and increased safety through the separation of pedestrians, bicyclists, and vehicles.

The improved drainage provided by City standard streets is a particularly important factor influencing the life of pavement. When water is not properly drained from the surface and substructure of a roadway, its useful life will be reduced. Roadside ditches are used by rural standard roadways to keep water from the street structure. Ditches require a higher level of maintenance than pipes and when not properly taken care of, result in infiltration of water into the roadway structure. Furthermore, it is not uncommon for roadside ditches to be filled by abutting properties to provide an area for parking. The City currently permits the filling of ditches when a french drain can be constructed to accommodate drainage. A french drain is a perforated pipe typically placed along the former ditch line, and backfilled with gravel to allow surface water to infiltrate to the pipe. Sometimes ditches are filled without a permit from the City and without the construction of a french drain. Even when constructed properly, french drains have a limited life and will eventually become clogged, preventing the infiltration of surface water. Because

there is no ongoing program to insure that they continue to operate properly, the City is considering discontinuing this practice.

The Public Works Department's current policy is to limit maintenance of unimproved local streets to minor patching and crack sealing of paved surfaces, and periodic grading of gravel surfaces. Unimproved collector and arterial streets are eligible for major repairs or overlays recognizing the community-wide benefit they provide. It should be noted that while City standard local streets are not limited by this policy, budgetary cuts made in 2003 resulted in the elimination of pavement rehabilitation on these streets as well, until this summer when a limited number were addressed. Even if the Public Work's policy were changed, current funding levels would be insufficient to extend rehabilitation efforts to unimproved local streets.

When major maintenance is needed on an unimproved local street, there are two primary alternatives. The first is to rehabilitate or replace the pavement surface with little or no work on the base structure of the roadway and deferred improvements to the drainage system. This work would be paid for by abutting property owners and can either be undertaken by the City under an agreement with those owners, or it can be undertaken by the owners themselves, typically with assistance from the City for design and project management. Under this scenario, future maintenance would remain the responsibility of abutting property owners.

The second alternative would be for City staff to undertake a full reconstruction of the roadway structure to City standards, as well as provide piped drainage facilities, sidewalks, park strips, and street lights. This option would also be paid for by abutting property owners, but all future maintenance would be assumed by the City.

City Councilors and staff have discussed the possibility of the City assuming future maintenance of a street that is not improved to the full City standard. Such a strategy would balance the need to be fiscally prudent with residents desire to maintain the rural feel of adjacent roadways. With this approach in mind, there has been thought given to an alternate standard that could be applied to unimproved streets. At the core of this new standard would be a fully reconstructed street structure with curb and gutter and a piped drainage system. The need for landscape strips and sidewalks could be evaluated based on street classification and the presence of significant natural features or topographical constraints. Any alternative improvement standard would need to be defined by a Council Policy which would identify the circumstances in which streets could be improved to a standard other than that provided for in the Transportation Master Plan and LDC.

In general, each property pays its fair share for the cost of street improvements along its frontage. This insures an equitable distribution of costs to benefitted properties. This is most commonly achieved through the application of LDC rules governing development. Most new streets and improvements to substandard streets are completed by adjacent property owners as a condition of development.

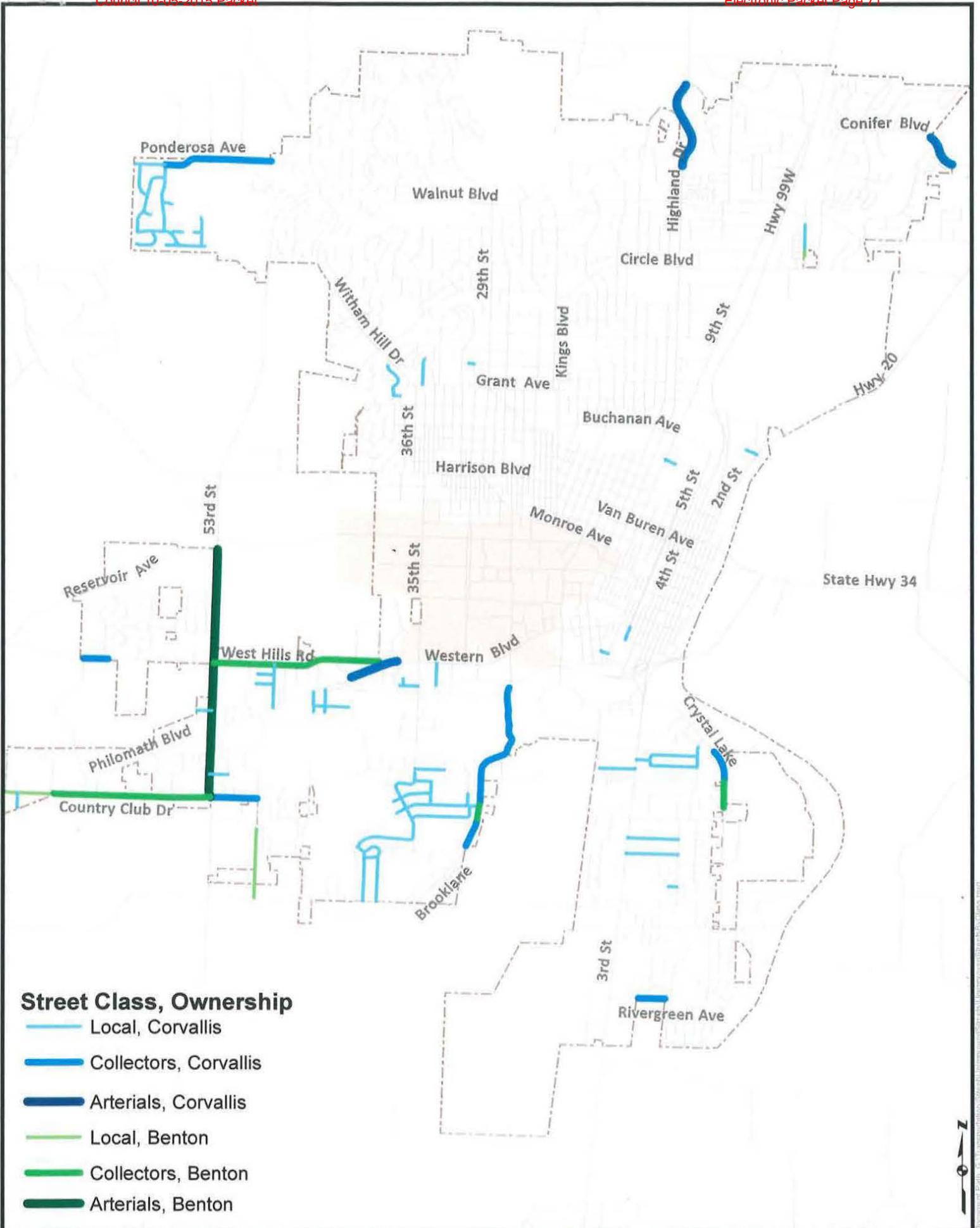
In the absence of development, a traditional tool used to finance street improvements is the Local Improvement District (LID). This is a process proscribed by state law that establishes a cost for improvements and a legal requirement of benefitted properties to pay for an appropriate share of those costs. The formation of an LID can typically be blocked if opposed by owners of 2/3 of the affected properties, and so are sometimes difficult to implement. The last LID formed by the City was for improvements to 1st Street constructed in conjunction with the Riverfront Park.

Systems Development Charges (SDCs) are also available to help pay for extra capacity elements of arterial and collector streets. Extra capacity refers to elements of a street that exceed the design standards of a local street such as bike lanes, additional travel lanes, additional pavement structure, and traffic signals. These elements are considered a community benefit and are financed through the collection of SDCs from development.

Budget Impact

There will be no budget impacts at the level of discussion about potential approaches to unimproved street maintenance and rehabilitation.

Attachment



Unimproved Public Streets in Corvallis

Document Path: G:\Transportation\GIS\UnimprovedStreets\UnimprovedStreetsByClass.mxd

TO: Urban Services Committee for September 22, 2015 meeting
FROM: Mary Steckel, Public Works Director *MS*
DATE: September 11, 2015
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Corvallis Community Access Television Intergovernmental Agreement



Action Requested:

Staff recommends the Urban Services Committee take no further action on a new Intergovernmental Agreement (IGA) with 509J for Corvallis Community Access Television (CCAT).

Discussion:

The City and School District entered into an IGA in 2006 for the operation of CCAT at School District facilities. Over the past year, City and 509J staff negotiated a new IGA to reflect the School District's desire to stop hosting CCAT at Corvallis High School and to move forward on plans for the space currently occupied by CCAT operations. The draft IGA was presented to the City Council for approval on August 17, 2015. Public testimony expressing concern for a few of the new terms in the agreement prompted the City Council to refer the issue to the Urban Services Committee for a review of the draft IGA.

City and 509J staff met after the August 17, 2015, Council meeting. The two agencies agreed that the City and School District are able to continue to operate under the current IGA, which would address concerns, such as capital funding, noted by the members of the public who provided input on this topic.

Section 10.2 of the 2006 IGA allows either party to terminate the agreement by notifying the other party in writing of the intent to withdraw no less than 180 days before the termination date. The School District has provided this notice (attached). However, the School District has generously committed to continue CCAT operations at Corvallis High School until June 30, 2016 in order to allow community members time to work on identifying a new location and funding model for CCAT operations.

As the 180-day termination notice and the terms of the 2006 IGA meet the objectives of both parties, the need to negotiate a new IGA is eliminated.

Budget Impact:

No impact. The Public Works Department has sufficient appropriations in FY 15-16 to satisfy the obligations contained in the 2006 IGA.

Attachment: Termination Notice from 509J



Corvallis School District 509J

Olivia Meyers Buch, Director of Finance and Operations
1555 SW 35th Street • PO Box 3509J • Corvallis, Oregon 97339
541-757-3859 • www.csd509j.net • 541-757-3936 FAX

September 14, 2014

Mark Shepard
City Manager
City of Corvallis
PO Box 1083
Corvallis, OR 97339-1083

RE: Intergovernmental Agreement between the City of Corvallis and the Corvallis School District 509J
for Public Access Channel Operation, dated August 18, 2006, as amended

Dear Mr. Shepard,

This letter serves as official written notification under Section 10.2 of the Agreement noted above that the Corvallis School District intends to terminate its participation in the Agreement effective June 30, 2016; however, the District is willing to participate under all other terms and conditions of the Agreement until that time.

If you have any questions or concerns, please contact my office at the phone number listed above.

Sincerely,

A handwritten signature in cursive script that reads "Olivia Meyers Buch".

Olivia Meyers Buch, Director
Finance & Operations

/js
/cc: Adam Steele, City of Corvallis (via email)
/cc: Erin Prince, Superintendent, Corvallis School District 509J (via email)
/cc: Rob Singleton, Technology Manager, Corvallis School District 509J (via email)
/cc: Matt Boring, Principal, Corvallis High School (via email)
/cc: Kim Patten, Facilities & Transportation Manager, Corvallis School District 509J (via email)

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
September 23, 2015**

Present

Councilor Hal Brauner, Chair
Councilor Barbara Bull
Councilor Joel Hirsch

Visitors

Carl Carpenter
Bill Cohnstaedt
Deborah Correa
Jim Day, *Corvallis Gazette-Times*
Jerry Duerksen
Holly Sears
Stewart Wershow

Staff

Mark Shepard, City Manager
Karen Emery, Parks and Recreation
Director
Kent Weiss, Interim Community
Development Director
Chris Westfall, Code Compliance
Supervisor
Emely Day, City Manager's Office

SUMMARY OF DISCUSSION

	Agenda Item	Recommendations
	<i>Chair to call for corrections, if any, to September 23, 2015, ASC Minutes</i>	
	Call to Order	1:00 pm
I.	Arts Percentage for Municipal Building Construction	Amend the Municipal Code by creating a new section requiring that one percent of the costs for construction or alteration of City-owned buildings be used for the acquisition and installation of art, by means of an ordinance to be read by the City Attorney , with staff to provide additional budget-impact information
II.	Livability Code	Direct staff to include the alternative language contained in Exhibits 3a and 3b to Interim Community Development Director Weiss' staff report to the September 23, 2015, Administrative Services Committee meeting in the version of the draft Livability Code language of the same date that already incorporated prior modifications in response to the City Attorney's Office's input
III.	Other Business	Information
	A. Pending Issues	
	Adjournment	2:55 pm
	Next Meeting	October 7, 2015 – 1:00 pm

CONTENT OF DISCUSSION

I. Arts Percentage for Municipal Building Construction

Parks and Recreation Director Emery reported that staff supported the Arts and Culture Advisory Board's (ACAB) interest in the City Council approving an ordinance requiring

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municipal construction or alteration projects to include an appropriation of one percent of project costs for arts. She reviewed highlights of the proposed ordinance.

Deborah Correa, Arts and Culture Advisory Board Vice Chair, noted that capital improvement projects were enhanced by inclusion of art and cited many benefits of including art in buildings and facilities. She worked with development of new buildings on Oregon State University's (OSU) campus and observed how incorporating art into a building's design could integrate the building's purpose. She referenced the numerous art installations in Corvallis that were valued and appreciated by the community. She believed requiring a one-percent investment in art conveyed a meaningful statement and was a modest price to make a building more inviting. She shared a brochure regarding the art incorporated into OSU's Linus Pauling Institute building.

Councilor Bull expressed surprise that the City did not already require art incorporation in municipal buildings. She appreciated Ms. Emery's clarification of projects to which the proposed ordinance would be applicable. She questioned how the proposed ordinance would impact the City for grant-funded projects.

Ms. Emery responded that the impacts of funding source restrictions should be included in the proposed ordinance. Ms. Correa added that the State required incorporating art in its buildings; thus, all new buildings on OSU's campus included art.

Councilor Hirsch opined that the allocation requirement should be two percent of project costs based upon a project cost threshold of \$100,000, noting the requirement percentages and project-cost thresholds cited in the staff report:

Agency	Percent Dedicated	Minimum Project Budget
State of Oregon	1.0 percent	\$100,000
City of Albany, Oregon	1.0 percent	\$500,000
City of Portland, Oregon	2.0 percent	\$50,000
City of Ashland, Oregon	0.5 percent	\$25,000

Councilor Hirsch believed community members supported arts, regardless whether they were actively involved in arts; therefore, he did not believe the community would resist a higher percentage rate or a lower project budget threshold amount. He would suggest amending the ordinance to establish a two-percent allocation requirement and a \$100,000 project cost threshold.

Councilor Bull inquired how the ACAB determined an allocation rate and project budget threshold and whether the City could ask private sector developments to comply with the ordinance.

Ms. Emery clarified that the ACAB proposed that the allocation requirement apply only to municipal buildings owned by the City. The Land Development Code (LDC) included an option for developers to install art or pedestrian enhancements.

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Councilor Hirsch said he would like the art-allocation requirement applicable to municipal buildings, but he was uncomfortable requiring the allocation on private developments.

Councilor Bull said she would support requiring an allocation for art, believing it was advocated in the Comprehensive Plan but needed a means of implementation. She would be interested in knowing the ACAB's response to changing the project cost threshold. She would prefer an answer to her question of how the proposed ordinance might impact the City for grant-funded projects before recommending an ordinance to the Council.

City Manager Shepard said he did not see in the proposed ordinance a provision regarding grant-funded municipal projects. The Committee could present the proposed ordinance to the Council with Councilor Hirsch's amendment option and information from staff regarding how the proposed ordinance would have affected the City's budget for projects during the past few years. Staff could present the information based upon different allocation rates and different project budget thresholds.

Councilor Hirsch expressed a preference that the Committee review the information Mr. Shepard proposed providing and formulate a recommendation to present to the Council.

Chair Brauner said he would prefer that the Committee present a recommendation to the Council, whether it be the ACAB's proposed ordinance or Councilor Hirsch's suggestion. He would support proceeding to the Council with staff's recommendation, which was Albany's allocation rate and project budget threshold. The Council could amend the ordinance.

Ms. Emery confirmed for Councilor Bull that the ordinance would be reviewed three years after its implementation. Councilor Bull requested information regarding the ACAB's determination of ordinance exemptions, noting the importance of avoiding unintended consequences.

Based upon a motion moved and seconded by Councilors Bull and Hirsch, respectively, the Committee unanimously recommends that Council amend the Municipal Code by creating a new section requiring that one percent of the costs for construction or alteration of City-owned buildings be used for the acquisition and installation of art, **by means of an ordinance to be read by the City Attorney**, with staff to provide additional budget-impact information.

II. Livability Code

Chair Brauner explained that, before the Council considered the proposed Livability Code, staff would provide to the Committee indication of existing City legislation that would be amended as a result of approving the Code. Today the Committee would give staff direction regarding some outstanding issues of the proposed Code. He suggested that staff present the final Code for the Committee's October 21 meeting, urging that staff post the proposed final Code on the City's Web site at least one week before the meeting. He

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expected that the Committee, when presenting the proposed Code to the Council, would suggest that the Council conduct a public hearing before approving the Code ordinance. He clarified for Councilor Bull that the October 21 meeting would give the public an opportunity to review the final proposed Code and express any final concerns.

Chair Brauner initiated Committee discussion of the remaining Code issues.

Appeals Process

Interim Community Development Director Weiss said the meeting packet included public comments indicating that the proposed appeals process seemed confusing and should be simplified. Staff did not consider the process complicated but acknowledged a request that appeals be referred to a single entity. Staff had proposed that appeals regarding technical issues would be referred to the City's existing Board of Appeals, which considered appeals of the City's Fire, Building, and Rental Housing Codes. Staff had proposed that a hearings officer would review appeals involving administrative matters. He confirmed that the Board of Appeals members were appointed by the Mayor and served independent of staff. Public testimony suggested that all appeals (both technical and administrative in nature) be referred to a hearings officer. The staff report included suggested language concerning an appeal process with all appeals being reviewed by a hearings officer, in case the Committee wanted to incorporate that option into the proposed Livability Code; he cautioned that the language had not been reviewed by the City Attorney's Office. He noted that it would be more expensive for the City to refer all appeals to a contracted hearings officer, rather than referring some appeals to a Board of Appeals comprised of volunteers. Hearings officers were typically attorneys with some legal experience and served as needed.

Councilor Bull referenced testimony indicating potential difficulty tracking appeals actions and the length of time needed to process appeals. A single hearings officer would simplify the issue of who would review appeals. She noted that some issues might prompt an official entering a property within 48 hours of a complaint being filed, which could concern a property owner. Landlords indicated a desire to be able to resolve issues before they became problems. She suggested balancing the notification procedures, including notifying property owners sooner than 30 days after a complaint was filed.

Mr. Weiss explained that inspection timeframes would vary by the severity of the complaint issue. Once staff confirmed a violation existed, notification processes would continue in relation to any resolution to a complaint.

Code Compliance Supervisor Westfall explained that, under the current Rental Housing Code (RHC), staff notified property owners regarding complaints filed concerning the owners' property. That was a standard procedure, not specified in the proposed Code, and not typically the basis for an appeal. Upon confirmation that a violation existed, staff would notify the responsible party (e.g., the landlord), who could appeal the violation determination. Appeal timeframes were specified in the existing RHC. The proposed

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Livability Code would require the City Manager to schedule a hearing within 30 days of staff receiving the appeal. Under the proposed Code, staff would convene a meeting of the Board of Appeals for appeals of a technical nature or would schedule a time for a hearings officer to conduct a hearing of an appeal of an administrative nature. The Board of Appeals could render a decision at the end of its meeting, followed by a written summation of its decision; that was the Board's standard procedure and not specified as part of the proposed Livability Code. A hearing before a hearings officer would be scheduled within 30 days of staff receiving an appeal, with the hearing being held within 60 days of staff receiving the appeal. The timeframes were established to allow the City to provide reasonable notification and seemed standard for the City's other codes. The timelines could be changed.

Councilor Bull said it would be helpful to review a table of types of violations and which violations might result in appeals. She acknowledged that not all violations would warrant similar response timelines. Public input suggested that the appeal process seemed antagonistic and that the City was not cooperative. She noted that property owners wanted to be notified when a problem occurred at their property, which suggested that tenants were complaining to City staff, rather than their landlords, so landlords were not aware of problems.

Chair Brauner said the notification issue could be resolved independent of the nature of the appeal process. He understood the reason for staff suggesting a dual appeal process; however, a single appeal process would be better, with a trained, contracted hearings officer. Typically, a city would have a panel of potential hearings officers, similar to the City having a panel of attorneys from which it could choose a Municipal Judge *Pro Tempore*. He supported staff's proposed language in staff report Exhibit 3a, under proposed Municipal Code Section 9.02.130, "Appeals." He suspected that it may be less expensive to staff a hearing before a hearings officer than to staff a Board of Appeals meeting. If the Council approved the proposed Livability Code, he would suggest that the Council review the Code and appeal costs before the end of the current Council term (December 31, 2016) to assess the Code's effectiveness.

Councilor Hirsch noted that the Board of Appeals was comprised of volunteers, so its meetings did not incur City expenses. Almost all communications to the Committee included the issue of the cost of a hearings officer, and the potential cost concerned him. He expected that a hearings officer would be needed infrequently, so associated costs to the City should be less than when staff must staff a meeting of the Board of Appeals. He would not oppose two appeals processes involving the Board and a hearings officer for different types of appeals. Having a single, clear appeal process may also be advantageous. The Livability Code, the appeal process, and appeal costs would be reviewed next year.

Councilor Bull said she supported an appeal process involving only a hearings officer. She acknowledged concerns that the hearings officer have technical expertise and asked whether City staff could provide technical expertise during an appeal hearing.

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Mr. Weiss said staff did not expect Livability Code violation appeals to involve a great level of technical expertise. In most cases, a hearings officer should be able to determine technical issues. If necessary, the City and the appellant could engage someone to provide technical expertise.

Based upon Mr. Weiss' explanation, Councilor Bull concluded that it may be easier to have a single hearings officer review appeals, rather than asking the six-member Board of Appeals to reach a decision. The Board of Appeals reviewed cases involving the City's Fire, Building, and Rental Housing Codes. She questioned whether the Livability Code would be significantly different from the other Codes.

Mr. Weiss said staff would determine the nature of a complaint, which Code was relevant, and which Community Development Department division had oversight of any related appeal. City departments consulted if a complaint might relate to more than one code.

Chair Brauner suggested that orientation for new Councilors include explanation of which City departments and divisions responded to different types of complaints or appeals.

Notice to Responsible Party

Chair Brauner described the City's current process when staff received a complaint and the process under the proposed Livability Code if the tenant would be responsible for resolving the violation. Property owners indicated they wanted to be notified immediately when City staff received a complaint. Staff report Exhibit 3b included an alternative process whereby the landlord, property manager, and tenant would be notified at the second step of the complaint-resolution process (if the tenant did not resolve the violation within the prescribed time period following staff's first contact with the tenant). Landlords had testified to the Committee that, if they were notified early in the complaint-resolution process, they could work with their tenants toward resolution of problems. Some tenants expressed concern about pressure from property owners. He would support a compromise scenario that would allow tenants a time period in which to resolve problems before landlords were notified; that scenario might achieve tenants' compliance, as tenants would know that landlords would be notified at the second step of the complaint-resolution process. Under the alternate scenario, landlords would not be notified of every complaint.

Councilor Hirsch acknowledged that landlords wanted to be notified immediately when staff received a complaint; however, the complaint would involve only an issue and not a citation or fine. Notifying a landlord upon receipt of a complaint seemed too early in the process and potentially unfair to a tenant. He wanted to err on the side of resolving complaints and supporting property owners, but he did not want to notify property owners early in the complaint-resolution process.

Councilor Bull supported landlords who were responsive to their tenants and resolved issues. She did not want to approve a process that would delay resolutions. She urged that the timeline be clearly specified in the Livability Code. She liked the concept of

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landlords receiving notice of complaints so they could respond and resolve issues. She also supported tenants having information and opportunity to respond to complaints, should they not be aware of issues. She acknowledged that problems should not continue without intervention by landlords.

Chair Brauner opined that it was not appropriate to place the complaint-response guidelines in the Livability Code, but he asked staff to provide the Committee with the guidelines. Mr. Weiss said staff had not finalized the guidelines, as an adopted Livability Code would provide the guideline basis. Staff previously shared the protocols for deciding which types of complaints warranted immediate responses.

Mr. Westfall confirmed that staff had operating guidelines for the City's current codes. The Livability Code Department Advisory Committee (LCDAC) and the OSU/City Collaboration Project Neighborhood Livability Work Group discussed how to process anticipated complaints and their expectations for resolutions.

Councilor Bull asked how the proposed Livability Code would compare with the City's legislation regarding noise and whether noise violations and Livability Code violations would be public records.

Mr. Westfall explained that code enforcement cases were posted on the City's Web site; special response notice (SRN) records were posted via the Police Department's social media accounts. Staff received more code enforcement complaints than complaints related to noise violations. Community Development Department staff did not have the means to post complaint cases to social media; however, all complaint cases, activity notes, and documentation were archived and available through several on-line means, including the City's Web site. Mr. Weiss added that code compliance cases typically were not resolved immediately, unlike noise complaints, to which Police officers responded and achieved immediate resolution.

Councilor Bull inquired whether there was a means to streamline the complaint-resolution process, noting previous indications of limited staff time.

Mr. Westfall confirmed that staff could meet the alternate notification process outlined in staff report Exhibit 3b.

Complaint-Based or Investigation-Based Livability Code Enforcement

Chair Brauner noted that the proposed Livability Code clearly indicated that enforcement would be based upon complaints.

Councilor Hirsch quoted proposed Livability Code Section 9.02.070.03, Complaint-Based Response, sub-section 3) "Anonymous complaints will not be accepted." He emphasized that a complaint could be submitted with confidentiality, which could ameliorate concerns for some complaint filers who were concerned about retribution.

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"Grandfathering"

Chair Brauner opined that the proposed "grandfathering" clause was as extensive as possible, but not absolute. Exempting a building to the codes in existence when the building was constructed would not be effective because some complaint corrections would require some type of building permit. In correcting a problem involving health and safety that would involve a building permit, the City would not be able to "grandfather" a building permit to a code in effect 30 or 40 years earlier; by State law, the permit must be issued under the current code. Other complaint corrections may not require building permits, such as complaints that involved issues that had been addressed under other existing City codes. Some requirements under the proposed Livability Code were not included in other existing City codes and would not require building permits to remedy but should not be "grandfathered" to the codes in effect when the building was constructed (e.g., door-locking mechanisms).

Mr. Weiss acknowledged the difficulty in describing in the proposed Livability Code the circumstances that would be eligible for "grandfathering" because of the many degrees of potential remedial action.

Mr. Westfall explained that one- or two-family structures were subject to the Oregon Residential Specialty Code. Other types of structures were subject to the Oregon Structural Specialty Code. The State Codes had different thresholds for when permits would be required. Correcting problems to designated historic structures could also require appropriate permits. Any correction that required a permit would be subject to the current code; therefore, those correction situations could not be "grandfathered" under the proposed Livability Code. Some conditions may not have been addressed through an existing code and were now addressed through the proposed Livability Code by a new requirement.

Chair Brauner said the situations Mr. Westfall described prompted his request that the proposed Livability Code be reviewed one year after its enactment, rather than the typical three-year review period, so the Council could determine the efficacy of the Livability Code in various circumstances and whether amendments were warranted.

Councilor Bull requested confirmation that the City would want to require heat in kitchens and bathrooms for all structures and to require ground fault circuit interrupt outlets to address health and/or safety issues. Further, she questioned the timeframe for complaint resolution in current residences and whether it was necessary to require heat sources in kitchens of recently constructed residences, which typically did not separate kitchens from living spaces. She referenced testimony and Committee discussion regarding ventilation in lieu of heat in residential bathrooms but noted that bathrooms may not always have ventilation options. She questioned the extent of heat and ventilation provisions related to health and safety.

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Mr. Weiss confirmed that heat and ventilation amenities contributed to residents' health and safety in terms of air quality and ability to live comfortably in the residence. During development of the proposed Livability Code, groups discussed the requirement for heat sources in all habitable areas, kitchens, and bathrooms. Based upon discussions of the LCDAC, staff removed from the standards specific reference to heat sources in kitchens. In the proposed Code, the definition for "habitable space" did not include the term "kitchen" but did include reference to "areas used for the preparation of food," which implied kitchens. The Code could reference the requirement for heat in habitable spaces and bathrooms but specifically exempt kitchens; that would align with staff's discussions with the LCDAC.

Mr. Westfall explained that, rather than create a new definition of "habitable space" and possibly cause confusion with other industry professionals, staff chose to keep the definition consistent with the Fire and Building Codes. The standard for heat performance no longer included "kitchen" areas after input from the LCDAC. The Livability Code would not require provision of a heat source in a kitchen, but it would require that a permanent heat source must be present in the dwelling unit; the condition of heat at a certain temperature was a performance standard in some rooms. In response to a complaint, staff would determine the presence of a functional source of permanent heat and whether it met the performance standard in various locations within the residence.

While the City would not accept anonymous complaints, Councilor Hirsch noted that the Community Development Director could initiate administrative action if he/she was made aware of a hazard; however, the property owner and/or manager should be given proper notice to remedy the problem. Mr. Westfall noted that the notification process Councilor Hirsch referenced differed from the compliance enforcement notification process. Staff might receive complaints regarding a neighborhood owner-occupied or vacant property, where the complainant did not want their identity disclosed to the owner of the subject property.

Councilor Hirsch referenced proposed Livability Code Section 9.02.120.06, Abatement Procedures – Assessment of Costs, and inquired how staff would know whether the additional 10 percent charged on unpaid cost assessments would be sufficient to pay the City's costs to collect the assessment. Mr. Westfall said the Municipal Code included an assessment cost range of 10 to 15 percent to pay operating costs.

Councilor Bull requested that the proposed Livability Code include a definition of "derelict structures." Mr. Weiss noted that the legal definition was quite extensive to intersperse in the Code text outside of the definitions section.

Councilor Bull questioned the use of the term "color" in proposed Livability Code Section 9.02.100.03, Failure to Obey Order of Director, sub-section 2) "It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority."

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Mr. Westfall clarified for Councilor Bull that the "less than" and "greater than" symbols in proposed Livability Code Section 9.02.140.03.020, Classification of Offenses, indicated a fine range. Existing local codes and State laws specified fine ranges for misdemeanors and infractions. Staff would issue a citation for a specific complaint; the Court would have discretion to set a fine within the associated range.

Councilor Hirsch referenced proposed Livability Code Section 9.02.140.02, Separate Violations, sub-section 2) "The abatement of a nuisance or violation shall not constitute a penalty for violating this chapter but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation." Mr. Westfall clarified that the abatement of a nuisance would not constitute a penalty but would be a mandatory outcome of the complaint, bringing the property into compliance with the Code.

In response to Councilor Bull's inquiry, Mr. Weiss clarified that the proposed Livability Code would include some flexibility regarding applicability of Code provisions to the exterior maintenance of designated historic structures. The Code specified that compliance would not be mandatory for historic properties, if the complaint did not involve a health and/or safety issue and maintaining the building's existing condition related to historic preservation intents. In those cases, the Community Development Director would determine applicability of the Code.

Based upon a motion moved and seconded by Councilors Hirsch and Bull, respectively, the Committee unanimously recommends that Council direct staff to include the alternative language contained in Exhibits 3a and 3b to Interim Community Development Director Weiss' staff report to the September 23, 2015, Administrative Services Committee meeting, in the version of the draft Livability Code language of the same date that already incorporated prior modifications in response to the City Attorney's Office's input.

Chair Brauner reviewed that staff would present the final Livability Code language at the Committee's October 21, 2015, meeting. Mr. Weiss said the final proposed language would be posted to the City's Web site as soon as possible after it was reviewed by the City Attorney's Office. Mr. Westfall clarified that staff discussed with the City Attorney's Office the concept of the language in staff report Exhibits 3a and 3b, but that language had not been reviewed by the City's legal counsel. Chair Brauner urged that the final proposed language be posted at least one week before the Committee's meeting. Committee members agreed to postpone their review of the final proposed Code language if staff and/or the City Attorney's Office needed more time to prepare and review the language and allow at least one week of public viewing on the City's Web site prior to the Committee's meeting. During the October 7 Committee meeting, staff would update the Committee on progress in preparing final Code language.

Bill Cohnstaedt requested a staff report explaining the proposed Livability Code appeal process with a hearings officer and the hearings officer's function. Chair Brauner opined that Mr. Cohnstaedt's requests could not adequately be addressed before the Code was adopted and involved administrative procedures that would not be developed until Council

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approved the Code and the concept of a hearings officer. He believed administrative procedures should not be included in the Code.

Councilor Bull added that any information regarding existing processes that would aid comprehension of the proposed Livability Code may aid in the Council's review and possible adoption of the Code.

Councilors Hirsch and Bull thanked staff and community members for their efforts in developing the proposed Livability Code.

III. Other Business

A. Pending Issues

Committee members and Mr. Shepard reviewed upcoming scheduled topics.

TO: Administrative Services Committee for September 23, 2015
FROM: Karen Emery, Director Parks and Recreation *KE*
DATE: September 15, 2015
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Municipal Code One Percent For Art



Action Requested:

Staff recommends Administrative Services Committee (ASC) review the proposed policy and recommend City Council amend the Corvallis Municipal Code Section 2.10 to require municipal construction or alteration, contain an appropriation of one percent of project cost for art.

Discussion:

Percent-for-art ordinances encumber a percentage (usually .5% to 2%) of Capital Improvement Projects to municipal buildings for the commissioning of public artworks. Art work can be sited in, on, or adjacent to the building or project being constructed or may be placed in a reserve to allow for funding to accrue to an amount appropriate to commission a work of art.

The City Ordinance for the Arts and Culture Advisory Board (ACAB) outlines that ACAB shall advise the Council in matters pertaining to Arts and Culture, ensuring that Arts and Culture are a civic priority. ACAB has identified that while the Corvallis Comprehensive Plan, Policy 5.4.12 states *The City shall set aside a percentage of the cost of municipal buildings for public art and cultural enrichment*, an ordinance has not been adopted to implement this policy.

The ACAB, with the support of staff, have drafted an ordinance to give ASC a starting place for this discussion. This is a draft only and a final version will be completed once staff has received input from ASC.

Highlights of the proposed ordinance are:

1. Municipal construction and/or alteration pertains to City of Corvallis projects only;
2. Construction and/or alteration projects must be over \$500,000 to apply;
3. Construction projects that are underway upon adoption of this ordinance are excluded;
4. Indirect construction or alteration costs, such as inspection fees, professional services, advertising, furnishings, soil testing, construction permits, and legal fees are excluded;
5. Alteration projects in which more than 75 percent of the project cost represents improvements to mechanical or electronic systems are excluded; and
6. Projects for construction or alteration of motor pools, heating plants, maintenance sheds, roads, bridges, sewer lines, water lines, wastewater treatment plant, water treatment plants, or pump stations are excluded. The cost of sewer service lines and water service lines as associated with a building project are not excluded.

ACAB reviewed the ordinances of the following government entities in developing the draft ordinance:

Agency	Percent Dedicated	Minimum Project Budget
State of Oregon	1.0%	\$100,000
City of Albany, Oregon	1.0%	\$500,000
City of Portland, Oregon	2.0%	\$50,000
City of Ashland *	0.5%	\$25,000

*City of Ashland also funds art through transient occupancy taxes.

Budget Impact:

This ordinance will raise the cost of construction and alteration projects of qualifying City facilities by 1%.

DRAFT
ORDINANCE 2015-xx

AN ORDINANCE CREATING CORVALLIS MUNICIPAL CODE CHAPTER 2.XX REQUIRING ONE PERCENT OF THE MONIES FOR CONSTRUCTION OR ALTERATION OF CITY BUILDINGS BE USED FOR THE ACQUISITION AND INSTALLATION OF ART.

WHEREAS, the City Council recognizes the responsibility of the City of Corvallis to foster culture and the arts in Corvallis; and

WHEREAS, the City of Corvallis Comprehensive Plan, Policy 5.4.12 states “The City shall set aside a percentage of the cost of municipal buildings for public art and cultural enrichment”;

THE CITY OF CORVALLIS ORDAINS:

Section 1: Section 2 of the Corvallis Municipal Code is hereby amended as follows:

Section 2.11.010: One Percent for Art

- 1) Appropriations for the construction or alteration of any building not expressly excluded below, of the City of Corvallis, shall contain an appropriation of one percent of the cost of the construction or alteration for the acquisition and installation of works of art that may be an integral part of the building or may be capable of display in other public spaces or City of Corvallis buildings.
- 2) When it would not be appropriate to place works of art in a given City building, or if artwork placed in that building could not be viewed by the general public, the funds required in subsection 1 of this section will be used to purchase works of art for placement public spaces, in other City buildings, or facilities that are open to the public.

Section 2.10.020: Exclusions

The provisions of this section shall not apply to:

- 1) Any construction, physical plant rehabilitation, improvement or remodeling project that has an estimated cost of less than \$500,000.
- 2) Indirect construction or alteration costs, such as inspection fees, professional services, advertising, furnishings, soil testing, construction permits, and legal fees.
- 3) Alteration projects in which more than 75 percent of the project cost represents improvements to mechanical or electronic systems.
- 4) Projects for construction or alteration of motor pools, heating plants, parking lots, maintenance sheds, roads, bridges, sewer lines, water lines, wastewater treatment plant, water treatment plants, or pump stations.
- 5) Construction projects initiated before fiscal year 2016-17.

Section 2.10.030: Acquisitions

- 1) The Arts and Culture Advisory Board, through the Public Art Selection Subcommittee shall solicit proposals for suitable works of art and shall make a recommendation to City Council.
- 2) To the extent reasonable, the Arts and Culture Advisory Board shall consult with appropriate resident groups and the affected City department or departments. Architects are encouraged to incorporate art into their designs.
- 3) The effected Department shall contract for and purchase selected works of art for each City building constructed or altered after fiscal year 2016-17. The 1% allocation will include all costs to manage the artwork acquisition and installation as well as the purchase and delivery.
- 4) The effected Department shall be solely responsible for the acceptance, placement, and maintenance of all works of art acquired pursuant to this section.
- 5) Title to all works of art acquired pursuant to this chapters vests with the City of Corvallis.

TO: Administrative Services Committee for meeting of September 23, 2015
 FROM: Kent Weiss, Interim Community Development Director *KW*
 THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
 SUBJECT: Corvallis Livability Code



Action Requested

Community Development staff request that the Administrative Services Committee (ASC) consider a draft Corvallis Livability Code, provide direction for modification(s) to the Code, and consider recommending adoption of the Code by City Council.

Discussion

The last meeting of the ASC on the topic of the Corvallis Livability Code, on August 5, consisted entirely of public comment. At the conclusion of the meeting ASC directed staff to continue formatting the Code language into ordinance form, and provide the formatted draft to the Corvallis City Attorney for review.

The draft Livability Code has been adapted into ordinance format, the City Attorney's Office (CAO) has completed their initial substantive review of the document in that format, and modifications resulting from that review have been incorporated. The "clean" version of the draft Code that reflects City Attorney recommendations is attached as Exhibit 1; a "redline/strikeout" version of that CAO-modified draft Code is attached as Exhibit 2.

During the August 5 ASC meeting and in subsequent communications the Committee has heard some particular concerns about three Code provisions or concepts. Those concerns relate to the appeals processes, provisions for notice to responsible parties, and the concept of "grandfathering." Discussions of each of those concerns follows.

Appeals. The Livability Code as drafted includes two appeals avenues. Appeals of a technical nature (e.g., water temperature, ventilation system performance) would be heard by the City's Board of Appeals. The Board currently hears technical matter appeals related to the Building Code, the Fire Code, and the Rental Housing Code. Appeals of administrative provisions and of civil penalty matters would be heard by a hearings officer.

ASC has received testimony suggesting that this system would be too complicated. If the Committee would prefer a single avenue for appeals, staff would recommend using a hearings officer to hear all appeals. Of the two alternative approaches, if a single approach is desired, the hearings officer approach would allow for more timely consideration of matters under appeal. What might be lost is the technical expertise of building and building performance matters that the construction experts on the Board of Appeals bring, but it does not seem that technical matters under the Livability Code will have the complexity of such matters under the Building Code or Fire Code. It is staff's perspective that one appeal process using the hearings officer approach will likely suffice.

Exhibit 3a includes example Code language that would result in using a hearings officer to hear all appeals of the Livability Code.

Notice to Responsible Party. As written the Livability Code calls for communications regarding Code violations to go to the party responsible for the violation. The Code's performance and condition standards designate the responsible party for each type of violation and thus, who the City would communicate with about resolving a violation. For renter-occupied properties, the City would communicate with a tenant about a violation for which he or she is responsible, first with a correction

notice and then, if there is no correction, with a notice of violation. If the violation was not corrected following issuance of the notice of violation a citation would be issued, and the owner and landlord, if known, would be notified.

In order to provide earlier notice to an owner and known landlord, the Code could be modified to call for notification of those parties if a violation is not corrected by the end of the time period stipulated in the initial notice of correction. Staff would not recommend providing notice to the owner or landlord at the time the initial notice of correction is issued given that 1) correction notices are generally effective in achieving resolution with no need for a notice of violation, and 2) the staff time required to provide notice to all parties, whether they are responsible for the violation or not, when a correction notice is issued would create unnecessary inefficiencies in the use of staff time. That staff time would be better used to investigate and address Code violations.

Exhibit 3b includes language that reflects providing earlier notice to rental property owners and, if known, property managers/landlords. In this example language the owner and landlord/manager would be notified if a violation was not corrected by a tenant by the end of the time period stipulated in the correction notice, thus necessitating issuance of a notice of violation.

“Grandfathering.” During meetings with the Livability Code Departmental Advisory Committee staff clarified that the term and concept of “grandfathering” does not exist as a technical exemption in the Code. The closest thing to “grandfathering” the Code contains are provisions that conditions that have been maintained to a prior building code, and that meet current Livability Code standards, need not be modified or brought into compliance with current building code. Certain conditions that require only minor repairs and are not subject to permitting under the building code (e.g., replacement of a broken pane of glass in an existing window) could also be returned to their prior condition. In that situation it could be concluded that the concept of “grandfathering” applies. But the Livability Code does include standards that have not been and are not currently required by building code (e.g., deadbolt locks, heat in bathrooms). In those situations, “grandfathering” would not override the requirements to provide locks and heat.

Alternatives

Staff have provided Livability Code language that has been reviewed by the CAO and modified to incorporate their recommendations. The versions provided do not reflect the potential changes to the appeals and noticing processes described above. At this point ASC could:

1. Direct staff to modify the CAO-reviewed Livability Code and bring back that modified version for a final ASC review and public comment, or;
2. Direct staff to forward the Livability Code as presented here, or with ASC-directed modifications, to the full City Council with an ASC recommendation for adoption.

Recommendation

Staff recommend that the ASC consider the Livability Code as presented with this staff report, and direct staff to make any desired modifications. Staff have no preference regarding bringing the Code back for a final ASC consideration or taking a modified Code directly to the City Council for its consideration.

Attachments:

- Exhibit 1: Clean version of City Attorney-modified Livability Code ordinance
- Exhibit 2: Redline/strikeout version of City Attorney-modified Livability Code ordinance
- Exhibit 3a: Example language to address public comments about appeals
- Exhibit 3b: Example language to address public comments about and noticing
- Exhibit 4: Public comments received via City Council e-mails or mail/e-mails to staff

EXHIBIT 1

Chapter 9.02 – LIVABILITY CODE

Section 9.02.010 – Short Title. This Chapter shall be known and may be cited as the Corvallis Livability Code and may be referred to herein as "this chapter."

Section 9.02.020 – Purpose. The purpose of this chapter is ensure and protect the public health, safety and welfare and to prevent or reduce urban blight by establishing minimum property maintenance and livability standards for all premises.

Section 9.02.030 – Application of other Laws.

Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis municipal code or the requirement to obtain all necessary permits and approvals.

1) *Changes and Alterations.* Any repair, alteration, or addition to, or change of occupancy in an existing building, or any change of use of any property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis municipal code.

2) *Conflicts.*

a) Except as provided otherwise by federal, state or local law, if a provision of this chapter conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this chapter.

b) This chapter is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the State of Oregon Residential Landlord and Tenant Act.

c) If a provision of this chapter conflicts with a provision of the adopted building code, the provision of the building code shall apply to the exclusion of the conflicting provision of this chapter.

Section 9.02.040 – Scope. This chapter establishes minimum requirements and standards for the protection of structures and premises from the elements, life safety and other hazards, and for their safe and sanitary maintenance; assigning the responsibility of owners and occupants; and, establishes the processes and standards for the administration of this chapter, its administration, enforcement, appeals and penalties.

1) Provisions of this chapter that address the interior conditions of residential structures apply to tenant occupied residential structures only.

2) Provisions of this chapter that address the exterior conditions of structures and the conditions of premises apply to all residential and nonresidential structures and all premises, with the exclusion of children's play structures which shall be exempt from the maintenance standards established by this chapter other than with respect to conditions that constitute imminent or incipient hazards, as those terms are defined in this chapter.

3) Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance, as required by the provisions of this chapter.

Section 9.02.050 – Saving Clause. Compliance with this chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall

be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

Section 9.02.060 – Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

Section 9.02.070 – Administration.

9.02.070.01 – Responsibility.

1) The City Manager is hereby authorized to administer and enforce all of the provisions of this chapter. The authority of the City Manager to enforce the provisions of this chapter is independent of and in addition to the authority of other city officials to enforce the provisions of other city codes.

2) This chapter shall be liberally construed to the end that the City Manager shall not be required to personally perform the administrative or enforcement duties and functions that are the responsibilities of the City Manager under the terms and standards of this chapter.

9.02.070.02 – Appointments.

1) The City Manager may appoint a Director and delegate authority to administer this chapter to the Director.

2) The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration and enforcement of this chapter.

3) The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

4) Any acts done by any employee who is under the direct supervision and control of the Director and done pursuant to a delegation of authority given by the Director to said employee shall be deemed to be done by the Director as required by the terms and standards of this chapter.

9.02.070.03 – Complaint Based Response.

1) Administrative and enforcement responses under this chapter are intended to be initiated on the basis of a complaint.

2) Complaints may be filed by members of the public, by representatives of the city organization and by representatives of external agencies in a manner that shall be consistent with administrative operating guidelines.

3) Anonymous complaints will not be accepted.

4) Notwithstanding the provisions of CMC 9.02.070.03(1), the Director may choose to initiate administrative or enforcement activities when conditions are known or suspected to be present on a property, premises or a structure that would constitute an imminent hazard or an incipient hazard, as those terms are defined herein.

9.02.070.04 – Inspections.

1) *Inspections.* The Director is authorized to make inspection of property for the purposes of enforcing this chapter.

2) *Coordination of Enforcement.* Whenever inspections are deemed necessary by the Director and any other division or department, the Director shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other divisions and departments for the purpose of eliminating conflicting orders before any are issued.

9.02.070.05 – Right of Entry. Following the process set out below, the Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this chapter, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any regulations of this chapter.

9.02.070.05.010 – Administrative Warrant.

In the case of seeking entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1) *Occupied Property.* If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,

2) *Unoccupied Property.*

a) If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant.

b) If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused or if no response is received from the owner or other persons having charge or control of the property, the Director may attempt to obtain entry by obtaining an administrative warrant; or,

3) *Open, Unoccupied Property.* If any structure on the property is unoccupied and open:

a) The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons.

b) If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in CMC 9.02.110.05.

4) *Hazardous Conditions.*

a) If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in CMC 9.02.110.05.

b) Following the summary abatement to secure the premises, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry.

c) If entry is refused, the Director may attempt to obtain entry by obtaining an administrative or abatement warrant.

5) *Extenuating Circumstances.* The Director may seek approval for an administrative warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances reasonably show that the purpose of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

9.02.070.05.020 – Grounds for Issuance of Administrative Warrants.

1) *Affidavit.* The Corvallis Municipal Court or any Oregon Court having jurisdiction over violations of ordinances shall issue an administrative warrant only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

2) *Cause.* Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any provision of this chapter exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with the provisions of this chapter.

9.02.070.05.030 – Procedure for Issuance of Administrative Warrant.

1) *Examination.* Before issuing an administrative warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

2) *Issuance.* If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3) *Police Assistance.* In issuing an administrative warrant on private property, including abatement warrants pursuant to CMC 9.02.120.05, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection or abatement.

9.02.070.05.040 – Execution of Administrative Warrant.

1) *Occupied Property.* Except as provided in section (2) of this subsection, in executing an administrative warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

2) *Unoccupied Property.* In executing an administrative warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in paragraph 1) of this subsection, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

3) *Return.* An administrative warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this paragraph, the warrant, unless executed, is void.

9.02.070.06 – Historic Structures. The provisions of this chapter shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the Director to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.070.07 – Modifications. Where there are extreme hardships involved in carrying out provisions of this chapter, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

Section 9.02.080 – Definitions.

9.02.080.01 All words and terms assume their dictionary definitions unless they are specifically defined in this chapter.

9.02.080.02 Words stated in the present tense in this chapter include the future; the singular number includes the plural, and the plural includes the singular.

9.02.080.03 Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

9.02.080.04 – Defined Terms. Unless the context otherwise specifically requires, for purposes of this chapter, the following terms and phrases mean:

- 1) *Abandoned Structure.* A vacant structure that is an attractive nuisance.
- 2) *Abatement [e.g., of a Nuisance].* The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
- 3) *Accessible Means of Egress.* This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.
- 4) *Accessory Structure.* Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.
- 5) *Agent.* A person authorized by another to act in his/her behalf.
- 6) *Approved.* Meets the standards set forth by this chapter, or is approved by the Director.
- 7) *Attic.* The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.
- 8) *Attractive Nuisance.* Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.
- 9) *Basement.* That portion of a building or structure which is partly or completely below grade.
- 10) *Bathroom.* A room containing plumbing fixtures including a bathtub or shower.
- 11) *Bedroom.* Any room or space used or intended to be used for sleeping purposes.

12) *Boarded*. The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, following the standards of Appendix A of this chapter, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

13) *Building*. Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

14) *Building Code*. The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.

15) *Building Official*. The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.

16) *Bulk Solid Waste*. Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

17) *Deterioration*. A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

18) *Derelict Structure*. A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

- a) Is unoccupied and unsecured;
- b) Is partially constructed;
- c) Is an abandoned structure or attractive nuisance;
- d) Is in condition of deterioration;
- e) Has an infestation of pests;
- f) Has doors or windows boarded over, or;
- g) Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

19) *Dilapidation*. Being in a state of partial ruin, decay or disrepair.

20) *Director*. The person appointed by the City Manager as the Community Development Director for the City of Corvallis, or the person charged by the City Manager with the implementation and enforcement of this chapter, or the appointed person's designee.

21) *Dwelling*. Any structure containing one or more dwelling unit.

22) *Dwelling Unit*. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

23) *Exit*. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

24) *Exterior Property*. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

25) *Extermination*. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

26) *Hazardous Solid Waste*. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

27) *Habitable*. Suitable for human habitation.

28) *Habitable Space*. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

29) *Hazardous Thicket*. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

30) *Hearings Officer*. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this chapter.

31) *Human Habitation*. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

32) *Imminent Hazard*. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

33) *Incipient Hazard*. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

34) *Indoor Fixture*. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

35) *Indoor Furnishing/Furniture*. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

36) *Infestation*. The presence of pests in large numbers that is harmful or bothersome within or adjacent to a building or structure or upon premises.

37) *Junk*. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this chapter the term "junk" includes, but is not limited to:

a) any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or,

b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or,

c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or,

d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

e) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or,

g) any bulk solid waste; and,

h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

38) *Landlord*. The owner or lessor of a dwelling unit, a building, or premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

39) *Legally Occupied*. The use of premises for a purpose authorized by law, including the building code and the Corvallis land development code. For the purposes of this chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

40) *Let for Occupancy or Let*. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

41) *Maintained Compost*. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

42) *Means of Egress/Doors*. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge

43) *Multi-Family Dwelling*. A building or structure within which are comprised three or more dwelling units.

44) *Must*. Mandatory

45) *Naturescape*. Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

46) *Occupancy*. The purpose for which a building, structure or premises is used or intended to be used.

47) *Occupant*. Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

48) *Owner*. The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

49) *Partially Constructed*. An occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

50) *Person*. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

51) *Pests*. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

52) *Premises*. A lot or parcel of land, including any buildings or structures thereon.

53) *Rank Vegetation*. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

54) *Receptacle*. With respect to solid waste containment, a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into

which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

55) *Recycling*. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

56) *Remediation*. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

57) *Repair*. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

58) *Residential Property*. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multi-family structures and mixed-use structures which have one or more dwelling units. Hotels and other building types used exclusively for transient occupancy are excluded from this definition of residential property.

59) *Rubbish*. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

60) *Shall*. Mandatory.

61) *Solid Waste*. This term shall have the same meaning as provided under CMC 4.01.010.

62) *Structure*. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

63) *Temporary*. Unless otherwise specified, a period up to 6 months in any 12 month period.

64) *Unfit for Human Habitation*. A building or structure that, as found by the Director, is unfit for human habitation due to unsanitary conditions, infestation, accumulation of filth or contamination, lack of required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

65) *Unoccupied*. Not legally occupied.

66) *Unsecured*. Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

67) *Ventilation*. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

68) *Watertight*. As secure as possible against the entry of rain, melt water and storm water.

69) *Waste Tire*. A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

70) *Weathertight*. As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

71) *Workmanlike*. Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

Section 9.02.090 – Standards.

9.02.090.01 – General Maintenance Requirements. No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this chapter. All systems, devices and safeguards required by this chapter or by a previous statute or code applicable to

the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus ensuring the health and safety of all inhabitants.

9.02.090.02 – Existing Structures. An existing structure that does not comply with the provisions of this chapter shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

9.02.090.03 – Applicable Building Code. All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

9.02.090.04 – Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workmanlike manner.

9.02.090.05 – Interior Conditions of Tenant Occupied Residential Structures. The provisions of this subsection shall be exclusively applicable to all structures occupied for residential use by tenants, regardless of the terms of their possession.

9.02.090.05.010 – Lighting of Accessible Means of Egress.

1) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit or sleeping unit within any such space, other than in 1-2 family dwellings, shall, at all times:

a) provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,

b) for all other accessible means of egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

2) Every landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:

a) 3 footcandles (33 lux) at floors, landings and stairs; or,

b) shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all accessible means of egress.

9.02.090.05.020 – Ventilation.

1) Every dwelling, including basements, and attics shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

2) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:

a) Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.

1) The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.

b) In kitchens, a local exhaust ventilation system shall be maintained to remove the contaminating agent at the source.

c) Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

d) Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

9.02.090.05.030 – Electrical System.

9.02.090.05.030.01 – *Equipment Exposed to Water.*

1) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall replace electrical equipment or portions of electrical systems that have been exposed to water.

2) For purposes of this subsection, "exposed to water" shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.

3) **Exception:** Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer, approved manufacturer's representative, or a state of Oregon Licensed Supervising Electrician indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may be repaired, safely reenergized, and placed back into service.

9.02.090.05.030.02 – *Circuit Protection.*

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

1) Every kitchen and other interior location with a water containment or water supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.

2) Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.

3) All receptacle outlets shall have the appropriate faceplate cover for the location.

9.02.090.05.040 – Plumbing System.

9.02.090.05.040.01 – *General.*

1) Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions. Plumbing components shall be of materials allowed or approved by the Plumbing Code.

2) All sinks, lavatory basins, bathtubs and showers within a dwelling unit shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.

9.02.090.05.040.02 – *Hot Water.*

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each dwelling unit in accordance with these standards:

1) Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

2) Exceptions:

a) at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,

b) at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

9.02.090.05.050 – Interior Sanitation.

9.02.090.05.050.01 – *General.*

The interior of every structure that is rented leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage or solid wastes. For purposes of this subsection, the term "clean and sanitary" shall mean free from and any material or condition that:

1) Provides a breeding place for insects, rodents or vermin; or,

2) Produces dangerous or offensive gases or odors; or,

3) Blocks exits, hallways, corridors or accessible means of egress; or,

4) Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

9.02.090.05.050.02 – *Occupant Responsibilities.* Occupants shall keep that part of the dwelling unit which they occupy or control in a clean and sanitary condition.

9.02.090.05.050.03 – *Landlord Responsibilities.*

Every landlord of any dwelling who rents, leases or lets a dwelling unit within any such space shall:

1) Maintain the common halls, stairways, utility rooms and areas, and similar public areas of the dwelling in a clean and sanitary condition; and,

2) Pursuant to CMC 9.02.090.05.050.01(4) of this chapter but not withstanding the requirement under CMC 9.02.090.05.050.02 of this chapter that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; cracked or

loose plaster, decayed wood and other defective surface conditions shall be corrected; walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,

3) Pursuant to CMC 9.02.090.05.050.01(4) of this chapter but not withstanding the requirement under CMC 9.02.090.05.050.02 of this chapter that the occupants shall keep such spaces in a clean and sanitary condition, be responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

9.02.090.05.060 – Heat in Bathrooms and Habitable Rooms.

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

1) Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

2) No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this section.

3) All heating devices or appliances shall be of an approved type.

4) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

9.02.090.05.070 – Window and Door Security.

9.02.090.05.070.01 – *General*. Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

9.02.090.05.070.02 – *Entrance Doors*.

Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

1) Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.

2) All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.

3) For the purpose of this subsection, a sliding bolt shall not be considered an acceptable deadbolt lock.

9.02.090.05.070.03 – *Operable Windows*. Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

9.02.090.05.070.04 – *Basement Hatchways*. Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

9.02.090.06 – Exterior Structure and Premises Conditions. The provisions of this subsection shall be applicable to all structures, properties and premises and for all occupancy and use types, with the exception that children’s play structures shall be exempt from the maintenance standards herein established other than with respect to conditions that constitute imminent or incipient hazards, as those terms are herein defined. The assignment of responsibilities for owner, landlord and tenant occupants shall be as set forth within the following standards.

9.02.090.06.010 – *Weatherproofing and Waterproofing*. It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

9.02.090.06.010.01 – *Roofs and Drainage*. All roofs, flashing, vent stacks and boots, and chimneys shall have no defects which might admit rain or melt water.

1) Roof drainage shall be adequate to prevent rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel rain or melt water in an approved manner to an approved point of disposal.

2) Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair.

3) Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

9.02.090.06.010.02 – *Exterior Walls and Exposed Surfaces*.

Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

1) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.

2) Every landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.

3) Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.

4) Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

9.02.090.06.010.03 – *Windows and Doors.*

Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair. Every exterior door, skylight, and window shall comply with the following:

- 1) Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition;
- 2) Every exterior door, when closed, shall fit reasonably well within its frame;
- 3) Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building;
- 4) Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb;
- 5) Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building.

9.02.090.06.010.04 – *Glazing.* Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.

- 1) All glazing materials shall be maintained free from cracks and holes.
- 2) Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

9.02.090.06.010.05 – *Basement Hatchways.* Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

9.02.090.06.010.06 – *Temporary Measures.* The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

9.02.090.06.020 – *Exterior Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

9.02.090.06.020.01 – *Responsibilities.*

- 1) The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements.
- 2) The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

9.02.090.06.020.02 – *Holes, Tanks, and Child Traps*. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

9.02.090.06.020.03 – *Unsecured Structures*. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of CMC 9.02.090.06.010.03 through CMC 9.02.090.06.010.04 for weathertight and watertight standards.

9.02.090.06.020.04 – *Rat Harborage*. Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

9.02.090.06.020.05 – *Emergency Access Routes*. All brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line, which is likely to obstruct or impede the necessary passage of fire or other emergency personnel, shall be removed and kept clear.

9.02.090.06.020.06 – *Thickets that Conceal Hazards*.

Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

- 1) Concealing trash and debris; or,
- 2) Creating rat harborage; or,
- 3) Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

9.02.090.06.020.07 – *Trash and Debris*.

Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

- 1) All garbage, offal, dead animals, animal and human waste, and waste materials;
- 2) Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
- 3) All dead bushes, dead trees, and stumps with the exception of such material which:
 - a) Is being maintained as part of a naturesscaped property; and,
 - b) Does not result in a nuisance as otherwise defined in this chapter; and,
 - c) Is located on a property which is otherwise substantially in compliance with this chapter;
- 4) All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property, per the provisions in CMC Section 2.19.150;

5) Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and,

6) Accumulations of clothing and any other items not designed for outdoor storage.

9.02.090.06.020.08 – *Storage of non-Trash Items.*

Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

- 1) Accumulations of wood pallets;
- 2) Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease;
- 3) Accumulations of vehicle parts or waste tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration;
- 4) All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site;
- 5) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration;
- 6) All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property;
- 7) All recycling materials except for reasonable accumulations that are stored in a well-maintained manner;
- 8) All other non-trash items which:
 - a) Are of a type or quantity inconsistent with normal and usual use; or,
 - b) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

9.02.090.06.030 – *Solid Waste Removal.*

9.02.090.06.030.01 – *General.*

All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste.

- 1) Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid waste in accordance with the provisions of CMC Chapter 4.01;
- 2) bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

9.02.090.06.030.02 – *Occupant Responsibilities.* Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

9.02.090.06.030.03 – *Landlord Responsibilities.*

- 1) The landlord of any multi-family dwelling shall:

a) Provide, in a location accessible to all dwelling units, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which all solid waste from the dwellings unit may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,

b) Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

2) The landlord of any 1 and 2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a) Provide, in a location accessible to each dwelling unit, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,

b) Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

9.02.090.06.040 – **Building and Accessory Structures.** It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

9.02.090.06.040.01 – *General Maintenance.* The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

9.02.090.06.040.02 – *Foundations and Structural Members.*

Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.

1) All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.

2) All supporting structural members in every building and structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

9.02.090.06.040.03 – *Exterior Walls and Exposed Surfaces.* Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be free of holes, breaks, loose or rotting boards or timbers.

9.02.090.06.040.04 – *Brick and Veneers*. Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

9.02.090.06.040.05 – *Chimneys*. Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

9.02.090.06.040.06 – *Roofs*. All building roofs shall be structurally sound.

9.02.090.06.040.07 – *Decorative Features*. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration.

9.02.090.06.040.08 – *Accessory Structures*. Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

9.02.090.06.040.09 – *Vacant Structures and Land*. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

9.02.090.06.040.10 – *Decks, Stairs and Handrails; Maintenance*.

It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

1) Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

a) Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;

b) Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose;

2) Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected;

3) Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.

9.02.090.06.040.11 – *Exterior Lighting*. Exterior site lighting required by the Corvallis land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

9.02.090.07 – Fire Safety.

9.02.090.07.010 – Means of Egress Door Locks. All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

9.02.090.07.020 – Unobstructed Path of Travel.

1) Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind.

2) Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

9.02.090.07.030 – Fire-Resistive Assembly; Maintenance.

1) Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

2) The surfaces of all other non-rated interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

9.02.090.07.040 – Smoke Detectors. Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.

Section 9.02.100 – Enforcement.**9.02.100.01 – Enforcing Compliance.**

To enforce any of the requirements of this chapter, the Director may gain compliance by:

- 1) Instituting an action before the Hearings Officer; or,
- 2) Causing appropriate action to be instituted in a court of competent jurisdiction; or,
- 3) Imposing criminal or civil penalties, or both; or,
- 4) Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

9.02.100.02 – Compliance Period for Required Abatement Response.

1) Other than as specifically provided for under paragraph 2) of this subsection, the landlord or occupant responsible for any violation of the standards specified under subsection 9.02.090 shall be ordered to complete required repairs or abatement within 7 days, plus three days if the notice and order are mailed rather than served on the person.

2) When the finding of violation of a standard of this chapter is due to any of the following conditions the landlord or occupant, as applicable, shall be ordered to complete the required repair or abatement within 48 hours:

- a) lack of heat, per CMC 9.02.090.05.060;
- b) lack of water, or any properly functioning toilets or sinks, per CMC 9.02.090.05.040.01;

- c) lack of hot water, per CMC 9.02.090.05.040.02;
- d) lack of any properly functioning smoke detector, per CMC 9.02.090.07.040;
- e) uncontained solid waste, other than bulk solid wastes, per CMC 9.02.090.06.030.

9.02.100.03 – Failure to Obey Order of Director.

- 1) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty administering this chapter.
- 2) It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

Section 9.02.110 – Derelict Structures.

9.02.110.01 – Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance and their presence prohibited.

9.02.110.02 – Prohibited Habitation.

- 1) No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.
- 2) A violation of this subsection is a separate Class C misdemeanor each day that the violation exists or continues.

9.02.110.03 – Order to Vacate Buildings or Structures.

- 1) If the Director finds that a building or structure is or exists in a condition in violation of CMC 9.02.110.01, the Director may order that a placard be posted on the building or structure ordering the building or structure vacated. The placard shall additionally contain the information required in CMC 9.02.120.02(2).
- 2) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.110.04 – Removal of Placard Prohibited.

The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.

- 1) No person shall deface or remove a placard without the approval of the Director.
- 2) A violation of this subsection is a separate infraction each day that the violation exists or continues.

9.02.110.05 – Temporary Safeguards.

Notwithstanding any other provisions of this chapter, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may:

- 1) Order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and,
- 2) Cause such other action to be taken that the Director deems necessary to meet such condition.

9.02.110.06 – Abatement of Derelict Structure by Remediation.

1) *Public Hearing.* In addition to, and not in lieu of, the abatement remedies provided for in CMC 9.02.120.01 through CMC 9.02.120.02 and receivership authority in CLCCMC 9.02.120.08, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

a) Notice. Upon receipt of such notice, the City Recorder shall:

- 1] set the matter for prompt public hearing before the Hearings Officer; and
- 2] not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant; and,
- 3] cause notice to be posted on or near the derelict structure.

b) Service. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.

2) *Presentation at hearing.* At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination.

a) Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue.

b) The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the state of Oregon.

3) *Order for remediation.* If the Director demonstrates, by a preponderance of the evidence, that the building or structure is a derelict structure, the Hearings Officer shall order the conditions creating the derelict structure be remediated.

4) *Remediation factors.* In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is:

- a) In a condition unfit for human habitation; or,
- b) In a condition that is an incipient hazard, based on the number and extent of the following factors:
 - 1] Dilapidation;
 - 2] Disrepair;
 - 3] Structural defects noted by the Building Official;
 - 4] Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
 - 5] Uncleanliness or infestations of pests;
 - 6] Condition of sanitary facilities;
 - 7] The presence of a public nuisance; and,
 - 8] The history of unlawful activity in or around the building or structure.

Section 9.02.120 – Public Nuisances.**9.02.120.01 – Public Nuisance Prohibited.**

1) *Declared Public Nuisances.* The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this chapter.

2) *Prohibition.* In addition to the provision of CMC 9.02.110.01, no person shall cause, permit, or maintain a public nuisance on public or private property.

3) *Joint Responsibility.* If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

9.02.120.02 – Notice to Person Responsible.

1) *Notice.* Whenever the Director has reasonable grounds to believe that a violation of CMC 9.02.120.01 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

2) *Form of Notice.* Such notice prescribed in CMC 9.02.120.02(1) and CMC 9.02.110.03(1) shall:

a) Be in writing;

b) Include a description of the premises sufficient for identification;

c) Include a statement of the reason or reasons why the notice is being issued;

d) Include a correction order allowing a reasonable time, as specified under CMC 9.02.100.02, for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter;

e) Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible for correcting the public nuisance shall be responsible for the costs of such abatement;

f) Include instructions for requesting an appeal.

3) *Method of Service.*

a) Notices issued under this section shall be deemed to be properly served if a copy thereof is:

1] Personally delivered to the owner(s) and occupant(s); or,

2] Sent by first class mail to the owner(s) and occupant(s) at their last known address; or,

3] Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address, if they cannot be located.

b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient.

4) *Effective Date of Notice.* All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing, if not personally served.

9.02.120.03 – Action by Responsible Party. Within the time specified for achieving compliance, as provided for under CMC 9.02.100.02, the responsible party or person in charge of the property on whom the notice has been served or posted shall remove the nuisance or shall request an appeal hearing in accordance with CMC 9.02.130.01 through CMC 9.02.130.04.

9.02.120.04 – Recording a Violation.

- 1) The city may record a notice of violation issued under this section with the County Recorder.
- 2) Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice.
- 3) When the property is brought into compliance, a satisfaction of notice of violation shall be recorded if a notice of violation had been recorded against the property.

9.02.120.05 – Abatement Procedures - by the City.

- 1) If, within time prescribed under CMC 9.02.100.02, the violation has not been corrected the Director may cause the violation to be corrected.
- 2) The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a 15 percent charge for administrative overhead.
- 3) The Director or a person authorized by the Director may enter upon the subject property to abate the nuisance only upon obtaining consent of the person in possession or in charge of the property; or upon obtaining an administrative abatement warrant pursuant to CMC 1.15 or CMC 9.02.070.05.

9.02.120.06 – Abatement Procedures - Assessment of Costs.

- 1) After abatement by the city, the Finance Director, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:
 - a) The total cost of correction, including the administrative overhead; and,
 - b) That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.
- 2) If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.
- 3) Upon filing of such statement of costs and overhead required under paragraph 2) of this subsection, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and cause notice thereof to be served via certified mail to the owner(s) and occupant(s), consistent with the procedures under CMC 9.02.110.06(1)(a).
- 4) After the hearing, the Hearings Officer shall declare the correctness of such statement and shall declare those as may be accordingly validated to be a lien upon the property.
- 5) An error in the contents or service of any notice shall not void the assessment nor will a failure of the owner to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

9.02.120.07 – Abatement Procedures - Summary Abatement. The Director may summarily abate a situation involving a health, safety, or other nuisance which unmistakably exists and from which there is imminent danger to human life or to property. The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws.

9.02.120.08 – Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the Director finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and that the owner has not acted in a timely manner to correct the violation, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

9.02.120.09 – Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by CMC Chapter 2.06, and a lien for the entire amount placed against the real property.

Section 9.02.130 – Appeals.

9.02.130.01 – Appeals Generally. Any person upon whom a notice, order, interpretation or decision is served under this chapter shall have the right of appeal from the notice, order, interpretation or decision to the Board of Appeals.

9.02.130.02 – Board of Appeals.

1) In order to hear and decide appeals of orders, decisions or determinations made by the Director relative to the application and interpretation of this chapter, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this chapter and who are not employees of the jurisdiction.

2) The Housing & Neighborhood Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.

3) The Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties.

4) The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Director.

5) The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this chapter, nor shall the board be empowered to waive requirements of this chapter.

9.02.130.03 – Filing of Appeal.

1) *Appeal Period.* An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date of the notice or order was issued.

2) *Appeal Fee.* Any appeal submitted under this chapter shall include a \$50.00 filing fee.

3) *Scope of Appeal.* Appeals may be filed regarding technical matters of notices, orders, interpretations and decisions made by the Director relative to this chapter.

4) *Form of Appeal.* An appeal must be in writing and include the following:

- a) Name of person filing the appeal;
- b) Copy of the subject notice or order;
- c) Copy of the section of this chapter which is being appealed;
- d) A complete explanation of the appeal;

- e) An explanation of what is requested of the Board of Appeals.

9.02.130.04 – Appeal Procedure.

1) The Director shall confirm that the appeal meets the filing criteria as prescribed under CMC Sections 9.02.130.03(1-4), and that the person filing the request for an appeal has standing.

2) If the filing criteria have not been met, or if the filing party does not have standing, the person filing the appeal will be so notified and hearing before the Board of Appeals will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow a prospective appellant with standing to resubmit a request for an appeal that has been deemed incomplete. Only one extension may be granted.

3) If the filing criteria are met, the Director shall, within 30 days of the filing of the appeal, set the schedule for a hearing before the Board. The hearing shall be held not later than 60 days after the filing of the appeal.

- a) The appeal shall be conducted on the record.

- b) Formal rules of evidence are not required.

- c) The Board shall issue a written finding and conclusion on the appeal and shall provide a copy to the person filing the appeal and to the Director.

Section 9.02.140 – Penalties.

9.02.140.01 – Violation Penalties. Persons who violate a provision of this chapter or fail to comply with any of the requirements of this chapter or a directive of the Director authorized by this chapter shall be subject to the provisions of CMC 9.02.140.02 through CMC 9.02.140.04.060.

9.02.140.02 – Separate Violations.

1) Each day's violation of a provision of this chapter constitutes a separate offense.

2) The abatement of a nuisance or violation shall not constitute a penalty for violating this chapter but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation.

9.02.140.03 – Misdemeanors and Infractions.

9.02.140.03.010 – Imposition of Penalty. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearings Officer, the Board of Appeals or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction, as designated under CMC 9.02.140.03.020, unless otherwise provided for by the provisions of this chapter.

1) All such persons shall be required to correct or remedy such violations or defects within a reasonable time, consistent with CMC 9.02.100.02, and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

2) Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under CMC 1.01.120(1-3).

3) Upon conviction of an infraction offense, any person shall be liable for the fines provided for under CMC 1.01.120(4-6) and CMC 9.02.140.03.020(1)(d).

9.02.140.03.020 – Classification of Offenses.

1) Violation of the provisions of this chapter shall be designated as follows:

a) Violation of CMC 9.02.090.06.030.01 through CMC 9.02.090.06.030.03 Solid Waste is a Class A misdemeanor.

b) Violation of CMC 9.02.120.01(2) Public Nuisances is a Class B misdemeanor.

c) Violation of CMC 9.02.090.07.010 through CMC 9.02.090.07.040 Fire Safety provisions; CMC 9.02.100.03 Failure to Obey; or CMC 9.02.110.02 Prohibited Habitation is a Class C misdemeanor.

d) Violation of every provision of this chapter not otherwise designated herein is deemed an infraction punishable upon conviction by a fine of not more or less than:

1] 1st offense shall be \$250<>\$100;

2] 2nd offense for violation of same provision of this chapter within 24 month period shall be \$500<>\$250;

3] 3rd offense for violation of same provision of this chapter within 24 month period shall be \$500<>\$500;

4] 4 or more offenses for violation of same provision of this chapter within 24 month period shall constitute a Class A misdemeanor.

2) *Declaration of Infraction.* Notwithstanding the designations provided for under paragraph 1) of this subsection, any violation of the provisions of this chapter may be declared to be an infraction pursuant to the procedure provided in CMC Section 5.03.160.

9.02.140.04 – Civil Penalties.

1) In addition to and not in lieu of any other means of enforcement or any other penalty provided by law, any person who shall violate a provision of this chapter or who shall fail to comply with any of the requirements thereof or an order of the Director may incur a civil penalty in an amount as specified in CMC 9.02.140.04.060, plus an administrative fee and any cost of service or recording.

2) All such persons incurring a civil penalty shall be required to correct or remedy such violations or defects within a reasonable time, consistent with CMC 9.02.100.02, and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

9.02.140.04.010 – Purpose. The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this chapter.

9.02.140.04.020 – Civil Penalty against Agents. Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty shall likewise be subject to a civil penalty.

9.02.140.04.030 – Procedure for Issuing Civil Penalty. A civil penalty shall be imposed under this section by issuance of a notice of civil money penalty. A civil penalty may be imposed for each day the violation continues or remains. The notice of civil money penalty shall be issued and served in accordance with the procedures specified within this subsection.

9.02.140.04.030.01 – *Notice of Civil Money Penalty.*

1) If a civil penalty is imposed, the Director shall issue a notice of civil money penalty to the person responsible for the code violation.

2) The notice of civil money penalty shall include:

- a) reference to the applicable code provision(s);
- b) a statement of the basis of the finding of a violation;
- c) a statement of the amount of the civil money penalty;
- d) a statement of the party's right to protest the civil penalty to a Hearings Officer; and,
- e) a statement that a delinquent civil money penalty may become a lien against the property.

3) The notice of civil money penalty shall be served on the person responsible for the code violation by:

- a) Personal service; or,
- b) posted in a conspicuous place in, on or about the structure or premises affected by such notice; or,
- c) sent by US first class mail or US certified mail, return receipt requested, to the person's last known address;

1] failure of the recipient to sign for the certified mail shall not make the notice void.

2] notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon.

3] notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice.

9.02.140.04.030.02 – *Courtesy Notice to Owner.* If the subject violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the notice of civil money penalty shall be sent to the owner of the property by first class mail, at the owner's address as reflected on the most recent tax rolls of the county assessor, at the same time as service on the person responsible.

9.02.140.04.040 – *Protest of Civil Penalty.*

1) A person issued a notice of civil money penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer.

2) An appeal request must be submitted to the City Recorder within seven days, plus three days for mailing, from the date of service of the notice of civil money penalty.

a) After a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may uphold or reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer.

1] The Hearings Officer may not reduce the civil money penalty by any amount if a violation has not been corrected by the responsible party and inspected by the city.

2] The civil money penalty imposed by the Hearings Officer shall not be less than the minimum amount specified under CMC 9.02.140.04.060(1)(a).

9.02.140.04.050 – Collection of Civil Penalty.

1) The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer decision.

2) The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final.

a) A late payment charge shall begin to accrue from the date of delinquency.

b) If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice of civil money penalty and a late payment charge shall be entered in the docket of city liens in the manner provided under CMC Chapter 2.06 and may be recorded with the County Recorder. When entered in the city lien docket, the cumulative amounts shall constitute a lien upon the property subject to a finding of a violation of this chapter.

1] The lien shall be enforced in the same manner as liens for local improvement districts. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.

2] An error in the name of the owner shall not void the lien, nor shall a failure of the owner to receive the notice render the lien void, but it shall remain a valid lien against the property.

9.02.140.04.060 – Amount of Civil Penalty.

The Director is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with CMC 9.02.140.04.040(2)(a) and operational guidelines in the amounts as follows:

1) Violation of a provision of this chapter may be subject to a civil penalty in an amount no less than \$50.00 and not exceeding \$5,000.00 per offense, or in the case of a continuing offense, not more than \$1,000.00 for each day of the offense;

2) In imposing a penalty authorized by this section, the Director shall consider:

a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

b) Any prior violations of statutes, rules, orders, and permits;

c) The gravity and magnitude of the violation;

d) Whether the violation was repeated or continuous;

e) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;

f) The violator's cooperativeness and efforts to correct the violation; and,

g) Any relevant rule of this or other city code.

EXHIBIT 2

Chapter 9.02 – LIVABILITY CODE

Section 9.02.010 – Short Title. This Chapter shall be known and may be cited as the Corvallis Livability Code and may be referred to herein as "this chapter."

Section 9.02.020 – IntentPurpose. ~~This~~ The purpose of this chapter shall be construed to ensure and protect the public health, safety and welfare and to prevent or reduce urban blight by establishing minimum property maintenance and livability standards for all premises to secure and ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; to prevent deterioration of existing housing; to preserve and enhance the quality of life in residential neighborhoods; and, to prevent or reduce urban blight by establishing minimum property maintenance and livability standards. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance, as required herein.

Section 9.02.030 – Application of other Laws.

Nothing in this chapter shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Corvallis municipal code or the requirement to obtain all necessary permits and approvals.

1) *Changes and Alterations.* Any repair, alteration, or addition to, or change of occupancy in an existing building, or any change of use of any property, shall be made in accordance with all applicable provisions of law, including, but not limited to the Corvallis municipal code.

2) *Conflicts.*

a) Except as provided otherwise by federal, state or local law, if a provision of this chapter conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Corvallis, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this chapter.

b) This chapter is intended to supplement rather than conflict with the habitability standards and the assignment of landlord and tenant responsibilities of the State of Oregon Residential Landlord and Tenant Act.

c) If a provision of this chapter conflicts with a provision of the adopted building code, the provision of the building code shall apply to the exclusion of the conflicting provision of this chapter.

Section 9.02.040 – Scope. This chapter establishes minimum requirements and standards for the protection of structures and premises from the elements, life safety and other hazards, and for their safe and sanitary maintenance; ~~fixing~~ assigning the responsibility of owners and occupants; and, ~~for~~ establishes the processes and standards for the administration of this chapter, its administration, enforcement, appeals and penalties.

1) Provisions of this chapter that address the interior conditions of residential structures apply to tenant occupied residential structures only.

2) Provisions of this chapter that address the exterior conditions of structures and the conditions of premises This chapter applies to all residential and nonresidential structures and all premises, with the exclusion of children's play structures which shall be exempt from the maintenance standards herein established by this chapter other than with respect to conditions that constitute imminent or incipient hazards, as those terms are herein defined in this chapter.

3) Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and maintenance, as required by the provisions of this chapter.

Section 9.02.050 – Saving Clause. Compliance with tThis chapter shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

Section 9.02.060 – Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

Section 9.02.070 – Administration.

9.02.070.01 – Responsibility.

1) The Director-City Manager is hereby authorized to administer and enforce all of the provisions of this chapter. The authority of the Director-City Manager to enforce the provisions of this chapter is independent of and in addition to the authority of other city officials to enforce the provisions of the other city codes.

2) This chapter shall be liberally construed to the end that the Director-City Manager shall not be required to personally perform the administrative or enforcement duties and functions that are the responsibilities -of for which she or he is held responsiblethe City Manager under the terms and standards of this chapter.

9.02.070.02 – Appointments.

1) The City Manager may appoint a Director and delegate authority to administer this chapter to the Director.

2) The Director may appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration and enforcement of this chapter.

3) The Director is authorized to designate an employee as deputy who shall exercise all the powers of the Director during the temporary absence or disability of the Director.

4) Any acts done by any employee who is under the direct supervision and control of the Director and done pursuant to a delegation of authority given by the Director to said employee shall be deemed to be done by the Director as required by the terms and standards of this chapter.

9.02.070.03 – Complaint Based Response.

1) Administrative and enforcement responses under this chapter are intended to be initiated on the basis of a complaint.

2) Complaints may be filed by members of the public, by representatives of the city organization and by representatives of external agencies in a manner that shall be consistent with administrative operating guidelines.

3) Anonymous complaints will not be accepted.

4) Notwithstanding the provisions of CMC 9.02.070.03(1), the Director may choose to initiate administrative or enforcement activities when conditions are known or suspected to be present on a property, premises or a structure that would constitute an imminent hazard or an incipient hazard, as those terms are defined herein.

9.02.070.04 – Inspections.

1) *Inspections.* The Director is authorized to make inspection of property for the purposes of enforcing this chapter.

2) *Coordination of Enforcement.* Whenever inspections are deemed necessary by the Director and any other division or department, the Director shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other divisions and departments for the purpose of eliminating conflicting orders before any are issued.

9.02.070.05 – Right of Entry. ~~The following process set out below, the~~ Director may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this chapter, or whenever the Director has reasonable cause to believe that there exists in any structure or upon any property any condition which makes such property substandard as defined in any regulations of this chapter.

9.02.070.05.010 – Administrative Warrant.

In the case of seeking entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1) *Occupied Property.* If any structure on the property is occupied, the Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant; or,

2) *Unoccupied Property.*

a) If the property is unoccupied, the Director shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Director may attempt to obtain entry by obtaining an administrative warrant.

b) If structures on the property are unoccupied, the Director shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused or if no response is received from the owner or other persons having charge or control of the property, the Director may attempt to obtain entry by obtaining an administrative warrant; or,

3) *Open, Unoccupied Property.* If any structure on the property is unoccupied and open:

a) The Director shall notify the owner of the property's condition and order the owner, or other persons having charge or control of the property, to immediately secure the premises against the entry of unauthorized persons.

b) If the property is not secured within fifteen (15) days from the date notice is sent, the Director may secure the property as provided in CMC 9.02.110.05.

4) *Hazardous Conditions.*

a) If the Director believes that a hazardous condition exists, the Director may immediately secure the property as provided in CMC 9.02.110.05.

b) Following the summary abatement to secure the premises, the Director shall notify the owner, or other persons having charge or control of the property, of the condition of the property and request entry.

c) If entry is refused, the Director may attempt to obtain entry by obtaining an administrative or abatement warrant.

5) *Extenuating Circumstances.* The Director may seek approval for an administrative warrant without first requesting entry or making contact with an owner or occupant, if, at the time, facts or circumstances reasonably show that the purpose of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

9.02.070.05.020 – Grounds for Issuance of Administrative Warrants.

1) *Affidavit.* The Corvallis Municipal Court or any Oregon Court having jurisdiction over violations of ordinances shall issue an An administrative warrant ~~shall be issued~~ only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an administrative warrant.

2) *Cause.* Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any provision of this chapter exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with the provisions of this chapter.

9.02.070.05.030 – Procedure for Issuance of Administrative Warrant.

1) *Examination.* Before issuing an administrative warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

2) *Issuance.* If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 8:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3) *Police Assistance.* In issuing an administrative warrant on private property, including abatement warrants pursuant to CMC 9.02.120.05, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the Director or representative of the department inspecting the property in any way necessary to complete the inspection or abatement.

9.02.070.05.040 – Execution of Administrative Warrant.

1) *Occupied Property.* Except as provided in section (2) of this subsection, in executing an administrative warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

2) *Unoccupied Property.* In executing an administrative warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in paragraph 1)

of this subsection, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

3) *Return.* An administrative warrant must be executed within 10 business days of its issue and returned to the judge by whom it was issued within 10 business days from its date of execution. After the expiration of the time prescribed by this paragraph, the warrant, unless executed, is void.

9.02.070.06 – Historic Structures. The provisions of this chapter shall not be mandatory for an existing structure designated as a local or national historic resource when such structure is judged by the Director to be safe and its continued maintenance in historic condition to be in the public interest.

9.02.070.07 – Modifications. Where there are extreme hardships involved in carrying out provisions of this chapter, the Director shall have the right to vary or modify such provisions upon application of an owner or occupant, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

Section 9.02.080 – Definitions.

9.02.080.01 All words and terms assume their dictionary definitions unless they are specifically defined in this chapter.

9.02.080.024 Words stated in the present tense in this chapter include the future; the singular number includes the plural, and the plural includes the singular.

~~9.02.080.02 Where terms are not defined in this chapter and are defined in the Corvallis land development code or the state building, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes.~~

~~9.02.080.03 Terms not otherwise defined in this chapter or in the Corvallis land development code or the state building, plumbing or mechanical codes shall have ordinarily accepted meanings.~~

9.02.080.034 Whenever the words "dwelling unit," "dwelling," "premises," "structure," or "building" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

9.02.080.045 – Defined Terms. Unless the context otherwise specifically requires, for purposes of this chapter, the following terms and phrases mean:

- 1) *Abandoned Structure.* A vacant structure that is an attractive nuisance.
- 2) *Abatement [e.g., of a Nuisance].* The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

3) *Accessible Means of Egress.* This term shall have the meaning provided under the Oregon Fire Code, Sec. 1002.1: A continuous and unobstructed way of egress travel from any accessible point in a building or facility to a public way.

4) *Accessory Structure.* Any structure not intended for human occupancy. Accessory structures may or may not be attached to a primary structure. Examples of accessory structures include, but are not limited to: garages, carports, sheds, playhouses, decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways.

5) *Agent.* A person authorized by another to act in his/her behalf.

6) *Approved.* Meets the standards set forth by this chapter, or is approved by the Director.

7) *Attic.* The unfinished, non-habitable part of a structure between the roof and the ceiling immediately below.

8) *Attractive Nuisance.* Buildings, structures, or premises that are in an unsecured, derelict or dangerous condition so as potentially to constitute an attraction to minors, vagrants, criminals or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing an unlawful act.

9) *Basement.* That portion of a building or structure which is partly or completely below grade.

10) *Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

11) *Bedroom.* Any room or space used or intended to be used for sleeping purposes.

12) *Boarded.* The securing of an unoccupied building or structure against entry by the placement of material such as plywood, boards, or other similar material over openings, following the standards of Appendix A of this chapter, that are designed or intended for windows or doors, where the materials are visible off the premises and where the materials are not lawfully or customarily installed on a building or structure that would be occupied.

13) *Building.* Any structure designed for habitation, shelter, storage, trade, manufacture, business, education, or other similar purposes.

14) *Building Code.* The specialty codes adopted and as may be amended by the City of Corvallis, as provided in CMC Chapter 9.01.

15) *Building Official.* The administrator of the Development Services Division of the Community Development Department, or the administrator's designee.

16) *Bulk Solid Waste.* Discarded bedding, mattresses and furniture, junk, yard debris, uprooted tree stumps, demolition or construction debris, or other nonputrefactive and nonhazardous materials not placed in a receptacle, or too large to be placed into a receptacle.

17) *Deterioration.* A lowering in the quality, condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, excessive use or lack of maintenance.

18) *Derelict Structure.* A building or structure that is unfit for human habitation, or poses an incipient hazard, or is detrimental to public health, safety or welfare, as a result of one or more of the following conditions:

- a) Is unoccupied and unsecured;
- b) Is partially constructed;
- c) Is an abandoned structure or attractive nuisance;
- d) Is in condition of deterioration;
- e) Has an infestation of pests;
- f) Has doors or windows boarded over, or;

g) Other condition that in the opinion of the Director is detrimental to public health, safety or welfare.

19) *Dilapidation*. Being in a state of partial ruin, decay or disrepair.

20) *Director*. The person appointed by the City Manager as the Community Development Director for the City of Corvallis, or the person charged by the City Manager with the implementation and enforcement of this chapter, or ~~that department head's~~ the appointed person's designee.

21) *Dwelling*. Any structure containing one or more dwelling unit.

22) *Dwelling Unit*. A single unit within a dwelling providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

23) *Exit*. A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

24) *Exterior Property*. The areas of a property which are outside the exterior walls and roof of a building. All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, yards, gardens, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

25) *Extermination*. The control, elimination and removal of pests by eliminating harborage places; by removing or making inaccessible materials that serve as food; by poison spraying, fumigating, trapping or by any other pest elimination method approved by the Director.

26) *Hazardous Solid Waste*. Any solid waste which, in the opinion of the Director, would constitute a danger to collection personnel or to anyone who may come in contact with such solid waste, and includes, without limitation, any hazardous waste as defined in ORS 466.005(7) as may be amended.

27) *Habitable*. Suitable for human habitation.

28) *Habitable Space*. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

29) *Hazardous Thicket*. Blackberry vines or other thickets that conceal trash, debris, or junk; or create a harborage for people involved in criminal activity or for products used for unlawful activity; or that encroach upon the public right of way, or private property of another in a manner that may be hazardous.

30) *Hearings Officer*. The person or persons appointed by the City Manager to serve in that capacity and to pass on matters stipulated for quasi-judicial review under this chapter.

31) *Human Habitation*. The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

32) *Imminent Hazard*. Any condition of deterioration that places public health, safety or welfare in high risk of peril, when the peril is immediate, impending, or on the point of happening.

33) *Incipient Hazard*. Any condition that can become an imminent hazard if further deterioration is allowed to occur.

34) *Indoor Fixture*. Any item that is designed to be used indoors or otherwise protected from environmental elements, including, but not limited to, heating, plumbing and electrical fixtures.

35) *Indoor Furnishing/Furniture*. Any item that is designed to be used indoors or otherwise protected from environmental elements including, but not limited to, upholstered furniture, indoor appliances and indoor carpet.

36) *Infestation*. The presence of pests in large numbers that is harmful or bothersome within or adjacent to a building or structure or upon premises.

37) *Junk*. Articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. As used in this chapter the term "junk" includes, but is not limited to:

a) any derelict motor vehicle, trailer, or boat, i.e., any used motor vehicle, trailer, or boat without a vehicle license or with an expired license; or,

b) neglected motor vehicle, trailer, or boat, i.e., a motor vehicle, trailer, or boat, that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires; or,

c) wrecked motor vehicle, trailer, or boat or part thereof, i.e., a motor vehicle, trailer, or boat, that is dismantled or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire; or,

d) machinery or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

e) any appliances or parts thereof that are inoperative, worn out, or in a state of disrepair; or,

f) any worn out or dilapidated indoor fixtures or furnishings, or parts thereof; or,

g) any bulk solid waste; and,

h) solid waste items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap and other similar items.

38) *Landlord*. The owner or lessor of a dwelling unit, a building, or premises, including a person authorized by the owner or lessor to manage the premises or to enter into a rental agreement.

39) *Legally Occupied*. The use of premises for a purpose authorized by law, including the building code and the Corvallis land development code. For the purposes of this chapter, a premises shall be considered legally occupied, even if presently vacant, as long as the premises is maintained in compliance with the provisions of this chapter, and in the case of a building or structure, conditions that would qualify the building or structure as derelict are not present.

40) *Let for Occupancy* or *Let*. To permit, to provide, or to offer possession or occupancy of a dwelling unit, building, structure or premises, pursuant to a lease, permit, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

41) *Maintained Compost*. A small portion of a property set aside for the purpose of methodically encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer or amendment for the soil on the property. Maintained compost shows clear indicators that the organic materials placed there are being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition does not constitute maintained compost.

42) *Means of Egress/Doors*. A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Includes any doors that are present at the exit access, along the path of exit, and at the exit discharge

43) *Multi-Family Dwelling*. A building or structure within which are comprised three or more dwelling units.

44) *Must*. Mandatory

45) *Naturescape*. Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.

46) *Occupancy*. The purpose for which a building, structure or premises is used or intended to be used.

47) *Occupant*. Any person, including an owner, tenant or operator, using a building or any part of a building for its lawful, intended use or having possession of a space within a building or structure or possession of a premises.

48) *Owner*. The person recorded in the official records of the state, county or city as holding title to premises, and that person's agent; any person who has purchased or otherwise acquired a premises but whose ownership is not yet reflected in the official records of the state, county or city; a trustee, executor, administrator, guardian or mortgagee in possession and having control of the premises; a person who has care and control of a premises in the case of the absence or disability of the person holding title thereto.

49) *Partially Constructed*. An occupied or vacant structure, or portion thereof, has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

50) *Person*. An individual, corporation, limited liability company, cooperative, association, partnership, or any other entity in law or fact.

51) *Pests*. Animals detrimental to humans or human concerns including, but not limited to, insects, rodents, rats or vermin.

52) *Premises*. A lot or parcel of land, including any buildings or structures thereon.

53) *Rank Vegetation*. Any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

54) *Receptacle*. With respect to solid waste containment, a trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste that has been approved by the City Manager and into which solid waste, compostable material, mixed compostables, recyclable material or mixed recycling may be placed for such disposal.

55) *Recycling*. The process of transforming waste into new or different products in such a manner that the original waste products may lose their identity. Recycling includes collection, transportation and storage of waste that places the waste in the stream of commerce for recycling, resource recovery or utilization.

56) *Remediation*. The elimination or correction of a condition, including, but not limited to, repair, replacement, restoration or removal.

57) *Repair*. The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

58) *Residential Property*. Real property and all improvements thereon including edifices, structures, buildings, dwelling units or parts thereof used or intended to be used for residential purposes including single-family, duplex, multi-family structures and mixed-use structures which have one or more dwelling units. Hotels and other building types used exclusively for transient occupancy are excluded from this definition of residential property.

59) *Rubbish*. Worthless, discarded material, including, but not limited to, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a premises.

60) *Shall*. Mandatory.

61) *Solid Waste*. This term shall have the same meaning as provided under CMC 4.01.010.

62) *Structure*. That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

63) *Temporary*. Unless otherwise specified, a period up to 6 months in any 12 month period.

64) *Unfit for Human Habitation*. A building or structure that, as found by the Director, is unfit for human habitation due to unsanitary conditions, infestation, accumulation of filth or contamination, lack of

required ventilation, illumination, sanitary or heating facilities, or is not connected to approved water or electricity, such that habitation would be injurious to the health, safety, or welfare of the occupants.

65) *Unoccupied*. Not legally occupied.

66) *Unsecured*. Any structure in which doors, windows, or apertures are open or able to be opened from the outside so as to allow access by unauthorized persons; unlocked or otherwise open to entry.

67) *Ventilation*. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

68) *Watertight*. As secure as possible against the entry of rain, melt water and storm water.

69) *Waste Tire*. A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

70) *Weathertight*. As secure as possible against the entry of wind, rain, melt water, storm water and natural elements.

71) *Workmanlike*. Executed in a skilled manner, consistent with generally accepted standards of construction and maintenance, e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work.

Section 9.02.090 – Standards.

9.02.090.01 – General Maintenance Requirements. No person shall maintain or permit to be maintained any structure or premises that does not comply with the requirements of this chapter. All systems, devices and safeguards required by this chapter or by a previous statute or code applicable to the building, structure or premises at the time the building, structure or premises were erected or altered shall be maintained in good working order, thus ensuring the health and safety of all inhabitants.

9.02.090.02 – Existing Structures. An existing structure that does not comply with the provisions of this chapter shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

9.02.090.03 – Applicable Building Code. All structures shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

9.02.090.04 – Skilled Work Required. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workmanlike manner.

9.02.090.05 – Interior Conditions of Tenant Occupied Residential Structures. The provisions of this subsection shall be exclusively applicable to all structures occupied for residential use by tenants, regardless of the terms of their possession.

9.02.090.05.010 – Lighting of Accessible Means of Egress.

1) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit or sleeping unit within any such space, other than in 1-2 family dwellings, shall, at all times:

a) provide minimum illumination of 1 footcandle (11 lux) at floors, landings and stairs for all common areas and spaces in all residential occupancies, with responsibility to maintain functioning bulbs; and,

b) for all other accessible means of egress within dwelling units, shall provide the means for minimum illumination of either 3 footcandles (33 lux) at floors, landings and stairs, or shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart.

2) Every landlord who rents, leases or lets one or more dwelling unit or sleeping unit of any 1-2 family structure shall provide the means for minimum illumination of either:

a) 3 footcandles (33 lux) at floors, landings and stairs; or,

b) shall provide at least one operable fixture capable of illuminating a 60-watt standard incandescent bulb, or equivalent, for each 200 square feet of floor area, not spaced greater than 30 feet apart, for all accessible means of egress.

9.02.090.05.020 – Ventilation.

1) Every dwelling, including basements, and attics shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

2) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to maintain legally existing ventilation systems in compliance with these requirements:

a) Except where another approved ventilation device is provided, the total openable window area in every bathroom and toilet room or compartment shall be equal to at least one-fortieth (2.5%) of the area of the room.

1] The glazed areas of a window in such spaces need not be openable where an approved mechanical ventilation system is provided that is functional and capable of producing 0.35 air changes per hour in the room.

b) In kitchens, a local exhaust ventilation system shall be maintained to remove the contaminating agent at the source.

c) Clothes dryer exhaust systems shall be independent of all other systems, shall be exhausted outside the structure and shall be installed in accordance with manufacturer's instructions.

d) Mechanical clothes drying appliances and exhaust systems shall be properly installed, connected, and maintained in a safe condition and good working order. Exhaust hoses must be free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards.

9.02.090.05.030 – Electrical System.

9.02.090.05.030.01 – *Equipment Exposed to Water.*

1) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall replace electrical equipment or portions of electrical systems that have been exposed to water.

2) For purposes of this subsection, "exposed to water" shall include but is not limited to: submersion due to flooding; inundation due to fire fighting activities; drenching by stormwater; intrusion of moisture; or plumbing system failures.

3) **Exception:** Electrical equipment or portions of electrical systems that are exposed to water shall be allowed to be repaired where an inspection and testing report from the equipment manufacturer,

approved manufacturer's representative, or a state of Oregon Licensed Supervising Electrician indicates that the electrical equipment or electrical system has not sustained damage that requires replacement and may be repaired, safely reenergized, and placed back into service.

9.02.090.05.030.02 – *Circuit Protection.*

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each building and dwelling unit in accordance with these standards:

1) Every kitchen and other interior location with a water containment or water supply fixture in its area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter.

2) Every bathroom shall contain at least one receptacle. Any new or replacement bathroom receptacle outlet shall have ground fault circuit interrupter protection.

3) All receptacle outlets shall have the appropriate faceplate cover for the location.

9.02.090.05.040 – *Plumbing System.*

9.02.090.05.040.01 – *General.*

1) Plumbing systems shall be installed and maintained in a safe and sanitary condition and shall be free of defects, leaks and obstructions. Plumbing components shall be of materials allowed or approved by the Plumbing Code.

2) All sinks, lavatory basins, bathtubs and showers within a dwelling unit shall be supplied with both hot and cold running water facilities which are installed in an approved manner, properly maintained, properly connected and have a water pressure of at least fifteen psi.

9.02.090.05.040.02 – *Hot Water.*

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain each dwelling unit in accordance with these standards:

1) Water heating facilities shall be supplied for each dwelling unit. Water heating facilities within a dwelling unit shall be capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit for at least 10 minutes at each hot water outlet.

2) Exceptions:

a) at a bidet the temperature shall not exceed 110 degrees Fahrenheit; and,

b) at a shower or tub-shower combination equipped with a scald and thermal shock protection valve the temperature shall be at least 115 degrees Fahrenheit but shall not exceed 120 degrees Fahrenheit.

9.02.090.05.050 – *Interior Sanitation.*

9.02.090.05.050.01 – *General.*

The interior of every structure that is rented leased or let for residential occupancy shall be maintained in good repair, in a clean and sanitary condition, free from any accumulation of rubbish, garbage or solid wastes. For purposes of this subsection, the term "clean and sanitary" shall mean free from and any material or condition that:

- 1) Provides a breeding place for insects, rodents or vermin; or,
- 2) Produces dangerous or offensive gases or odors; or,
- 3) Blocks exits, hallways, corridors or accessible means of egress; or,
- 4) Provides a surface, exposed or concealed, which is conducive for the growth of mold or mildew.

9.02.090.05.050.02 – *Occupant Responsibilities*. Occupants shall keep that part of the dwelling unit which they occupy or control in a clean and sanitary condition.

9.02.090.05.050.03 – *Landlord Responsibilities*.

Every landlord of any dwelling who rents, leases or lets a dwelling unit within any such space shall:

1) Maintain the common halls, stairways, utility rooms and areas, and similar public areas of the dwelling in a clean and sanitary condition; and,

2) Pursuant to CMC 9.02.090.05.050.01(4) of this chapter but not withstanding the requirement under CMC 9.02.090.05.050.02 of this chapter that the occupants shall keep such spaces in a clean and sanitary condition, provide and maintain all interior surfaces in good repair, including windows and doors, as follows: Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered; cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected; walls, floors, ceilings, cabinets and interior doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch; and,

3) Pursuant to CMC 9.02.090.05.050.01(4) of this chapter but not withstanding the requirement under CMC 9.02.090.05.050.02 of this chapter that the occupants shall keep such spaces in a clean and sanitary condition, be responsible to ensure that every toilet compartment, bathroom, and kitchen floor surface of every dwelling unit is constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

9.02.090.05.060 – *Heat in Bathrooms and Habitable Rooms*.

Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain every dwelling unit with permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

1) Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

2) No portable, unvented or open flame fuel burning devices may be used to meet the heat requirements of this section.

3) All heating devices or appliances shall be of an approved type.

4) Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a year-round temperature of not less than 68°F (20°C) in all habitable rooms and all bathrooms.

9.02.090.05.070 – *Window and Door Security*.

9.02.090.05.070.01 – *General*. Every landlord of any structure, building or premises who rents, leases or lets a dwelling unit within any such space shall be responsible to provide and maintain all exterior

doors, windows or hatchways for every dwelling unit with devices designed to provide security for the occupants and property within.

9.02.090.05.070.02 – *Entrance Doors.*

Every entrance door to a dwelling unit shall be provided with a door knob and a deadbolt lock, and keys for same, designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

1) Deadbolt locks shall have a minimum lock throw of not less than 1 inch (25 mm) and shall be installed according to the manufacturer's specifications.

2) All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door to discourage unwanted entry.

3) For the purpose of this subsection, a sliding bolt shall not be considered an acceptable deadbolt lock.

9.02.090.05.070.03 – *Operable Windows.* Operable windows located in whole or in part within 10 feet above ground level or a walking surface below that provide access to a dwelling unit shall be equipped with a window sash locking device.

9.02.090.05.070.04 – *Basement Hatchways.* Basement hatchways that provide access to a dwelling unit shall be equipped with devices that secure the unit from unauthorized entry.

9.02.090.06 – Exterior Structure and Premises Conditions. The provisions of this subsection shall be applicable to all structures, properties and premises and for all occupancy and use types, with the exception that children's play structures shall be exempt from the maintenance standards herein established other than with respect to conditions that constitute imminent or incipient hazards, as those terms are herein defined. The assignment of responsibilities for owner, landlord and tenant occupants shall be as set forth within the following standards.

9.02.090.06.010 – *Weatherproofing and Waterproofing.* It is the responsibility of the owner of every property to maintain every building and structure on the property in a manner that complies with the following requirements:

9.02.090.06.010.01 – *Roofs and Drainage.* All roofs, flashing, vent stacks and boots, and chimneys shall have no defects which might admit rain or melt water.

1) Roof drainage shall be adequate to prevent rain or melt water from causing dampness in the walls, attic or interior portion of the building and shall channel rain or melt water in an approved manner to an approved point of disposal.

2) Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair.

3) Roof drains, gutters and downspouts of a building or structure shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration.

9.02.090.06.010.02 – *Exterior Walls and Exposed Surfaces.*

Every exterior wall and weather-exposed exterior surface or attachment of a building or structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or melt water or dampness to the interior portions of the walls or the occupied spaces of the building or structure.

1) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition.

2) Every landlord of a structure, building or premises who rents, leases or lets a dwelling or dwelling unit for residential occupancy within any such space shall maintain in a weathertight condition all siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights.

3) Every owner of any structure, building or premises that is not for rent, lease or to be let for residential occupancy, shall maintain in a watertight condition all siding and masonry and joints, including those between the building envelope and the perimeter of windows, doors and skylights.

4) Exterior metal surfaces shall be protected from rust and corrosion. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

9.02.090.06.010.03 – *Windows and Doors.*

Every window, sash, door and door frame of a building shall be kept in sound condition and in good repair. Every exterior door, skylight, and window shall comply with the following:

1) Every exterior door, door hinge, door knob, door lock, and strike plate shall be maintained in good condition;

2) Every exterior door, when closed, shall fit reasonably well within its frame;

3) Every exterior door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, to also substantially exclude wind from entering a building;

4) Every window sash shall be maintained in sound condition and good repair; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building when the window components are placed in a closed position within the frame and jamb;

5) Every window frame and casing shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude rain or melt water as completely as possible; and, with respect to all dwellings and dwelling units that are for rent, lease or to be let for residential occupancy, shall also substantially exclude wind from entering a building.

9.02.090.06.010.04 – *Glazing.* Every window sash of a building exterior envelope shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.

1) All glazing materials shall be maintained free from cracks and holes.

2) Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect.

9.02.090.06.010.05 – *Basement Hatchways*. Every basement hatchway shall be maintained to prevent as completely as possible the entrance of rodents, rain or melt water and surface drainage water.

9.02.090.06.010.06 – *Temporary Measures*. The use of tarps or similar material for emergency repair, or in place of a customary building component such as siding or roofing, shall not exceed 45 days in any 12 month period, except for use during construction in association with a building permit, or as a requirement included in a lawfully served Dangerous Building or Public Nuisance notice.

9.02.090.06.020 – *Exterior Sanitation*. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The exterior property and premises and the adjacent rights of way shall be maintained in a manner that complies with the following requirements:

9.02.090.06.020.01 – *Responsibilities*.

1) The owner of every property shall maintain the structures, premises and all common areas of the exterior property in compliance with these requirements.

2) The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

9.02.090.06.020.02 – *Holes, Tanks, and Child Traps*. Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.

9.02.090.06.020.03 – *Unsecured Structures*. Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any unsecured structure so as to prevent access by unauthorized persons through such openings. No requirement imposed under this section shall constitute relief from or an exemption to compliance with the provisions of CMC 9.02.090.06.010.03 through CMC 9.02.090.06.010.04 for weathertight and watertight standards.

9.02.090.06.020.04 – *Rat Harborage*. Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.

9.02.090.06.020.05 – *Emergency Access Routes*. All brush, vines, overgrowth and other entangling or rank vegetation located within 10 feet of a structure or within 10 feet of a property line, which is likely to obstruct or impede the necessary passage of fire or other emergency personnel, shall be removed and kept clear.

9.02.090.06.020.06 – *Thickets that Conceal Hazards*.

Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:

- 1) Concealing trash and debris; or,
- 2) Creating rat harborage; or,

3) Creating harborage for people involved in criminal or prohibited activity or for products used for criminal activity.

9.02.090.06.020.07 – *Trash and Debris.*

Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

- 1) All garbage, offal, dead animals, animal and human waste, and waste materials;
- 2) Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
- 3) All dead bushes, dead trees, and stumps with the exception of such material which:
 - a) Is being maintained as part of a naturescaped property; and,
 - b) Does not result in a nuisance as otherwise defined in this chapter; and,
 - c) Is located on a property which is otherwise substantially in compliance with this chapter;
- 4) All trees which are dead, dying or dangerous and are determined by the City Forester or a private certified arborist to require removal in order to safeguard people or property, per the provisions in CMC Section 2.19.150;
- 5) Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and,
- 6) Accumulations of clothing and any other items not designed for outdoor storage.

9.02.090.06.020.08 – *Storage of non-Trash Items.*

Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:

- 1) Accumulations of wood pallets;
- 2) Any woody debris from Elm trees and all firewood that is not stacked and useable. "Useable" firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property. Elmwood which is infected with Dutch Elm Disease must be properly disposed of at the direction of the City Forester, per the provisions in CMC Chapter 5.05, Dutch Elm Disease;
- 3) Accumulations of vehicle parts or waste tires except for storage of non-waste, serviceable parts or tires that are reasonably expected to be used on a vehicle and are stored in a manner to protect their utility and prevent deterioration;
- 4) All construction materials except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site;
- 5) All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration;
- 6) All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property;
- 7) All recycling materials except for reasonable accumulations that are stored in a well-maintained manner;
- 8) All other non-trash items which:
 - a) Are of a type or quantity inconsistent with normal and usual use; or,
 - b) Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.

9.02.090.06.030 – Solid Waste Removal.

9.02.090.06.030.01 – *General.*

All exterior property and premises, and the interior of every structure, shall be kept free from any accumulation of solid waste.

1) Approved receptacles for solid waste shall be provided and utilized for the containment and disposal of solid waste in accordance with the provisions of CMC Chapter 4.01;

2) bulk solid waste shall be disposed of within a week of discard, in accordance with franchise utility services, or approved alternative.

9.02.090.06.030.02 – *Occupant Responsibilities.* Every occupant of a structure or premises shall dispose of solid waste by placing all such material in an approved solid waste disposal facility or approved receptacles.

9.02.090.06.030.03 – *Landlord Responsibilities.*

1) The landlord of any multi-family dwelling shall:

a) Provide, in a location accessible to all dwelling units, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which all solid waste from the dwellings unit may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid waste from occurring; and,

b) Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

2) The landlord of any 1 and 2 family dwelling, except as otherwise provided by written agreement between the landlord and the tenant, shall:

a) Provide, in a location accessible to each dwelling unit, adequate solid waste receptacle capacity for the containment of solid waste generated or discarded on the property or premises, whether that containment capacity is provided individually for each dwelling unit or cumulatively for more than individual dwelling units, into which solid waste from the dwelling unit(s) may be emptied for storage between days of collection. Receptacles must be of sufficient capacity to prevent the overflow of solid from occurring; and,

b) Subscribe to and pay for weekly solid waste management services, including recycling and yard waste service, by a person holding a valid franchise from the City of Corvallis. Notwithstanding the minimum of solid waste management services herein established, the period and frequency of collection must be sufficient to prevent the overflow of solid waste from occurring.

9.02.090.06.040 – *Building and Accessory Structures.* It is the responsibility of the owner of any property, improved or unimproved, to maintain the exterior property, premises, buildings and structures of the property and the adjacent right of way in a manner that complies with the following requirements:

9.02.090.06.040.01 – *General Maintenance.* The exterior of a building or structure shall be maintained in good repair and structurally sound so as not to be in a state of deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety or welfare.

9.02.090.06.040.02 – *Foundations and Structural Members.*

Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.

1) All foundation walls shall be maintained free from large open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects, rodents or pests.

2) All supporting structural members in every building and structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

9.02.090.06.040.03 – *Exterior Walls and Exposed Surfaces.* Every exterior wall of a building and all weather-exposed exterior surface or attachment of a building shall be free of holes, breaks, loose or rotting boards or timbers.

9.02.090.06.040.04 – *Brick and Veneers.* Every section of exterior brick, stone, masonry or other veneer applied to a building shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

9.02.090.06.040.05 – *Chimneys.* Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of a structure shall be permanently sealed using approved materials.

9.02.090.06.040.06 – *Roofs.* All building roofs shall be structurally sound.

9.02.090.06.040.07 – *Decorative Features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features on a building or structure shall be maintained in good repair with proper anchorage and in a safe condition, so as not to be in a state of deterioration.

9.02.090.06.040.08 – *Accessory Structures.* Every accessory structure, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

9.02.090.06.040.09 – *Vacant Structures and Land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

9.02.090.06.040.10 – *Decks, Stairs and Handrails; Maintenance.*

It is the responsibility of the owner of every property to maintain the building and structures on the property in a manner that complies with the following requirements:

1) Every exterior stairway, deck, porch and balcony and attachment to stairways, decks, porches and balconies shall be:

a) Maintained so as to be safe to use and capable of supporting the loads to which it is subjected;

b) Kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, rotten, deteriorated or loose;

2) Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected;

3) Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced.

9.02.090.06.040.11 – *Exterior Lighting*. Exterior site lighting required by the Corvallis land development code or the building code at the time of development shall be maintained or, if removed, shall be replaced.

9.02.090.07 – Fire Safety.

9.02.090.07.010 – *Means of Egress Door Locks*. All means of egress doors shall be readily openable from the side from which egress is to be made without the use of a key or any special knowledge or effort.

9.02.090.07.020 – *Unobstructed Path of Travel*.

1) Every accessible means of egress, fire escape or stairway, stair platform, corridor or passageway which may be one of the regular accessible means of egress or means of emergency exit from a residential structure shall be kept free of encumbrances or obstructions of any kind.

2) Any installed storm windows on windows required for emergency escape must be easily openable from the inside without the use of a key or special knowledge or effort.

9.02.090.07.030 – *Fire-Resistive Assembly; Maintenance*.

1) Where required by the code in effect at the time of construction, the fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

2) The surfaces of all other non-rated interior walls, floors and ceilings shall be free of holes larger than four inches in diameter.

9.02.090.07.040 – *Smoke Detectors*. Every dwelling unit shall be equipped with an approved and properly functioning smoke alarm or smoke detector installed and maintained in accordance with the State Building Code, ORS 479.270, 479.275, and 479.285, and applicable rules of the State Fire Marshal.

Section 9.02.100 – Enforcement.

9.02.100.01 – Enforcing Compliance.

To enforce any of the requirements of this chapter, the Director may gain compliance by:

- 1) Instituting an action before the Hearings Officer; or,
- 2) Causing appropriate action to be instituted in a court of competent jurisdiction; or,
- 3) Imposing criminal or civil penalties, or both; or,
- 4) Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

9.02.100.02 – Compliance Period for Required Abatement Response.

1) Other than as specifically provided for under paragraph 2) of this subsection, the landlord or occupant responsible for any violation of the standards specified under subsection 9.02.090 shall be ordered to complete required repairs or abatement within 7 days, plus three days if the notice and order are mailed rather than served on the person.

2) When the finding of violation of a standard of this chapter is due to any of the following conditions the landlord or occupant, as applicable, shall be ordered to complete the required repair or abatement within 48 hours:

- a) lack of heat, per CMC 9.02.090.05.060;
- b) lack of water, or any properly functioning toilets or sinks, per CMC 9.02.090.05.040.01;
- c) lack of hot water, per CMC 9.02.090.05.040.02;
- d) lack of any properly functioning smoke detector, per CMC 9.02.090.07.040;
- e) uncontained solid waste, other than bulk solid wastes, per CMC 9.02.090.06.030.

9.02.100.03 – Failure to Obey Order of Director.

1) It shall be unlawful for any person acting intentionally to refuse to obey an order by the Director acting in the discharge or apparent discharge of official duty [administering this chapter](#).

2) It is no defense to a prosecution for a violation of this section that the Director lacked legal authority to issue the order, provided the Director was acting under color of official authority.

Section 9.02.110 – Derelict Structures.

9.02.110.01 – Derelict Structures Prohibited. Derelict structures on any premises are hereby declared to be a public nuisance and their presence prohibited.

9.02.110.02 – Prohibited Habitation.

1) No person shall inhabit a derelict structure, and no owner shall allow any person to inhabit a derelict structure, or a building or structure ordered vacated by the Director.

2) A violation of this subsection is a separate Class C misdemeanor each day that the violation exists or continues.

9.02.110.03 – Order to Vacate Buildings or Structures.

1) If the Director finds that a building or structure is or exists in a condition in violation of CMC 9.02.110.01, the Director may order that a placard be posted on the building or structure ordering the building or structure vacated. The placard shall additionally contain the information required in CMC 9.02.120.02(2).

2) Persons performing active work to abate a violation are exempt from a vacation order while working at a premises subject to a vacation order.

9.02.110.04 – Removal of Placard Prohibited.

The Director shall remove a placard whenever the conditions that resulted in the order to vacate the building or structure have been eliminated.

- 1) No person shall deface or remove a placard without the approval of the Director.
- 2) A violation of this subsection is a separate infraction each day that the violation exists or continues.

9.02.110.05 – Temporary Safeguards.

Notwithstanding any other provisions of this chapter, whenever, as determined by the Director, a building or structure poses an imminent hazard or incipient hazard, the Director may:

- 1) Order necessary work to be performed, including the boarding of openings or installation of security fencing, to render such building or structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted; and,
- 2) ~~shall cause~~Cause such other action to be taken that the Director deems necessary to meet such condition.

9.02.110.06 – Abatement of Derelict Structure by Remediation.

1) *Public Hearing.* In addition to, and not in lieu of, the abatement remedies provided for in CMC 9.02.120.01 through CMC 9.02.120.02 and receivership authority in CLCCMC 9.02.120.08, the Director may file a notice with the City Recorder to set a public hearing before the Hearings Officer to seek an order for remediation of the conditions creating a derelict structure.

- a) Notice. Upon receipt of such notice, the City Recorder shall:
 - 1) set the matter for prompt public hearing before the Hearings Officer; and
 - 2) not less than fifteen days prior to the hearing, cause notice thereof to be served via certified mail to the owner at the owner's address as reflected on the most recent tax rolls of the county assessor, and on the occupant; and,
 - 3) cause notice to be posted on or near the derelict structure.
 - b) Service. Failure of the owner or occupant to receive such notice shall not render the notice void, and an unsuccessful attempt to deliver the notice shall be deemed sufficient service.
- 2) *Presentation at hearing.* At the hearing, the Director shall present whatever information, evidence or testimony the Hearings Officer may deem relevant in support of the Director's determination, and the owner and occupants shall be afforded a like opportunity to rebut the determination.
- a) Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue.
 - b) The owner and occupants may represent themselves or be represented by counsel provided that such counsel is admitted to the practice of law in the state of Oregon.
- 3) *Order for remediation.* If the Director demonstrates, by a preponderance of the evidence, that the building or structure is a derelict structure, the Hearings Officer shall order the conditions creating the derelict structure be remediated.

4) *Remediation factors.* In determining whether the conditions are such that remediation is required, the Hearings Officer shall determine whether the building is:

- a) In a condition unfit for human habitation; or,
- b) In a condition that is an incipient hazard, based on the number and extent of the following factors:

- 1] Dilapidation;
- 2] Disrepair;
- 3] Structural defects noted by the Building Official;
- 4] Defects increasing the hazards of fire, accident or other calamity, such as parts standing or attached in such manner as to be likely to fall and cause damage or injury;
- 5] Uncleanliness or infestations of pests;
- 6] Condition of sanitary facilities;
- 7] The presence of a public nuisance; and,
- 8] The history of unlawful activity in or around the building or structure.

Section 9.02.120 – Public Nuisances.

9.02.120.01 – Public Nuisance Prohibited.

1) *Declared Public Nuisances.* The following are specifically declared to be public nuisances: Any thing, condition, or act which is or may become a detriment or menace to the public health, welfare, and safety, where such thing, condition, or act is or exists contrary to the provisions of this chapter.

2) *Prohibition.* In addition to the provision of CMC 9.02.110.01, no person shall cause, permit, or maintain a public nuisance on public or private property.

3) *Joint Responsibility.* If more than one person is responsible for a public nuisance, they shall be jointly and severally liable for correcting the violation and for any costs incurred by the city in abating the nuisance.

9.02.120.02 – Notice to Person Responsible.

1) *Notice.* Whenever the Director has reasonable grounds to believe that a violation of CMC 9.02.120.01 has occurred, a notice and order shall be served on the owner(s) and occupant(s).

2) *Form of Notice.* Such notice prescribed in CMC 9.02.120.02(1) and CMC 9.02.110.03(1) shall:

- a) Be in writing;
- b) Include a description of the premises sufficient for identification;
- c) Include a statement of the reason or reasons why the notice is being issued;
- d) Include a correction order allowing a reasonable time, as specified under CMC 9.02.100.02, for the repairs and improvements required to bring the premises into compliance with the provisions of this chapter;
- e) Include a notice that the city may abate the nuisance pursuant to this chapter and that the person responsible for correcting the public nuisance shall be responsible for the costs of such abatement;
- f) Include instructions for requesting an appeal.

3) *Method of Service.*

a) Notices issued under this section shall be deemed to be properly served if a copy thereof is:

- 1] Personally delivered to the owner(s) and occupant(s); or,
- 2] Sent by first class mail to the owner(s) and occupant(s) at their last known address; or,
- 3] Posted at the premises and also sent first class mail to the owner(s) and occupant(s) at their last known address, if they cannot be located.

b) Failure of the owner(s) or occupant(s) to receive such notice or an error in the name or address of the owner(s) or occupant(s) shall not render the notice void and in such case the notice shall be sufficient.

4) *Effective Date of Notice.* All notices served pursuant to this section shall be considered served on the date of personal service or as of the date of mailing, if not personally served.

9.02.120.03 – Action by Responsible Party. Within the time specified for achieving compliance, as provided for under CMC 9.02.100.02, the responsible party or person in charge of the property on whom the notice has been served or posted shall remove the nuisance or shall request an appeal hearing in accordance with CMC 9.02.130.01 through CMC 9.02.130.04.

9.02.120.04 – Recording a Violation.

- 1) The city may record a notice of violation issued under this section with the County Recorder.
- 2) Failure to record a notice of violation shall not affect the validity of the notice as to persons who receive the notice.
- 3) When the property is brought into compliance, a satisfaction of notice of violation shall be recorded if a notice of violation had been recorded against the property.

9.02.120.05 – Abatement Procedures - by the City.

- 1) If, within time prescribed under CMC 9.02.100.02, the violation has not been corrected the Director may cause the violation to be corrected.
- 2) The Director shall keep an accurate record of the expense incurred while physically correcting the violation and shall include therein a 15 percent charge for administrative overhead.
- 3) The Director or a person authorized by the Director may enter upon the subject property to abate the nuisance only upon obtaining consent of the person in possession or in charge of the property; or upon obtaining an administrative abatement warrant pursuant to CMC 1.15 or CMC 9.02.070.05.

9.02.120.06 – Abatement Procedures - Assessment of Costs.

- 1) After abatement by the city, the Finance Director, by first class mail, shall forward to the owner(s) and occupant(s) a notice stating:
 - a) The total cost of correction, including the administrative overhead; and,
 - b) That the costs and administrative overhead as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice.
- 2) If the costs and administrative overhead are not paid within thirty days of the billing date, the Director shall thereafter file with the Hearings Officer an itemized statement of costs and overhead, including an additional administrative fee in an amount of ten percent of the actual cost of correction to cover the additional expenses involved in collecting the unpaid balance.

3) Upon filing of such statement of costs and overhead required under paragraph 2) of this subsection, the City Recorder shall set the matter for prompt public hearing before the Hearings Officer and cause notice thereof to be served via certified mail to the owner(s) and occupant(s), consistent with the procedures under CMC 9.02.110.06(1)(a).

4) After the hearing, the Hearings Officer shall declare the correctness of such statement and shall declare those as may be accordingly validated to be a lien upon the property.

5) An error in the contents or service of any notice shall not void the assessment nor will a failure of the owner to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

9.02.120.07 – Abatement Procedures - Summary Abatement. The Director may summarily abate a situation involving a health, safety, or other nuisance which unmistakably exists and from which there is imminent danger to human life or to property. The abatement procedure provided by this chapter is not exclusive but is in addition to procedures provided by other laws.

9.02.120.08 – Receivership Authority. In addition to, and not in lieu of any other provision in this chapter, when the Director finds residential property in violation of this chapter, and believes that the violation is a threat to the public's health, welfare and safety, and that the owner has not acted in a timely manner to correct the violation, the Director may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

9.02.120.09 – Collections. Collection of abatement costs, fees and penalties may be, in addition to any other remedy provided for by law, pursued through a contract collection agency or small claims court or entered into the city's lien docket in the manner provided by CMC Chapter 2.06, and a lien for the entire amount placed against the real property.

Section 9.02.130 – Appeals.

9.02.130.01 – Appeals Generally. Any person upon whom a notice, order, interpretation or decision is served under this chapter shall have the right of appeal from the notice, order, interpretation or decision to the Board of Appeals.

9.02.130.02 – Board of Appeals.

1) In order to hear and decide appeals of orders, decisions or determinations made by the Director relative to the application and interpretation of this chapter, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this chapter and who are not employees of the jurisdiction.

2) The Housing & Neighborhood Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.

3) The Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties.

4) The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Director.

5) The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this chapter, nor shall the board be empowered to waive requirements of this chapter.

9.02.130.03 – Filing of Appeal.

- 1) *Appeal Period.* An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date of the notice or order was issued.
- 2) *Appeal Fee.* Any appeal submitted under this chapter shall include a \$50.00 filing fee.
- 3) *Scope of Appeal.* Appeals may be filed regarding technical matters of notices, orders, interpretations and decisions made by the Director relative to this chapter.
- 4) *Form of Appeal.* An appeal must be in writing and include the following:
 - a) Name of person filing the appeal;
 - b) Copy of the subject notice or order;
 - c) Copy of the section of this chapter which is being appealed;
 - d) A complete explanation of the appeal;
 - e) An explanation of what is requested of the Board of Appeals.

9.02.130.04 – Appeal Procedure.

- 1) The Director shall confirm that the appeal meets the filing criteria as prescribed under CMC Sections 9.02.130.03(1-4), and that the person filing the request for an appeal has standing.
- 2) If the filing criteria have not been met, or if the filing party does not have standing, the person filing the appeal will be so notified and hearing before the Board of Appeals will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow a prospective appellant with standing to resubmit a request for an appeal that has been deemed incomplete. Only one extension may be granted.
- 3) If the filing criteria are met, the Director shall, within 30 days of the filing of the appeal, set the schedule for a meeting of hearing before the Bboard within 30 days of the filing of the appeal. The hearing shall be held not later than 30-60 days after the filing of the appeal.
 - a) The appeal shall be conducted on the record.
 - b) Formal rules of evidence are not required.
 - c) The Board shall issue a written finding and conclusion on the appeal and shall provide a copy to the person filing the appeal and to the Director.

Section 9.02.140 – Penalties.

9.02.140.01 – Violation Penalties. Persons who ~~shall~~ violate a provision of this chapter or ~~shall~~ fail to comply with any of the requirements ~~thereof of this chapter~~ or a directive of the Director authorized by this chapter shall be subject to the provisions of CMC 9.02.140.02 through CMC 9.02.140.04.060.

9.02.140.02 – Separate Violations.

- 1) Each day's violation of a provision herein of this chapter constitutes a separate offense.
- 2) The abatement of a nuisance or violation shall not constitute a penalty for violating this chapter but shall be an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance or violation.

9.02.140.03 – Misdemeanors and Infractions.

9.02.140.03.010 – Imposition of Penalty. Any person who shall violate any of the provisions herein or fail to comply therewith or who shall violate or fail to comply with any order made hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Hearings Officer, the Board of Appeals or by a court of competent jurisdiction within the time fixed herein shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction, as designated under CMC 9.02.140.03.020, unless otherwise provided for by the provisions of this chapter.

1) All such persons shall be required to correct or remedy such violations or defects within a reasonable time, consistent with CMC 9.02.100.02, and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

2) Upon conviction of a misdemeanor offense, any person shall be liable for the fines and terms of imprisonment provided for under CMC 1.01.120(1-3).

3) Upon conviction of an infraction offense, any person shall be liable for the fines provided for under CMC 1.01.120(4-6) and CMC 9.02.140.03.020(1)(d).

9.02.140.03.020 – Classification of Offenses.

1) Violation of the provisions of this chapter shall be designated as follows:

a) Violation of CMC 9.02.090.06.030.01 through CMC 9.02.090.06.030.03 Solid Waste is a Class A misdemeanor.

b) Violation of CMC 9.02.120.01(2) Public Nuisances is a Class B misdemeanor.

c) Violation of CMC 9.02.090.07.010 through CMC 9.02.090.07.040 Fire Safety provisions; CMC 9.02.100.03 Failure to Obey; or CMC 9.02.110.02 Prohibited Habitation is a Class C misdemeanor.

d) Violation of every provision of this chapter not otherwise designated herein is deemed an infraction punishable upon conviction by a fine of not more or less than:

1] 1st offense shall be \$250<>\$100;

2] 2nd offense for violation of same provision of this chapter within 24 month period shall be \$500<>\$250;

3] 3rd offense for violation of same provision of this chapter within 24 month period shall be \$500<>\$500;

4] 4 or more offenses for violation of same provision of this chapter within 24 month period shall constitute a Class A misdemeanor.

2) *Declaration of Infraction.* Notwithstanding the designations provided for under paragraph 1) of this subsection, any violation of the provisions of this chapter may be declared to be an infraction pursuant to the procedure provided in CMC Section 5.03.160.

9.02.140.04 – Civil Penalties.

1) In addition to and not in lieu of any other means of enforcement or any other penalty provided by law, any person who shall violate a provision of this chapter or who shall fail to comply with any of the requirements thereof or an order of the Director may incur a civil penalty in an amount as specified in CMC 9.02.140.04.060, plus an administrative fee and any cost of service or recording.

2) All such persons incurring a civil penalty shall be required to correct or remedy such violations or defects within a reasonable time, consistent with CMC 9.02.100.02, and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

9.02.140.04.010 – Purpose. The purpose of a civil penalty is to provide an efficient, convenient, and practical system to enforce a violation of this chapter.

9.02.140.04.020 – Civil Penalty against Agents. Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty shall likewise be subject to a civil penalty.

9.02.140.04.030 – Procedure for Issuing Civil Penalty. A civil penalty shall be imposed under this section by issuance of a notice of civil money penalty. A civil penalty may be imposed for each day the violation continues or remains. The notice of civil money penalty shall be issued and served in accordance with the procedures specified within this subsection.

9.02.140.04.030.01 – *Notice of Civil Money Penalty.*

1) If a civil penalty is imposed, the Director shall issue a notice of civil money penalty to the person responsible for the code violation.

2) The notice of civil money penalty shall include:

- a) reference to the applicable code provision(s);
- b) a statement of the basis of the finding of a violation;
- c) a statement of the amount of the civil money penalty;
- d) a statement of the party's right to protest the civil penalty to a Hearings Officer; and,
- e) a statement that a delinquent civil money penalty may become a lien against the property.

3) The notice of civil money penalty shall be served on the person responsible for the code violation by:

- a) Personal service; or,
- b) posted in a conspicuous place in, on or about the structure or premises affected by such notice; or,
- c) sent by US first class mail or US certified mail, return receipt requested, to the person's last known address;

1] failure of the recipient to sign for the certified mail shall not make the notice void.

2] notice served by mail shall be deemed received three days after the date mailed to an address within Oregon or seven days to an address outside of Oregon.

3] notice served by mail shall be concurrently posted in a conspicuous place in, on or about the structure or premises affected by such notice.

9.02.140.04.030.02 – *Courtesy Notice to Owner.* If the subject violation relates to real property and the person responsible for the violation is not the owner of the property, an informational copy of the notice of civil money penalty shall be sent to the owner of the property by first class mail, at the owner's address as reflected on the most recent tax rolls of the county assessor, at the same time as service on the person responsible.

9.02.140.04.040 – Protest of Civil Penalty.

1) A person issued a notice of civil money penalty may protest the existence of a violation or the circumstances involved in the presence of a violation that resulted in imposition of a civil penalty to a Hearings Officer.

2) An appeal request must be submitted to the City Recorder within seven days, plus three days for mailing, from the date of service of the notice of civil money penalty.

a) After a hearing in which the Hearings Officer determines that a violation did or does exist, the Hearings Officer may uphold or reduce the original penalty imposed after considering reasonable mitigating factors as determined by the Hearings Officer.

1] The Hearings Officer may not reduce the civil money penalty by any amount if a violation has not been corrected by the responsible party and inspected by the city.

2] The civil money penalty imposed by the Hearings Officer shall not be less than the minimum amount specified under CMC 9.02.140.04.060(1)(a).

9.02.140.04.050 – Collection of Civil Penalty.

1) The civil penalty shall become final upon expiration of the time for filing a protest or, if a protest is filed and the Hearings Officer affirms the civil penalty, the civil penalty shall become final upon issuance of the Hearings Officer decision.

2) The civil penalty shall be delinquent if not paid within 30 days from the date the civil penalty becomes final.

a) A late payment charge shall begin to accrue from the date of delinquency.

b) If the civil penalty is imposed on the owner of the property where the violation occurred, and is delinquent, the notice of civil money penalty and a late payment charge shall be entered in the docket of city liens in the manner provided under CMC Chapter 2.06 and may be recorded with the County Recorder. When entered in the city lien docket, the cumulative amounts shall constitute a lien upon the property subject to a finding of a violation of this chapter.

1] The lien shall be enforced in the same manner as liens for local improvement districts. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.

2] An error in the name of the owner shall not void the lien, nor shall a failure of the owner to receive the notice render the lien void, but it shall remain a valid lien against the property.

9.02.140.04.060 – Amount of Civil Penalty.

The Director is authorized to impose civil penalties in the amounts as follows, and the Hearings Officer may allow reductions consistent with CMC 9.02.140.04.040(2)(a) and operational guidelines in the amounts as follows:

1) Violation of a provision of this chapter may be subject to a civil penalty in an amount no less than \$50.00 and not exceeding \$5,000.00 per offense, or in the case of a continuing offense, not more than \$1,000.00 for each day of the offense;

2) In imposing a penalty authorized by this section, the Director shall consider:

a) The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

b) Any prior violations of statutes, rules, orders, and permits;

c) The gravity and magnitude of the violation;

- d) Whether the violation was repeated or continuous;
 - e) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
 - f) The violator's cooperativeness and efforts to correct the violation; and,
 - g) Any relevant rule of this or other city code.
-

EXHIBIT 3a

Section 9.02.130 – Appeals.

9.02.130.01 – Appeals Generally. Any person ~~upon whom served~~ a notice, order, interpretation or decision ~~is served under~~ authority of this chapter ~~shall have~~ has the right of appeal from the notice, order, interpretation or decision to the ~~Board of Appeals~~ Hearings Officer.

9.02.130.02 – Board of Appeals.

~~1) In order to hear and decide appeals of orders, decisions or determinations made by the Director relative to the application and interpretation of this chapter, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this chapter and who are not employees of the jurisdiction.~~

~~2) The Housing & Neighborhood Division Manager shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.~~

~~3) The Board of Appeals shall be appointed by the Mayor and shall meet as required to carry out its duties.~~

~~4) The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Director.~~

~~5) The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this chapter, nor shall the board be empowered to waive requirements of this chapter.~~

9.02.130.023 – Filing of Appeal.

1) *Appeal Period.* An appeal must be submitted to the Director within seven days, plus three days for mailing, from the date of the notice or order was issued.

2) *Appeal Fee.* Any appeal submitted under this chapter shall include a \$50.00 filing fee.

3) *Scope of Appeal.* Appeals may be filed regarding technical matters of notices or determinations, administrative orders, and interpretations and decisions made by the Director relative to this chapter.

4) *Form of Appeal.* An appeal must be in writing and include the following:

- a) Name of person filing the appeal;
- b) Copy of the subject notice or order;
- c) Copy of the section of this chapter which is being appealed;
- d) A complete explanation of the appeal;
- e) An explanation of what is requested of the Board of Appeals Hearings Officer.

9.02.130.034 – Appeal Procedure.

1) The Director shall confirm that the appeal meets the filing criteria as prescribed under CMC Sections 9.02.130.023(1-4), and that the person filing the request for an appeal has standing.

2) If the filing criteria have not been met, or if the filing party does not have standing, the person filing the appeal will be so notified and hearing before the Board of Appeals Hearings Officer will not be convened. The Director, at his/her discretion, may extend the filing deadline by an additional three (3) days to allow a prospective appellant with standing to resubmit a request for an appeal that has been deemed incomplete. Only one extension may be granted.

3) If the filing criteria are met, the Director shall, within 30 days of the filing of the appeal, set the schedule for a hearing before the BoardHearings Officer. The hearing shall be held not later than 60 days after the filing of the appeal.

a) The appeal shall be conducted on the record.

b) Formal rules of evidence are not required.

c) The Hearings Office shall have the authority to hear appeals of orders, decisions or determinations made under authority of this chapter to determine whether the substance of the order, decision or determination was arbitrary and capricious.

d) The Hearings Officer shall not be empowered to waive requirements of this chapter.

ee) The Board-Hearings Officer shall issue a written finding and conclusion on the appeal within seven (7) days of the hearing, and shall provide a copy to the person filing the appeal and to the Director.

EXHIBIT 3b

Section 9.02.100 – Enforcement.**9.02.100.01 – Enforcing Compliance.**

To enforce any of the requirements of this chapter, the Director may gain compliance by:

- 1) Instituting an action before the Hearings Officer; or,
- 2) Causing appropriate action to be instituted in a court of competent jurisdiction; or,
- 3) Imposing criminal or civil penalties, or both; or,
- 4) Taking other action as the Director in the exercise of the Director's discretion deems appropriate.

9.02.100.01.010 – Initial Contacts.

1) Housing & Neighborhood Services Code Compliance receives complaint or information of possible violation of this chapter.

2) One contact is made with responsible party, when possible, and the property is inspected.

3) If no violation exists or violation conditions are immediately corrected, file is closed.

4) If violation exists and cannot be immediately corrected, the Director may issue to the responsible party a correction notice that identifies code violation, specifies required abatement action, and assigns a deadline for completion of abatement, consistent with the provision of this code. Service of the correction notice may be made:

- a) in person when contact can be promptly made at the premises; or,
 - b) for occupant responsibility circumstances at 1-2 Family dwellings, the correction notice may be posted conspicuously on the dwelling if in person contact is not made; or,
 - c) via US First Class mail.
- d) Failure for service to be made in the manner provided for within this paragraph shall not render the correction notice void.

9.02.100.01.020 – Notice of Violations.

1) If violation exists and remains uncorrected after issuance of correction notice, the Director may issue a notice of violation to the responsible party.

a) Notice of violation will identify code violation, will specify required abatement action, and will assign a deadline for completion of abatement, consistent with the provision of this code.

b) A copy of a notice of violation issued shall be forwarded to the landlord and the occupant if either is not the responsible party identified as recipient of the notice;

1] copy will be mailed to the owner of the property at the address on record with the county assessor's office;

2] a link to an electronically accessible copy will be emailed to the landlord, when that person is registered with the City rental housing program and has provided an email address;

3] copy will be mailed to the occupant(s) of the affected premises by situs address(es).

c) Person receiving a notice of violation may request an extension of period of time to correct the violation.

EXHIBIT 4

Dear Mr. Shepard:

Are We Talking About Old Couches?

Those left out or left behind by students on porches and curbside? If yes, then we should put regulations in place to address that specific problem. If there are gaps in current regulations that allow for unsafe and unsanitary residences and rentals that pose a threat to public health and safety, then lets fix those specific gaps. Instead, we are inviting overregulation creep into our housing inventory with the proposed Livability Code.

The proposed code covers everything from lighting and ventilation to deadbolts and rat infestations. The code describes when a hole or crack has reached problem stage! Holes in walls, floors, ceilings, cabinets cannot be more than 4 inches in diameter and crack are limited to ½ inch.

My husband doesn't appreciate me reminding him of holes and ½ inch cracks and I suspect he won't appreciate the city doing so either.

We all want a beautiful and livable community and rules and regulations exist to make it so. Let's not create yet another cost to homeowners or landlords. Rent increases will ultimately occur as a result of implementation of this far reaching code. As administrative costs to the city are passed on to landlords those increased expenses will pass to tenants who are already finding it difficult to secure affordable housing in Corvallis.

Kathy Powell

Weiss, Kent

From: Holzworth, Carla on behalf of City Manager
Sent: Thursday, September 03, 2015 4:17 PM
To: Shepard, Mark; Weiss, Kent
Subject: FW: Proposed Livability Code concerns
Attachments: Competitively Pricing Corvallis 8-6-15 - WVMLS.pdf; Corvallis - Absorption Rates July 2015.pdf

From: Patty Brown [<mailto:pbrown@valleybrokers.com>]
Sent: Wednesday, September 02, 2015 1:51 PM
To: Ward 9; Ward 4; Ward 6; City Manager
Cc: Patty Brown
Subject: Proposed Livability Code concerns

Dear Councilors Brauner, Bull, Hirsch and City Manager Shepard,

I will not be able to attend the Chamber Lunch Forum on September 16th yet wanted to share some of my questions and concerns about the City of Corvallis' proposed Livability code:

1. Where may I review the most up to date version of the proposed code? Please forward a link or pdf. Thank you.
2. It appears the code is geared towards creating in essence a citywide HOA with a very concerning, overreaching scope. Clarifications in terminology, scope and enforcement need to be made. This Livability Code is viewed by many as invasive and controlling of individual homeownership rights. I can appreciate wanting to insure safe living conditions for residents yet think the current proposal overreaches the city's role. Code enforcement needs clearly defined boundaries.
3. Per the luncheon summary – "The Draft Code applies to the exterior of nearly all structures in the City of Corvallis, as well as the interior of rental units." What is "nearly all" and who gives permission for the city code enforcers to be onsite, especially when tenants are involved? Will trespassing be an issue?
4. There is confusion on whether or not the proposed livability code is complaint based or not. If it is not complaint based that is a very scary big brother tactic that will have significant consequences for our city, which already struggles with a negative reputation in the code enforcement department. And concerns about "targeting" property owners comes into play.
5. Corvallis is a very expensive community to live in, whether you own a property or rent one. Lack of affordability and inventory is causing many buyers to look outside Corvallis for their housing needs. Our housing and rental inventory is extremely lean with both housing prices and rental prices climbing. This is great for sellers and landlords, but really tough on affordability for buyers and renters. I have attached 2 market data stats for you to review that highlight our inclining market. (new ones will be available in a week) My concern is the livability code's impact on costs for all parties, especially if the city's enforcement boundaries are vaguely broad and the grandfathering clause is not explicitly clarified.
 - a. What happens to those owners who cannot afford to implement the code changes required by the livability code?
 - i. Penalties? Liens? Collection fees? (Costs management and implementation concerns as well)
 - b. From the real estate perspective will the city be jumping into the middle of transactions and causing deals to tank?
 - i. What about a first time homebuyer who does not have the immediate financial means to correct or update any code issues?
 - ii. Or the older seller who has lived in the house 50 years and does not have the financial capability, or stamina, to update to meet current livability code requirements? (Even though the house met code when built – grandfathered?)

6. Does a homeowner have to allow access to their property to a code enforcement inquiry? If so, what are the consequences if they do not allow access?
7. What is the budget and proposed costs to implement and fund this new code? We need clearly defined measures before we chew off more than we can afford or city staff can handle. Who's feeding the beast?

These are just a few of my concerns, especially from the real estate side. I drive around this city daily and see countless properties that are not livable, and which have been in that condition (& deteriorating) for years. It would be nice to see these unsafe eyesores dealt with first before the city spends more funds on a broad, overreaching plan that I think will hurt our city in the long run. With the University we promote diversity and entrepreneurial spirit, yet we are growing closer to becoming the elite Aspen of Oregon with a city that the average Oregonian cannot afford to live in.

Kind regards,

Patty

**Patty Brown, REALTOR®, ABR®, Previews® Property Specialist
Coldwell Banker Valley Brokers**

Life is an Adventure that is Homeward Bound

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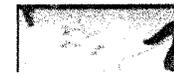
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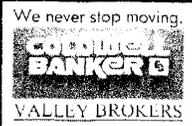
Patty Brown is a licensed real estate broker in the great state of Oregon. [Oregon Real Estate Agency Disclosure Pamphlet](#)

Competitively Pricing Your Property

Residential in Corvallis Per WVMLS

	February 2015	March 2015	April 2015	May 2015	June 2015	July 2015
Avg. Sales Price	\$302,147	\$304,225	\$303,881	\$306,151	\$307,394	\$310,033
Avg. Price Per Sq. Ft.	\$157	\$158	\$158	\$160	\$161	\$162
Avg. Days On Market	101	100	99	96	92	91
Currently Active	99	117	112	127	124	122





Absorption Rates For Corvallis As of 8/7/2015

***Includes all single-family residential properties on less than two acres
as reported by Willamette Valley MLS.

Corvallis

Price Range	Active Listings as of 8/7/2015	Sold Listings Last 6 Mos.	Average Sold Per Month	Months of Inventory	Avg. Days on Market Solds
\$0 - \$99,999	*	*	*	*	*
\$100,000 - \$149,999	1	1	0.17	6.00	21
\$150,000 - \$199,999	11	23	3.83	2.87	80
\$200,000 - \$249,999	4	85	14.17	0.28	82
\$250,000 - \$299,999	14	76	12.67	1.11	70
\$300,000 - \$349,999	12	60	10.00	1.20	85
\$350,000 - \$399,999	12	35	5.83	2.06	105
\$400,000 - \$449,999	8	26	4.33	1.85	104
\$450,000 - \$499,999	5	19	3.17	1.58	93
\$500,000 - \$599,999	11	7	1.17	9.43	74
\$600,000 - \$699,999	3	5	0.83	3.60	91
\$700,000 +	8	2	0.33	24.00	37
	89	339		1.58	77

Typically: > 6 months of inventory = Buyer's Market
 < 6 months of inventory = Seller's Market

Patty Brown, REALTOR[®], ABR[®]
 Coldwell Banker Valley Brokers
 1109 NW 9th Street, Corvallis, OR 97330

Cell: 541-990-7593 PBrown@ValleyBrokers.com

Weiss, Kent

From: Lady Skinner [bammaid@hotmail.com]
Sent: Saturday, September 05, 2015 12:26 PM
To: Ward 9; Ward 4; Ward 6; Weiss, Kent; City Manager
Subject: Livability Code

As a long time (fifty years) property owner, builder, landlord, I have one six unit apartment building in Corvallis at SW fifth & B streets . It appears to me that the proposed livability document as written would create a layer of enforcement issues that might be handled in a simpler manner and at less cost to the city.

I would recommend that the complaint from the tenant be sent to the city and the owner or his representative and the first action on the complaint be between the owner or his representative and the tenant. The results of this meeting be sent to the city for any future action if needed. If the tenant does not agree or accept this action, then an inspection by the city could follow. If the landlord can not reach an agreement with the tenant a fee could be charged to both the landlord and the tenant to cover the first actual inspection by the city. Depending on wording of the livability code a fee could be charged to the tenant on the first inspection by the city or on a second or succeeding inspection. The first complaint would not cost either the landlord or the tenant anything and the city would be a neutral handling agent and tell both the landlord and the tenant to work it out. This action between the tenant and the landlord should come first to bring the two parties together to attempt to reconcile the problem without cost to the city.

Rollin Tom Skinner
Carolyn C Skinner

Re: Livability Code.

Dear ASC Committee Members:

My name is Eileen Maxfield. I am representing myself as a rental property owner who advises and works with contractors and property managers. As a concerned citizen the following testimony and communications represent my strongly desired improvements to the proposed Livability Code

In my 20 plus years as a Corvallis landlord, I have observed first hand the negligence and violations in rental dwelling where my children's friends have lived. These include cardboard 'repaired' windows, no heat, unsafe wiring, no access to fuse box and most serious, raw sewage from a broken pipe in the upstairs unit. From these examples and other behaviors, I welcome a Livability Code.

During the August hearing, testimony came from student representatives, tenants, affordable housing advocates, real estate brokers, property managers, and property owners. Certainly perspectives varied and the common message was wanting Corvallis to provide safe, livable and reasonably priced diverse housing. Most of the proposed code performs those desired purposes. However, upon learning that no adjustments had been made to the proposed code after that hearing, I am deeply concerned.

My biggest concern: creating buy-in between as many stakeholders as possible. Any statement of requirements has the potential for an adversarial dynamic. A code with penalties for violations makes the adversarial nature more pronounced. Please direct staff to make changes reflecting 3 areas of concerns. These changes will promote cooperation as well as minimize and mitigate conflict.

- 1) Once a complaint is evaluated by city staff, property *managers and property owners must be notified* of the decision to investigate. Any livability issue involving my property I need to know about to proactively correct. Providing timely notification to all parties; tenants, property managers and property owners allows the quickest resolution of problems.
- 2) All parties need an appeals process conducted by a neutral third party. Timeliness and clarity are essential when penalties are involved. Other Oregon jurisdictions have a trained Hearing Officer to process disputes. Any appeals of the Hearing Officer should proceed to the Circuit Court in Benton County.
- 3) At the August hearing Mr. Brauner understood the purpose of a grandfather clause and its importance. Has the code language been modified to accept any rental unit which currently meets the Building Code in affect at the time of its construction or most recent remodel?

My understanding is this code will be reviewed in a year. Starting with smaller steps promotes and builds good will among owners and allows for problem areas to be addressed in future code improvements.

A core group of property managers and owners are working together to change the 'us versus them' attitudes in our community. With mutual cooperation and collaboration we can make the Livability Code work effectively!

Thank you for your service. We all want positive changes for Corvallis.

Yours

Eileen Maxfield

Emails sent to:

Councilor Hal Brauner (ward9@council.corvallisoregon.gov)

Councilor Barbara Bull (ward4@council.corvallisoregon.gov)

Councilor Joel Hirsch (ward6@council.corvallisoregon.gov)

Kent Weiss, Community Development Director (Kent.Weiss@corvallisoregon.gov)

Mark Shepard, City Manager (city.manager@corvallisoregon.gov)

Althea Madison (Lbrhaoregon@gmail.com)

Dawn Duerksen, RPMG (info@duerksenrentals.com)

Weiss, Kent

From: Sue Napier
Sent: Wednesday, September 09, 2015 10:34 PM
To: Weiss, Kent; Ward 9; Ward 6; City Manager
Subject: Livability Code concerns

Hello ASC Committee Members,

I am Susan Napier and I've been a landlord and property owner in Corvallis since the early 1970's. This livability code really concerns me.

The livability code seems like a citywide HOA. I've owned properties in other counties that were part of an HOA. One grumpy person made life miserable for everyone with continuous complaints and judgements. With this livability code, the anonymous nature of the complaint driven process is concerning. I read that the complaint created the a situation where the staff had the "**right to enter a property based upon suspicion of a violation.**" That seems highly problematic.

Does this livability code arrange for the **landlord to be notified immediately**? Is it true that a complaint is investigated before the landlord is involved? If it is an issue affecting rented property, the landlord's response to **notice of a problem should solve most issues before City staff would be involved and have the expense of investigation.** This would certainly reduce costs.

If a situation reaches a point where the property owner and the staff disagree on a situation, what is the **totally neutral appeal process available to the property owner**? Appeals cannot be decided by a staff member or someone appointed by City staff, or someone in any way connected to the city staff. My mother would have said, that is putting the fox in charge of the hen house!

Realtor input seems to indicate problems with the way Corvallis will be perceived by buyers. Our real estate is expensive compared to other cities and rents are already extremely high. This livability code is going to contribute to to that problem. How will this program costs be handled? Will there be another expense added to the water bills to burden all citizens of Corvallis equally? Will it be funded by putting a new burden on my renters?

Please carefully reevaluate the livability code. Please consider the problems my quick review has noticed and many other areas of that need to be addressed. The city should enforce the rules and laws that already exist instead of adding another expensive bureaucratic program.

Susan Napier
15080 Fall River Drive Bend

September 9, 2015

ASC Committee Members and
Councilors Hal Brauner,
Barbara Bull and Joel Hirsch
Kent Weiss, AIC Community Development Director
Mark Shepard, City Manager

LIVABILITY CODE

My name is Liz Ortman. I am representing myself as a rental property owner, and I have the following comments and /or concerns with three issues of the proposed Livability Code:

NOTICE: The complaint process is not collaborative and appears initial complaints are not given to property owners until after City staff investigates. This is not acceptable to me. This is not in the best interested of rental property owners as well as owner-occupied property owners. Property owners need immediate notice of the problem to begin immediate response to the problem.

APPEALS: The present Code calls for three decision makers - all related to the Developmental Services Department (Department Head, Appeals Board and Hearings Officer), as responsible parties to charge a citizen with a violation. The decision maker in the dispute between the Development Department and the citizens should not be solely the responsibility of the Development Department. There should be an independent/neutral Hearings Officer.

GRANDFATHERING: Single family homes (I also reside in my own home in Corvallis, as well as renting out two single family homes in Corvallis), that are maintained within the standards of health and safety acceptable at the time of construction and occupancy should be deemed rentable in Corvallis. If it is maintained to existing code, it should be rentable. Furthermore, older homes should not be unduly burdened to meet stringent requirements of a livability code that was not in effect at the time the property was constructed.

Existing properties should not be required to be brought up to current building codes, or beyond current building codes, in order to meet the requirements of the Livability Codes.

Concise and clear language in the Code and how it will affect current properties that were built according to Code at the time they were constructed and continue to be maintain needs to be included in the Code.

As a property owner not only as someone who resides in a single family home, but also rents out single family homes in Corvallis, I find significant language missing in the Livability Code. I am concerned that if these issues are not identified, addressed and acted on, the proposed Code will further drive up rental and home prices in order to make them "livable" by the new standards.

Thank you for your continued efforts to a successful Livability Code we can all work with.

LIZ A. ORTMAN,
CITIZEN
819 NW 33rd STREET
CORVALLIS, OR 97330

Weiss, Kent

From: Holzworth, Carla on behalf of City Manager
Sent: Thursday, September 10, 2015 5:10 PM
To: Weiss, Kent; Shepard, Mark
Subject: FW: Corvallis Livability Code

From: Anne Johnson [mailto:ajohnson@valleybrokers.com]
Sent: Thursday, September 10, 2015 4:08 PM
To: Ward 9; Ward 4; Ward 6; City Manager; opinion@gtconnect.com
Subject: RE: Corvallis Livability Code

To Whom It May Concern:

The Corvallis City Officials cannot assume that every homeowner has the ability to pay for home repairs.

I have met several Corvallis homeowners who live paycheck to paycheck or Social Security check to Social Security check. Their homes have deferred maintenance because the homeowner doesn't have the funds available to pay for repairs and/or the process of repairing their home is overwhelming to them. They don't know where to begin or who to trust.

If we add home repairs to declining health issues (either their own or those of other family members), these same homeowners could be forced to choose between health care, food and home repairs. It doesn't matter that the community may have means available for them to make the repairs. The homeowners are living so close to the edge that they are simply unable to deal with the repairs. The requirement to complete the paperwork alone is often more than they can process because of stress. How frightening for them to have a city official knock on their door to tell them their property is non-compliant with Corvallis Livability Codes and they have to repair the property.

The City will need to hire more than code enforcement officials. They'll need to hire counselors also. If it's decided to have Mediators, will the Mediators provide a step-by-step means of resolution for the home owner or leave the home owner to try to figure out the maze of contractors and home repairs? If the repairs aren't completed within a specific timeline, will there be fines? Will these regulations leave some of our homeowners open to contractor fraud?

Examples of valid exceptions to the Internal Security code for all households might be:

- There is an adult with Alzheimer's in the home, or
- There is a child who escapes from the home.

The current draft of Livability Codes is too broad, doesn't allow for exceptions, enforcement, funding or defined grandfathered properties. They don't take into consideration the potential for unintended consequences. The suggested gap closures are vague and don't define sources to fund repairs for those living on the edge.

Please return the draft to committee to remove the broad strokes, allow for exceptions, funding and clarify grandfathered properties. And please remember that life doesn't bless all families with a middle to upper class income, even in Corvallis.

Thank you for taking the time to read my opinion on this matter.

Sincerely,

Anne Johnson, REALTOR®
Coldwell Banker Valley Brokers
A real estate professional licensed in Oregon
Cell phone: 541 905-5156

Email: ajohnson@valleybrokers.com
Webpage: valleybrokers.com/ajohnson

Here are some bullet points to discuss. We have had extensive testimony on these three points – Notice, Appeals and Grandfathering. Following the two and a half (2 ½) pages of bullet points is a form of email, with email addresses, and several alternative ways of using the bullet points.

Feel free to use your own words to address some or all of the following issues. Especially use your own words to express why you are asking for what changes you are requesting be made.

The points that need to be addressed are indicated below:

There are three (3) issues to which I call your attention concerning the proposed Livability Code:

NOTICE: This is going to be a City code with penalties for violations – an adversarial process.

- Corvallis' complaint process is not collaborative.
- It appears initial complaints are not given to property owners until after City staff have investigated. While legally permissible, this is not collaborative.
- Enforcement works best when parties have common goals.
- Property owners and City staff both want habitable safe housing.
- Immediate Notice to Ultimately Responsible Party (Owner): Citizens of this community, Corvallis City Council, its staff, and property owners expect a collaborative process in governing our community. A current example of the expected successful collaboration is how the Municipal Code noise violations in our neighborhoods are currently being addressed, in contrast to the prior non-collaborative process. Collaborating property owners, the professional property managers, and the Corvallis Police Department have dramatically reduced the second special response notice problem. This collaboration is only possible because the City Police Department agreed, upon request, to give property owners and property managers (ultimately responsible parties), actual, prompt notice of violations on their properties. This actual prompt notice involves the ultimately responsible parties in the situation and the solution from the beginning.
- Clarifying the notice provisions: At present, it appears City staff is not required to give notice to the property owner until staff issues a Notice of Violation relating to the property. This is simply not in the best interest of Corvallis rental housing. It places rental property owners (business owners) and owner-occupied property owners in an adversarial relationship with City staff. One of staffs' responses is they will administratively implement procedures with escalating consequences. This is simply a disservice to property owners and possibly too much discretion for staff.
- Property owners need immediate notice of what is happening on their property so they can collaborate and work with their tenants and City staff.

APPEALS: Our country has a judicial system that is independent from the Executive and Legislative branches of government. The judicial system is separate and independent. The present

Code calls for three (3) decision makers – Department Head, Appeals Board, and Hearings Officer. This is not fair to the citizens being charged with a violation of the City Code by the Developmental Services Department. The City department which has filed the Notice of Violation (NOV) of a City Code should not be the decision maker, nor should it select the decision maker in the dispute between the Development Department and the citizen who has been charged . It is unfair for the District Attorney and Police Department to select the judges that will decide disputes with citizens.

- Appeals cannot be effective without an independent Hearings Officer.
- Disputes between property owners and staff require a neutral decision maker.
- All appeals of City staff actions should be heard by a neutral, independent appeals hearing officer. Portland and Salem both have such a position.
- Appeals from the Hearings Officer should go to the state Circuit Court in Benton County.
- Appeals Process: In disputes between staff and property owners, the decision maker should not be a staff member, nor should the decision maker be appointed by City staff or the Community Development Department.
- A neutral, trained, decision maker should examine staff's complaint, investigation results, and other contemporaneous, relevant evidence, along with the property owner's response, investigation results, and other relevant evidence produced by the Appellant Citizen. Then the neutral decision maker should reach a timely, prompt decision.
- We do not need an Appeals Board of volunteers appointed or approved by City staff.
- The Appeals Board process is time-consuming and it is not easy to obtain a reasoned result.
- We need a prompt, neutral decision maker to make a timely decision, which should be appealable to the Benton County Circuit Court.

GRANDFATHERING

- Single family homes that are maintained to the standard of health and safety acceptable at time of construction and occupancy should be rentable in Corvallis. This is a significant part of our affordable housing stock.
- If a single-family home or duplex is maintained to existing code, it should be rentable.
- Grandfathering provisions – §9.02.12 – Properties, including older homes with unique characteristics, which were built under preexisting codes, should not be unduly burdened to meet the stringent requirements of a livability code that was not in effect at the time the property was constructed.
- **The “grandfathering” clauses provided in Section 9.02.12 are not true “grandfather” clauses if they require properties to be brought up to current building codes, or beyond the current building codes, in order to meet the requirements of the Livability Code.** Here, name your examples.

- The proposed “grandfathering clauses” in Chapter 1, §9.02.12 need further clarification.
- My understanding of the reasoning for omission of a “grandfathering” clause is because there is not currently a maintenance code and therefore no properties can be “grandfathered” under it. I simply disagree.
- A new rule that is not applicable in certain circumstances due to preexisting facts and situations is the very definition of a “grandfathering clause.”
- I am asking for clear and concise language in the Code for how it will affect current properties that were built according to Code at the time they were constructed and continue to be properly maintained.
- I am concerned that requiring significant changes be made to properties under the proposed Code will further drive up rental and home prices. Corvallis simply cannot afford to increase rental and home prices any more than they already are.

Conclusion

- Traditional concepts of fairness, opportunity to be heard, and collaborations between City staff and citizens compel close scrutiny, at this time, of these three (3) issues in the staff proposed Livability Code.

DATE **Sept. 12, 2015**

Councilor Hal Brauner (ward9@council.corvallisoregon.gov)

Councilor Barbara Bull (ward4@council.corvallisoregon.gov)

Councilor Joel Hirsch (ward6@council.corvallisoregon.gov)

Kent Weiss, Community Development Director (Kent.Weiss@corvallisoregon.gov)

Mark Shepard, City Manager (city.manager@corvallisoregon.gov)

Re: Livability Code

Dear ASC Committee Members:

My name is **Cynthia Higginbotham** am representing myself as a rental property owner, who advises and works with contractors and property managers, and as a concerned citizen. I agree with the following testimony and communications to you and staff.

ALTERNATIVE #1:

There are three (3) issues to which I call your attention concerning the proposed Livability Code: 1) Notice – Corvallis’ complaint process is not collaborative. It appears initial complaints are not given to property owners until after City staff have investigated. While legally permissible, this is not collaborative. Enforcement works best when parties have common goals. Property owners and City staff both want habitable safe housing; 2) Appeals cannot be effective without an independent Hearings Officer. Disputes between property owners and staff require a neutral decision maker; 3) Grandfathering – Single family homes that are maintained to the standard of health and safety acceptable at time of construction and occupancy should be rentable in Corvallis. This is a significant part of our affordable housing stock.

1. Immediate Notice to Ultimately Responsible Party: Citizens of this community, Corvallis City Council, its staff, and property owners expect a collaborative process in governing our community. A current example of the expected successful collaboration is how the Municipal Code noise violations in our neighborhoods are currently being addressed, in contrast to the prior non-collaborative process. Collaborating property owners, the professional property managers, and the Corvallis Police Department have dramatically reduced the second special response notice problem. This collaboration is only possible because the City Police Department agreed, upon request, to give property owners and property managers (ultimately responsible parties), actual, prompt notice of violations on their properties. This actual prompt notice involves the ultimately responsible parties in the situation and the solution from the beginning.

2. Appeals: All appeals of City staff actions, and decisions with a Municipal Code basis, should be heard by a neutral, independent appeals hearing officer. Portland and Salem both have such a position. Appeals from the Hearings Officer should go to the state Circuit Court in Benton County.

3. Grandfathering: If a single-family home or duplex is maintained to the then-existing code, it should be rentable.

Conclusion: Traditional concepts of fairness, opportunity to be heard, and collaborations between City staff and citizens compel close scrutiny, at this time, of these three (3) issues in the staff proposed Livability Code.

ALTERNATIVE #2:

I am asking City Council ASC to: 1) Create a collaborative process in the new proposed livability code. 2) Direct staff to incorporate the following concepts in the Corvallis Livability Code. These concepts are: A) Notice provisions to ultimately responsible person; B) independent hearings officer for appeals of any staff and property owner dispute and after issuance of any notice of violation (NOV) regarding the property; and C) Grandfathering of older structures to preserve the City's housing diversity.

ALTERNATIVE #3:

The three (3) issues most in need of attention by the Administrative Services Committee members are:

1. Clarifying the notice provisions – City staff is not required to give notice to the property owner until staff issues a Notice of Violation relating to the property. This is not in the best interest of Corvallis rental housing. It places rental property owners (business owners) and owner-occupied property owners in an adversarial relationship with City staff. One of staffs' responses is they will administratively implement procedures with escalating consequences. This is simply a disservice to property owners and possibly too much discretion for staff. Property owners need immediate notice of what is happening on their property, so they can collaborate and work with their tenants and City staff.

2. Grand fathering provisions – §9.02.12 – Properties, including older homes with unique characteristics, which were built under preexisting codes, should not be unduly burdened to meet the stringent requirements of a livability code that was not in effect at the time the property was constructed. **The “grandfathering” clauses provided in Section 9.02.12 are not true “grandfather” clauses if they require properties to be brought up to current building codes, or beyond the current building codes, in order to meet the requirements of the Livability Code.** Here are two examples:

A. *Current Building Code*: The current building code does not require a building to be built with heat in the kitchen or bathroom. However, under the proposed Livability Code, rentals are required to provide and maintain “permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and bathrooms.” (§9.02.65) If a property owner later decides to rent their home, must they now be required to install a permanent source of heat in the kitchen and bathroom before it can be rented? Our understanding is that the answer is yes, they do. As an aside, the definition of habitability (§9.02.55(cc)) includes kitchens.

B. *Preexisting Building Code:* Many older homes do not have the physical or fiscal capability to have a ventilation system or source of heat in a bathroom or kitchen. If the property owner decides to rent the home, would the Livability Code require that they make these upgrades in order to rent it? Our understanding is that the answer is yes, they do. This is not acceptable. It especially impacts older citizens who intend to use their homes as a source of income during their retirement years.

The proposed “grandfathering clauses” in Chapter 1, §9.02.12 need further clarification. A distinction was made during one of the LCDAC meetings between the “grandfathering clauses” applying to provisions that currently fall under the “building code,” but not provisions that fall under the “maintenance code.” Our understanding of the reasoning for this is because there is not currently a maintenance code and therefore no properties can be “grandfathered” under it. I simply disagree. A new rule that is not applicable in certain circumstances due to preexisting facts and situations is the very definition of a “grandfathering clause.”

I am asking for clear and concise language in the Code for how it will affect current properties that were built according to Code at the time they were constructed and continue to be properly maintained. I am concerned that requiring significant changes be made to properties under the proposed Code will further drive up rental and home prices. Corvallis simply cannot afford to increase rental and home prices any more than they already are.

3. Appeals Process – In disputes between staff and property owners, the decision maker should not be a staff member, nor should the decision maker be appointed by City staff or the Community Development Department. A neutral, trained, decision maker should examine staff’s complaint, investigation results, and other contemporaneous, relevant evidence, along with the property owner’s response, investigation results, and other relevant evidence produced by the Appellant Citizen. Then the neutral decision maker should reach a timely, prompt decision.

We do not need an Appeals Board of volunteers appointed or approved by City staff. This process is time-consuming and it is not easy to obtain a reasoned result. We need a prompt, neutral decision maker to make a timely decision, which should be appealable to the Benton County Circuit Court.

WILLAMETTE



Association of REALTORS®

September 15, 2015

To: City of Corvallis Administrative Services Committee

From: Holly Sears, Government Affairs Director
Willamette Association of REALTORS®
willamettevalleygad@gmail.com, 503-931-0876

Re: Livability Code Proposal

On behalf of the approximately 350 members of the Willamette Association of REALTORS®, thank you for the opportunity to comment regarding the proposed Livability Code. As you know, we have followed this process closely over the last three years and have given input on several occasions. As you prepare to deliberate on the Livability Code next week, we would like to reiterate the following points for your consideration. Attached to this letter for your reference is a copy of the August 5, 2015 testimony (Attachment A), submitted jointly with Jerry Duerksen and Carl Carpenter, which outline these essential points in further detail.

1. **True Grandfathering Clause:** Ensuring that the grandfathering clauses provided in the draft Code are true grandfathering clauses that do not unduly burden older properties built under pre-existing code.
2. **Uncomplicated and Fair Appeals Process:** Ensuring that the appeals process is easy to understand and completely independent of the enforcing party.
3. **Timely Notice to the Ultimately Responsible Party:** Ensuring that timely written notice of all complaints on property be immediately given to tenants, professional managers and the owner of record.
4. **Conduct a Comprehensive Cost Analysis:** Ensuring that the proposed Code undergo a cost analysis to determine whether it can be properly carried out under current budget restraints.

Thank you for the opportunity to assist in this effort and for the consideration of our comments

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Willamette Association of REALTORS®
541-924-9267 Phone 541-924-9268 Fax Email: realtors@waor.org

(Representing Members in Benton and Linn Counties)

ATTACHMENT A

August 5, 2015

To: City of Corvallis Administrative Services Committee

From: Carl Carpenter, Homeport Property Management, Inc.
homeport.property.management@gmail.com

Jerry Duerksen, Duerksen & Associates, Inc.
jerry@duerksenrentals.com

Holly Sears, Willamette Association of Realtors®
willamettevalleygad@gmail.com

Re: Livability Code Proposal

First, we would like to thank you for the opportunity to be part of the Livability Code Departmental Advisory Committee (LCDAC) and be able to provide not only feedback on the language itself, but also input on how property owners will be affected by the proposed Code. The new Livability Code, if adopted, will not live in isolation but will *affect every single piece of property in Corvallis: renter-occupied residential, owner-occupied residential, commercial property, and even vacant land*. With that in mind, we would like to highlight some points for your consideration that we feel deserve your time and attention as you move forward.

“Grandfathering” Provisions

Properties, including older homes with unique characteristics, which were built under preexisting codes, should not be unduly burdened to meet the stringent requirements of a livability code that was not in effect at the time the property was constructed. **The “grandfathering” clauses provided in Section 9.02.12 are not a true “grandfather” clause if it requires properties to be brought up to current building code, or beyond the current building code, in order to meet the requirements of the Livability Code.** Here are two examples:

- *Current Building Code:* The current building code does not require a building to be built with heat in the kitchen or bathroom. However, under the proposed Livability Code, rentals are required to provide and maintain “permanent heating facilities capable of maintaining a year-round room temperature of not less than 68°F (20°C) in all habitable rooms and bathrooms.” (Section 9.02.65) If a property owner later decides to rent their home, must they now be required to install a permanent source of heat in the kitchen and bathroom before it can be rented? Our understanding is that the answer is yes, they do.
 - As an aside, the definition of habitability (Section 9.02.55(cc)) includes kitchen. Our recollection from the LCDAC discussions are that kitchen would be removed because it went beyond the scope of the direction provided by the Administrative Services Committee in the matrix. Therefore, we are requesting that it be removed.

- *Preexisting Building Code:* Many older homes do not have the physical or fiscal capability to have a ventilation system or source of heat in a bathroom or kitchen. If the property owner decides to rent the home, would the Livability Code require that they make these upgrades in order to rent it? Our understanding is that the answer is yes, they do.

The proposed “grandfathering clauses” in Chapter 1, Section 9.02.12 need further clarification. A distinction was made during one of the LCDAC meetings between the “grandfathering clauses” applying to provisions that currently fall under the “building code” but not provisions that fall under the “maintenance code.” Our understanding of the reasoning for this is because there is not currently a maintenance code and therefore no properties can be “grandfathered” under it. We simply disagree. A new rule that is not applicable in certain circumstances due to preexisting facts and situations is the very definition of a “grandfathering clause.”

We are asking for clear and concise language in the Code for how it will affect current properties that were built according to Code at the time they were constructed and continue to be properly maintained. We are concerned that requiring significant changes be made to properties under the proposed Code will further drive up rental and home prices. Corvallis simply cannot afford to increase rental and home prices any more than they already are.

Appeals Process

The appeals process laid out in the proposed Livability Code is a complicated process. According to information received at the LCDAC meetings, “administrative” matters will be appealed to a City-contracted, neutral Hearings Officer and “technical” matters will be appealed to the Board of Appeals. This could be very confusing for a person who does not have experience with the distinction between “technical” and “administrative” matters. We ask you to consider the elimination of the Board of Appeals. Create an independent-contract Hearings Officer position to hear all appeals between the City, citizens, and/or business owners, totally independent of the Enforcement Department for all appeals. This approach will be less complicated for residents and staff to understand and will allow the final decision making to be made completely independent of vested interests on both sides of the issue.

We would like you to consider the addition of the following to the appeals process:

- Make the entire complaint and enforcement action file available to the ultimately responsible party at both the time of investigating the complaint and service the NOV (notice of violation).
- Notice of appeal be filed within thirty (30) days of receipt of code enforcement officer’s written complaint (NOV), if possible. Some complaints involve many professionals whose opinion cannot be obtained within thirty (30) days. An extension of the thirty (30) days can be requested by the appellant. This extension request can be for the amount of time required to document the information the Hearings Officer will need.
- Completion of the appeals process in three (3) weeks or less from the receipt of the appeal.
- Burden of proof on the code enforcement officer.
- If the Hearings Officer finds in favor of the ultimately responsible party, the appeals fee be refunded back to the ultimately responsible party.
- Once the code enforcement officer serves complaint on ultimately responsible party and receives written notice of appeal, no changes or amendments can be made to the first complaint, except dismissal.

- Hearings Officer decisions only be based on the evidence presented at the hearing and the facts based on evidence.

Notice to the Ultimately Responsible Party

We respectfully ask you to consider timely written notice of all complaints regarding any property immediately be given to tenants, professional managers and the owner of record. Collaboration is the best process for maintaining a safe and healthy environment for our City.

The Ultimately Responsible Party (the licensed professional property manager and/or the property owner and/or tenants) should be promptly and effectively notified of any complaint concerning a property that requires the City to inspect the property. The Ultimately Responsible Party should be promptly notified in time to participate in the inspection of a specific property. In addition, the Ultimately Responsible Party should be promptly notified of any enforcement action the City is proposing. With today's technology, contact information is easily accessible to the City, in either the City's rental housing fee records, or the County tax records.

A current example of successful collaboration is how noise violations in neighborhoods are currently being addressed. The Corvallis Police Department agreed, upon request, to give property owners and property managers (ultimately responsible parties) prompt notice of noise violations on their properties. This prompt notice involves the ultimately responsible party in the situation and the solution from the beginning and has reduced the second special response notice problem dramatically.

Comprehensive Cost Analysis

Implementing a new code of this magnitude is certain to have a cost impact associated with it. We want to encourage that the proposed Code undergo a cost analysis to determine whether the new Code will affect the housing market/cost to homeowners and whether the City will be able to enforce the new provisions without raising or implementing new fees. And, if new fees become necessary, it is essential that there is a public process that allows for the opportunity for public input regarding the fees.

In closing, we are engaged in this process because we want to make Corvallis a more vibrant, healthy and livable community by assisting in the implementation of policies that strive to "build and maintain affordable housing" as stated in the Council's Housing Development goal adopted earlier this year. We want to thank you for the opportunity to assist in this effort and for the consideration of our comments.

Sincerely yours,

Carl Carpenter, Homeport Property Management, Inc.
Jerry Duerksen, Duerksen & Associates, Inc.
Holly Sears, Willamette Association of Realtors®

RECEIVED

SEP -8 2015

9/2/15

Kent Weiss,

Community Development
Planning Division

As a Corvallis rental property owner, may I please express my feelings on 3 pending Corvallis development issues.

1. The Corvallis complaint process proposed is not collaborative.
2. The appeals cannot be effective with out an Independent Hearings Officer.
3. Grandfathering in of older homes in the city should make them rentable.

Thank you for your consideration.

Ray Hewitt
3870 SW Neen Ave.
Corvallis, OR 97333
PH: 541-753-4530

TO: Mayor and City Council for October 5, 2015
 FROM: Karen Emery, Parks and Recreation Director
 DATE: September 25, 2015
 THROUGH: Mark W. Shepard, P.E., City Manager
 SUBJECT: Municipal Code One Percent For Art Follow Up



Action Requested:

Staff recommends Council amend the Municipal Code by creating a new section to require municipal construction or alteration, contain an appropriation of one percent of project cost for public art by means of the attached ordinance.

Discussion:

The Administrative Services Committee (ASC) reviewed the proposed policy to require municipal construction or alteration, contain an appropriation of one percent of the project cost for art at their September 23, 2015 meeting. ASC asked for two items.

1. Include language that would address any impacts to grant funded projects. Staff included the following language in 3. f) The provisions of this section shall not apply to:

Construction projects that are funded through sources that restrict or prohibit funding for art.

2. Provide information how the proposed ordinance would have affected the City's budget for projects during that past few years. Staff has provided that information below showing a 1% and 2% encumbrance as well as projects that cost \$100,000-\$499,000 and those \$500,000 and higher for the last three fiscal years.

Capital Improvement Projects Percent For Art Three Year Look-Back

Projects Over \$500,000

Fiscal Year	Project Description	Project Cost	Art Allocation	
			1 %	2 %
FY 14-15	Fire Facility Relocation (Drill Tower)	4,781,897	47,819	95,638
FY 13-14	Coronado Park	550,983	5,510	11,020
FY 12-13	No Eligible Projects	-	-	-
Total		5,332,880	53,329	106,658

Projects \$100,000 to \$499,999

Fiscal Year	Project Description	Project Cost	Art Allocation 1 %	Art Allocation 2 %
FY 13-14	Tunison Play Ground	102,967	1,030	2,059
FY 13-14	Sunnyside School – Owens Farm	117,617	1,176	2,352
FY 13-14	Willamette Park Picnic Shelter	194,622	1,946	3,892
FY 12-13	Fire Station #1 Solar Panel	144,250	1,443	2,885
FY12-13	Library Shake Roof	124,839	1,248	2,497
FY12-13	Art Center Plaza Rehabilitation	102,380	1,024	2,048
Total		932,641	9,326	18,653

The City Attorney's review recommended two additional changes.

1. Include language that would address the Federal Visual Artist Rights Act (VARA). Under VARA, works of art that meet certain requirements afford their authors additional rights in the works, regardless of any subsequent physical ownership of the work itself, or regardless of who holds the copyright to the work. For instance, a painter may insist on proper attribution of his painting and in some instances may sue the owner of the physical painting for destroying the painting even if the owner of the painting lawfully owned it. Staff has included the following language in 4.f)

The City shall not purchase any work of art under this Chapter unless the artist provides a signed written waiver of rights granted under the Visual Artists Rights Act of 1990 (VARA), 17 U.S.C. § 106A

2. Place this item in Chapter 1.04 Purchasing with a cross-reference in Chapter 2.10 Capital Investment Plan. This recommendation required two ordinances, one to amend Chapter 1.04 Purchasing, placing the language for one percent for art and one to amend Chapter 2.10 Capital Investment Plan, to serve as a cross-reference.

ORDINANCE 2015-__**AN ORDINANCE AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 1.04 PURCHASING TO INCLUDE NEW PROVISIONS REQUIRING ONE PERCENT OF THE MONIES FOR CONSTRUCTION OR ALTERATION OF CERTAIN CITY BUILDINGS TO BE USED FOR THE ACQUISITION AND INSTALLATION OF ART.**

WHEREAS, the City Council recognizes the responsibility of the City of Corvallis to foster culture and the arts in Corvallis; and

WHEREAS, the City of Corvallis Comprehensive Plan, Policy 5.4.12 states “The City shall set aside a percentage of the cost of municipal buildings for public art and cultural enrichment.”

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1: Municipal Code Chapter 1.04 is amended to read as follows:

Chapter 1.04 – PURCHASING**Section 1.04.010 - Title.**

This Chapter shall be known and may be cited as the Purchasing Chapter of the City of Corvallis Municipal Code.

(Ord. 2005-01 § 1, 02/07/2005)

Section 1.04.020 - Local Contract Review Board.

- 1) The City Council is hereby designated as the Local Contract Review Board and, relative to contract concerns of the City, shall have all the power granted to the Local Contract Review Board. The Local Contract Review Board may delegate any of its powers and duties to the Purchasing Agent.
- 2) The Local Contract Review Board may, by resolution, adopt rules pertaining to purchasing as identified in state law.
- 3) The Local Contract Review Board may, by resolution, exempt contracts not exempted by State law from competitive bidding if it finds:
 - a) The lack of bids will not result in favoritism or substantially diminished competition in awarding the contract; and
 - b) The exemption will result in substantial cost savings.
 - c) In making such findings, the Board may consider the type, cost, amount of the contract, number of persons available to bid, and such other factors as the Board may deem appropriate.
- 4) The Local Contract Review Board may determine that a contract is exempt from competitive bidding if the Board determines that emergency conditions require prompt execution of the contract. A determination of such an emergency shall be entered into the record of the meeting at which the determination was made. The Board shall adopt rules allowing the governing body to declare that an emergency exists. Any contract awarded under this subsection must be

awarded within 60 days following declaration of the emergency, unless the Board grants an extension.

- 5) The Local Contract Review Board may determine that a contract is exempt from competitive bidding to address or mitigate public health and safety impacts of a natural disaster, or similar scale, emergency occurrence. The Purchasing Agent may award any contract necessary to address or mitigate a natural disaster, or similar scale emergency, within 30 days following the declaration.
- 6) Real property may only be sold with the approval of the Local Contract Review Board, except as allowed under Chapter 2.12 of this Municipal Code.
- 7) The Local Contract Review Board shall establish the dollar amounts which require that a solicitation for work, goods, or services shall be subject to formal solicitation processes. The City Manager shall incorporate these dollar amounts into the Corvallis Purchasing Manual.
- 8) In addition to the powers and duties established hereby, the Local Contract Review Board shall have such additional powers as authorized by State law.

(Ord. 2005-01 § 2, 02/07/2005)

Section 1.04.030 - Purchasing agent.

The City Manager is, by Charter provision, designated as the Purchasing Agent of the City. The City Manager may delegate any of the powers and duties to any other officers or employees of the City. The City Purchasing Agent shall have the power and duty to:

- 1) Purchase or contract for all supplies and contractual services needed by any using agency which derives its support wholly or in part from the City, in accordance with purchasing procedures as prescribed in this Chapter and such rules and regulations as the City Manager shall adopt for the internal management and operation of the City.
- 2) Establish and amend rules and regulations which are necessary and proper to fulfill the intent of this Chapter for procurement as well as disposition of surplus property. In the event of delegated responsibility, all changes will be subject to the approval of the City Manager.
- 3) Adopt an official City of Corvallis Purchasing Manual. The City of Corvallis Purchasing Manual shall constitute the local rules authorized by ORS 279A.065(5)(a)(B) and ORS 279A.070. The City of Corvallis Purchasing Manual shall be reviewed, revised if necessary, and readopted by the City Manager each time the Attorney General modifies the Model Rules.
- 4) Prescribe and maintain such forms as may be reasonably necessary in the operation of this Chapter.
- 5) Declare vendors in default in their quotations, irresponsible bidders, and to disqualify them from receiving any business from the City for a stated period of time.
- 6) Declare a vendor a sole source vendor, upon development of written findings as identified in ORS 279B.075.
- 7) Define special procurement procedures that differ from the standard procedures for a class of purchases, upon development of written findings that describe the proposed procedures, the goods or services or the class of goods or services to be acquired through the special

procurement, and the circumstances that justify the use of special procurement procedures, in accord with ORS 279B.085.

- 8) Make, without further authorization from Council, all expenditures reasonably necessary for the orderly, uniform operation of the City as long as the same are within the budget allowances allotted for said operations for the fiscal year in which the expenditures are made, and also within said budget provisions, to make, without further authorization from Council, such expenditures as are reasonably necessary for goods, wares, merchandise, services, or in payment of obligations ordinarily and reasonably needed or incurred by cities in the State of Oregon of comparable size and engaging in like pursuits as the City, together with authority to make all expenditures incidentally and reasonably needed in connection therewith.
- 9) Sell or dispose of all personal property which has become obsolete and unusable. All property acquired with Federal dollars shall follow Federal guidelines for the disposal of such properties.
- 10) Declare the existence of a natural disaster, or similar scale emergency, that may require immediate City purchases of goods, materials or services to mitigate the public health and safety impacts.

(Ord. 2005-01 § 2, 02/07/2005)

Section 1.04.040 - Purchasing, procurement, and contracting process.

- 1) Except as set out in the Purchasing Manual the City of Corvallis adopts for local public procurement and purchasing requirements those statutes and administrative rules enacted by the State of Oregon which relate to public purchasing and procurement, and which generally are contained in ORS Chapters 279A, 279B and 279C and the current Oregon Attorney General's Public Contract Manual, as these may be amended from time to time.
- 2) The rules, procedures and processes specifically set forth in the City of Corvallis Purchasing Manual shall be applied by the City rather than any model rule that conflicts with the City of Corvallis rule, procedure or process.
- 3) Nothing in this section shall prevent the City from using any alternative means of procurement allowed by State law even if the City of Corvallis Purchasing and Procurement Manual is silent about the alternative means of procurement.

(Ord. 2008-06 § 1, 02/04/2008; Ord. 2005-01 § 2, 02/07/2005)

Section 1.04.050 - Prohibition of interest.

No officer or employee of the City shall use his or her official position or office to obtain financial gain, other than official salary, for himself or herself or for any member of his or her household, or for any business with which he or she, or a member of his or her household, is associated.

(Ord. 2005-01 § 2, 02/07/2005; 99-08, Amended, 06/21/1999)

Section 1.04.060 - Gifts and rebates.

The Purchasing Agent and every officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm, or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City.

(Ord. 2005-01 § 2, 02/07/2005)

Section 1.04.070 One Percent for Art

1) Appropriations for the construction or alteration of any City of Corvallis municipal building not expressly excluded below shall contain an appropriation of one percent of the cost of the construction or alteration for the acquisition and installation of works of art that may be an integral part of the building or may be capable of display in other public spaces or City of Corvallis buildings.

2) When it would not be appropriate to place works of art in a given City building, or if artwork placed in that building could not be viewed by the general public, the funds required in subsection 1 of this section will be used to purchase works of art for placement public spaces, in other City buildings, or facilities that are open to the public.

3) The provisions of this section shall not apply to:

- a) Any construction, physical plant rehabilitation, improvement or remodeling project that has an estimated cost of less than \$500,000.
- b) Indirect construction or alteration costs, such as inspection fees, professional services, advertising, furnishings, soil testing, construction permits, financing costs and legal fees.
- c) Alteration projects in which more than 75 percent of the project cost represents improvements to mechanical or electronic systems.
- d) Projects for construction or alteration of motor pools, heating plants, parking lots, maintenance sheds, roads, bridges, sewer lines, water lines, wastewater treatment plant, water treatment plants, or pump stations.
- e) Construction projects initiated before fiscal year 2016-17.
- f) Construction projects that are funded through sources that restrict or prohibit funding for art.

4) The City shall acquire works of art under this section in the following manner:

- a) The Arts and Culture Advisory Board, through the Public Art Selection Subcommittee shall solicit proposals for suitable works of art and shall make a recommendation to City Council.
- b) To the extent reasonable, the Arts and Culture Advisory Board shall consult with appropriate resident groups and the affected City department or departments. Architects are encouraged to incorporate public art into their designs.
- c) The effected Department shall contract for and purchase selected works of art for each City building constructed or altered after fiscal year 2016-17. The 1% allocation will include all costs to manage the artwork acquisition and installation as well as the purchase and delivery.
- d) The effected Department shall be solely responsible for the acceptance, placement, and maintenance of all works of art acquired pursuant to this section.
- e) Title to all works of art acquired pursuant to this chapters vests with the City of Corvallis.

- f) The City shall not purchase any work of art under this Chapter unless the artist provides a signed written waiver of rights granted under the Visual Artists Rights Act of 1990 (VARA), 17 U.S.C. § 106A

(Ord. 2015-___§ 1, 10/05/2015)

Section 1.04.0780 - Unauthorized purchases.

Any purchase order or contract made contrary to the provisions hereof shall not be approved by the City officials, and the City shall not be bound thereby.

(Ord. 2015-___§ 1, 10/05/2015, Ord. 2005-01 § 2, 02/07/2005)

Section 1.04.0890 - Street, sewer, and water improvements.

Nothing contained herein shall be construed in any manner to render invalid any street, sidewalk, sewer, or water improvement or assessment.

(Ord. 2015-___§ 1, 10/05/2015, Ord. 2005-01 § 2, 02/07/2005)

Section 1.04.09100 - Penalties.

Any person violating any provision herein shall, upon conviction thereof, be punished by imprisonment for a period not to exceed 30 days, or by a fine not to exceed \$1,000, or by both such fine and imprisonment. Each violation of a provision herein shall constitute a separate offense; and each day or portion thereof over which the same violation occurs shall constitute a separate offense.

(Ord. 2015-___§ 1, 10/05/2015, Ord. 2005-01 § 2, 02/07/2005)

Section 1.04.100110 - Validity.

If any Section, subsection, sentence or part herein shall be held to be void by any court of competent jurisdiction, the remaining parts herein shall remain and be in full force and effect; and Council hereby declares that the provisions of the Chapter are not interdependent.

(Ord. 2015-___§ 1, 10/05/2015, Ord. 2005-01 § 2, 02/07/2005)

PASSED by the City Council this _____ day of _____, 2015.

APPROVED by the Mayor this _____ day of _____, 2015.

EFFECTIVE this _____ day of _____, 2015.

Mayor

ATTEST:

City Recorder

ORDINANCE 2015-___

AN ORDINANCE AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 2.10 CAPITAL INVESTMENT PLAN TO INCLUDE NEW PROVISIONS REQUIRING ONE PERCENT OF THE MONIES FOR CONSTRUCTION OR ALTERATION OF CERTAIN CITY BUILDINGS TO BE USED FOR THE ACQUISITION AND INSTALLATION OF ART.

WHEREAS, the City Council recognizes the responsibility of the City of Corvallis to foster culture and the arts in Corvallis; and

WHEREAS, the City of Corvallis Comprehensive Plan, Policy 5.4.12 states “The City shall set aside a percentage of the cost of municipal buildings for public art and cultural enrichment.”

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1: Municipal Code Chapter 2.10 is amended to include the following new Section 2.10.060 to read as follows:

Section 2.10.060 – One Percent for Art

1) Appropriations for the construction or alteration of any City of Corvallis municipal building not expressly excluded in the provisions of Corvallis Municipal Code Chapter 1.04 shall contain an appropriation of one percent of the cost of the construction or alteration for the acquisition and installation of works of art that may be an integral part of the building or may be capable of display in other public spaces or City of Corvallis buildings.

2) When it would not be appropriate to place works of art in a given City building, or if artwork placed in that building could not be viewed by the general public, the funds required in subsection 1 of this section and by the provisions of Corvallis Municipal Code Chapter 1.04 will be used to purchase works of art for placement public spaces, in other City buildings, or facilities that are open to the public.

(Ord. 2015- __ § 1, 10/5/2015)

PASSED by the City Council this _____ day of _____, 2015.

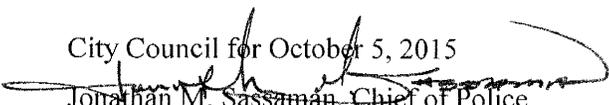
APPROVED by the Mayor this _____ day of _____, 2015.

EFFECTIVE this _____ day of _____, 2015.

Mayor

ATTEST:

City Recorder

TO: City Council for October 5, 2015
FROM:  Jonathan M. Sassaman, Chief of Police
DATE: September 21, 2015
THROUGH: Mark W. Shepard, P.E., City Manager 
SUBJECT: Accreditation Manager, Add 1 FTE



Action Requested:

This is for information only, no action required.

Discussion:

This memorandum informs Council of adjustments within the Police Department to create one Full Time Accreditation Manager position, while remaining within the Police Department's adopted budget.

The Corvallis Police Department is recognized as an Advanced Meritorious Accredited agency having sustained the highest of professional law enforcement standards and on-site inspections since 1995 through the Commission on Accreditation for Law Enforcement Agencies (CALEA). The complexities, volume of standards and systems required has consistently grown over the past 20 years requiring dedicated long-term employee attention to the assignment rather than rotational sworn managers, which has been our history. CALEA requires vigilant adherence to the changing law enforcement landscape nation-wide, as well as court decisions at the National, State and local levels, and requires regular research, analyses and quality control within the organization including the creation and/or modification of standards to remain accredited.

In the past, the Police Department has assigned accreditation work and training all Officers on accreditation standards to a sworn Lieutenant position, effectively taking the sworn officer off law enforcement duty for a one to two year rotation. This work can be done at a lower cost by a civilian working with sworn staff when needed, allowing the Department to increase sworn staff "on the street."

Budget Impact:

Funding for the Accreditation Manager will be absorbed within the Police Department's adopted FY15/16 budget. The sworn Lieutenant position is currently vacant and will be re-purposed to a sworn police officer position. This transition will off-set approximately \$30,000 of the cost of the Accreditation Manager position. The balance and on-going costs associated with this position will be managed within the police department's annual appropriations.

TO: Mayor and City Council for October 5, 2015
FROM: Nancy Brewer, Finance Director NB
DATE: September 16, 2015
THROUGH: Mark W. Shepard, P.E., City Manager MWS
SUBJECT: Timberhill Natural Area Fire



Action Requested:

For information only, no action required.

Discussion:

The Timberhill fire occurred on September 5, 2014, below Chip Ross Park in the 47 acre Timberhill Natural Area. The fire caused physical damage to public and private property. Corvallis Police and Fire responded to the incident. Corvallis Police provided traffic control services in the residential neighborhoods surrounding the Timberhill area. The Fire Department managed the fire and brought in other resources including the Oregon Department of Forestry to assist.

Budget Impact:

The cost to the City to fight the fire was \$60,157.54, damages totaled \$93,355.00 with a \$10,000 policy deductible. The City recovered \$121,063.22 from the insurance company.

TO: Mayor and City Council for October 5, 2015
 FROM: Nancy Brewer, Finance Director *NB*
 DATE: September 23, 2015
 THROUGH: Mark W. Shepard, P.E., City Manager *MSAIC*
 SUBJECT: **Littering Citations**



Action Requested:

For information only, no action is required.

Discussion:

At the September 21 City Council meeting, Councilor Baker asked about littering citations. This provides basic information about those citations.

There are two potential littering citations:

- ORS 164.805 Offensive littering. Class C misdemeanor, maximum fine: not more than \$1,250, not more than 30 days. For calendar 2014, the Corvallis Police Department issued 11 citations under the ORS provisions, almost all involving other violations of State Law. These would be adjudicated through Benton County Circuit Court, so we don't have results on these cases.
- CMC 5.03.110.010 Offensive littering. Class C misdemeanor, maximum fine: not more than \$500, not more than 30 days. For calendar 2014, the Corvallis Police Department issued 23 citations as violations of the local law, adjudicated in Municipal Court. Of those cases, resolution has been:
 - 5 were dismissed = \$0
 - 2 were dismissed with a City Attorney Diversion and \$400 costs paid = \$800
 - 8 paid the \$100 fine = \$800
 - 1 paid a \$150 fine = \$150
 - 1 paid a \$500 fine = \$500
 - 1 paid \$650 in costs (not a dismissal) = \$650
 - 4 defaulted and have paid no fine (\$500 each is owed) and have been sent to collections = \$2000
 - 1 has not paid a \$400 fine (pending action – will probably be sent to collections. Defendant has many open cases and other issues)

Total revenue to date is \$2,900, with another \$2,400 pending collection (potential collection) activity.

Looking back over the last 5 completed years, littering citations at Municipal Court average 25 per year; the highest of the 5 years was in 2012 when 40 littering citations were issued.

Budget Impact:

The revenue identified above is already accounted for in the General Fund as part of the Fines and Forfeitures revenue.

TO: City Council for October 5, 2015 meeting
FROM: Kent Weiss, Interim Community Development Director *KW*
DATE: September 30, 2015
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: City Council Request Item: Temporary Use Permits



Action Requested:

This report is for information purposes only; no City Council action is requested.

Discussion:

During the September 21, 2015 City Council meeting Community Development (CD) department staff were asked to provide information regarding the issuance of temporary use permits, both generally and in the context of the Corvallis Homeless Shelter Coalition's (CHSC) Men's Cold Weather Shelter. The information that follows describes those permits, the situations to which they apply, and their issuance for CHSC's temporary use of the structure they own at 530 SW Fourth Street as a cold weather homeless shelter.

Under Oregon Structural Specialty Code (OSSC) Section 108, a Building Official may issue a permit for the temporary use and occupancy of a structure for a period of 180 days. The OSSC is adopted locally by Corvallis Municipal Code Chapter 9.01, Building Code.

A temporary use permit is typically a short-term, make-safe permit. The number of temporary use permits that can be issued for a structure is not limited by the Code. The temporary use permit application process is similar to the application process for a regular building permit, i.e., application is made; plans are submitted and reviewed; fees are paid; the site is inspected by Corvallis Fire Department's Fire Prevention staff and CD's Development Services staff; a permit is issued and occupancy is granted; the case is closed upon completion of the permit period. The plan review focuses primarily on fire and life-safety items. During a temporary use inspection the building safety and fire inspectors' site visit looks at/for egress windows, smoke alarms, fire extinguishers, building accessibility, sanitation facilities, street address, emergency plan, smoking area with receptacle(s), carbon monoxide detector, and any other general life-safety hazards or issues. Any make-safe corrections are required to be completed before granting temporary occupancy.

Beginning in 2012, in partnership with Fire Prevention staff, Development Services has received annual applications and then reviewed and issued permits for temporary use of 530 SW Fourth Street as a men's homeless shelter to operate during the winter months. Each temporary permit request has been for a five month period from November through March. Sleeping, sanitation, and clothes washing facilities are provided for up to 40 clients, and a caretaker remains on site during open hours. Entrance is restricted beginning at 7:00 pm and individuals must be out of the facility by 7:00 am the next day.

No temporary use permit application for 530 SW Fourth Street for 2015-16 had been received by the City as of the day this Council request item response was prepared.

Recommendation

This response is for information only.

**ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS
October 1, 2015**

Note: Future items listed below may move to another meeting date, depending on workload issues and other factors.

MEETING DATE	AGENDA ITEM
October 7	<ul style="list-style-type: none"> • Visit Corvallis Fourth Quarter Report • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 2.02, "Council Process" (<i>includes one-year review of PPTF recommendations on advisory board and commission changes, such as annual reports and sunset reviews</i>) • 3.02, "City Compensation Policy" • Fourth Quarter Operating Report
October 21	<ul style="list-style-type: none"> • Majestic Theatre Fourth Quarter Financial Report • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 1.01, "Charges for Copying of City Material" • 3.01, "Appointment of Acting City Manager" • Livability Code
November 4	<ul style="list-style-type: none"> • First Quarter Operating Report • Council Policy Review and Recommendation: <ul style="list-style-type: none"> • 2.11, "Councilor Information Requests"
November 18	<ul style="list-style-type: none"> • Majestic Theatre First Quarter Financial Report • Utility Rate Annual Review • Council Policy Review and Recommendation: <ul style="list-style-type: none"> • 1.11, "Identity Theft Prevention and Red Flag Alerts"
December 9	<ul style="list-style-type: none"> • First Quarter Reports: <ul style="list-style-type: none"> • Downtown Corvallis Association Economic Improvement District • Visit Corvallis • Comprehensive Annual Financial Report • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 1.09, "Public Access Television" • 3.04, "Separation Policy"
December 23	

ASC PENDING ITEMS

- Council Policy Reviews and Recommendations:
 - 2.08, "Council Liaison Roles" (Mayor requested holding review until after work session discussion) City Manager's Office
 - 2.09, "Council Orientation" (March 2016) City Manager's Office
 - 2.10, "Use of E-mail by Mayor and Council" City Manager's Office
- Economic Development Goals City Manager's Office
- Economic Development Policy on Tourism City Manager's Office
- Multi-Family Residential Tax Incentive Program for Downtown Area Community Development
- Municipal Code Review:
 - Chapter 4.01, "Solid Waste Regulations" Community Development

Regular Meeting Date and Location:

Wednesday of Council week, 1:00 pm – Madison Avenue Meeting Room

**HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS
October 1, 2015**

Note: Future items listed below may move to another meeting date, depending on workload issues and other factors.

MEETING DATE	AGENDA ITEM
October 6	<ul style="list-style-type: none"> • Restroom Access in the Downtown Area • Car Camping in Church Parking Lots Update
October 20	<ul style="list-style-type: none"> • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 1.04, "Official Flower" • 1.07, "The Corvallis Flag"
November 3	<ul style="list-style-type: none"> • Community Relations Advisory Group Update
November 17	<ul style="list-style-type: none"> • Municipal Code Review: Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks) • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 4.06, "Library Displays, Exhibits, and Bulletin Boards" • 4.03, "Senior Citizens' Center Operational Policies" • 4.04, "Park Utility Donations"
December 8	<ul style="list-style-type: none"> • 2016-2017 Social Service Priorities and Calendar • Rental Housing Program Annual Report
December 22	<ul style="list-style-type: none"> •

HSC PENDING ITEMS

- | | |
|--|--|
| <ul style="list-style-type: none"> • Community Involvement and Diversity Advisory Board Update • Municipal Code Reviews: <ul style="list-style-type: none"> • Chapter 9.02, "Rental Housing Code" • Senior Center Conceptual Plan | <p>City Manager's Office</p> <p>Community Development
Parks and Recreation</p> |
|--|--|

Regular Meeting Date and Location:

Tuesday of Council week, 2:00 pm – Madison Avenue Meeting Room

**URBAN SERVICES COMMITTEE
SCHEDULED ITEMS
October 1, 2015**

Note: Future items listed below may move to another meeting date, depending on workload issues and other factors.

MEETING DATE	AGENDA ITEM
October 6	<ul style="list-style-type: none"> • Residential Parking Permit District Process • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 7.11, "Water Main Extensions and Fire Protection" • 9.03, "Parking Permit Fees" • 9.04, "Street Lighting Policy"
October 20	<ul style="list-style-type: none"> • Neonicotinoids • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 7.01, "Assessments – Sanitary Sewer and Water System Improvements" • 7.02, "Assessment – Storm System" • 7.03, "Assessment – Street Improvements"
November 3	<ul style="list-style-type: none"> • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 7.16, "Guidelines for Donations of Land and/or Improvements for Parks as an Offset to Systems Development Charges for Parks" • 1.08, "Organizational Sustainability" • 8.01, "Watershed Easement Considerations"
November 17	<ul style="list-style-type: none"> • Transportation System Plan Update Process
December 8	<ul style="list-style-type: none"> • Transit Department Advisory Committee six-month check-in • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 7.09, "Traffic Control Devices; Cost of" • 7.10, "Water Line Replacement"
December 22	<ul style="list-style-type: none"> •

USC PENDING ITEMS

- | | |
|---|--|
| <ul style="list-style-type: none"> • Cannabis Operations on City-owned Property • Multimodal Transportation Advisory Board (2017) • Parking Planning | <ul style="list-style-type: none"> City Manager's Office Public Works Community Development/
Public Works |
| <ul style="list-style-type: none"> • Vegetation Management and Fire Protection – Regulatory and Policy issues | <ul style="list-style-type: none"> Community Development/
Fire/Parks & Recreation |

Regular Meeting Date and Location:

Tuesday of Council week, 5:00 pm July through December – Madison Avenue Meeting Room



CORVALLIS CITY ATTORNEY
456 SW Monroe, #101
Corvallis, OR 97333
Telephone: (541) 766-6906
Fax: (541) 752-7532

RECEIVED

SEP 29 2015

CITY ATTORNEY'S OFFICE

CITY MANAGERS OFFICE
CITY OF CORVALLIS

MEMORANDUM

September 28, 2015

To: Mayor, City Council and City Manager

From: Scott A. Fewel, City Attorney *SAF*

Re: Office Transition

I started my legal career in August of 1971, as the first full-time attorney for the City of Corvallis. I have practiced law continuously since that date, and for much of that time I have been the City Attorney for the City of Corvallis. It has been a very exciting and rewarding experience to have a client like the City of Corvallis and to have been privileged to represent the City for so many years. I could reminisce on a number of major cases the City has been involved in of statewide significance, that still apply today.

I have worked with many outstanding mayors, city councillors and city managers over that period of time. I have also been fortunate over the years to have been associated with outstanding lawyers and support staff, and that includes the staff in our office at this time.

The purpose of this memorandum is to make a proposal for a transition in our office in an orderly and timely fashion, to avoid any instability in the legal representation of our client, the City of Corvallis. It is my proposal that as of the first of the year, I will transition into an of-counsel position with the law firm of Fewel, Brewer & Coulombe. "Of counsel" simply means stepping back, taking less responsibility, but maintaining my license to practice law and continuing to contribute to the law firm. I would also propose that the City Council adopt a motion to modify the current contract with Fewel, Brewer & Coulombe, to change the designation of the city attorney from myself to Jim Brewer,

Mayor and City Council

Page 2

September 28, 2015

effective October 15, 2015. Jim Brewer has been in this office since 1994, and I have worked with him closely. He has worked almost exclusively on local government issues and is highly regarded statewide as a lawyer of exemplary reputation. David Coulombe is also a highly regarded partner in the firm and will continue providing his support and assistance in the local government area. We added another attorney almost a year ago who has largely taken over the Municipal Court area: Dan Miller. Again, as an of-counsel attorney, I will continue to be available and will participate when and as needed.

I would ask that Council adopt the following motion:

I MOVE to amend the contract with Fewel, Brewer & Coulombe, to change the designation of the city attorney from Scott A. Fewel to James K. Brewer, with Scott A. Fewel, David E. Coulombe and Daniel W. Miller designated as deputy city attorneys effective October 15, 2015.

Thank you for your consideration.

krr

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES
September 21, 2015**

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Proclamation 1. International Days of Peace Page 361	Yes		
Visitors' Propositions 1. City water service outside of City limits (various) 2. Permanent homeless shelter (Blair, Karas, Cauthorn) 3. Development Services staff compliment (White) Pages 361-365	Yes Yes Yes		
Consent Agenda Page 365			<ul style="list-style-type: none"> • Adopted Consent Agenda <u>passed U</u>
Unfinished Business 1. City water service outside of City limits Page 366-368		Yes	
HSC – September 8, 2015 1. Corrections to minutes 2. KLAB Annual Report 3. LAB Annual Report 4. HCDAB Annual Report Pages 368-369	Yes		<ul style="list-style-type: none"> • Accepted Report <u>passed U</u> • Accepted Report <u>passed U</u> • Accepted Report <u>passed U</u>
ASC – September 9, 2015 1. Canceled due to lack of quorum Page 369	Yes		
Mayor's Reports 1. Jail Bond Measure 2. Homeless shelter update 3. State of the Region 4. Burgerville Pages 370-371	Yes Yes Yes		<ul style="list-style-type: none"> • Supported jail bond measure <u>passed 8-1</u>
Council Reports 1. Climate Action Task Force (Baker) 2. Housing Development Task Force (Glassmire) 3. Sustainable Budget Task Force (Brauner) 4. Vision and Action Plan Task Force (York) 5. OSU-Related Plan Review Task Force (Hann) 6. CGTF Chairs meeting for September 29 canceled 7. CRAG community outreach (Hogg) 8. Car Free Day (Beilstein) 9. Government Comment Corner (Glassmire) 10. Crosswalk at NW Arrowood Drive (Hann) 11. CRF: Littering fines/cigarette butt scavenger hunt (Baker) 12. CRF: Temporary Use Permits for temporary homeless shelter (Traber)	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Council Reports, Continued 13. LOC Conference (Hirsch) 14. CDBG Action Plan and staff assistance to CHF (Baker, York) Pages 371-373	Yes Yes		
Staff Reports 1. City Manager's Report 2. City Manager's attendance at LOC and ICMA (Shepard) 3. Conditional job offer to CD Director Pages 373-374	Yes Yes Yes		

Glossary of Terms

ASC	Administrative Services Committee
CD	Community Development
CDBG	Community Development Block Grant
CGTF	Council Goals Task Force
CHF	Corvallis Housing First
CRAG	Community Relations Advisory Group
CRF	Council Request Follow-up
HCDAB	Housing and Community Development Advisory Board
HSC	Human Services Committee
ICMA	International City Manager's Association
KLAB	King Legacy Advisory Board
LAB	Library Advisory Board
LOC	League of Oregon Cities
OSU	Oregon State University
U	Unanimous

**CITY OF CORVALLIS
COUNCIL MINUTES
September 21, 2015**

I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon was called to order at 6:31 pm on September 21, 2015 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Traber presiding.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

PRESENT: Mayor Traber; Councilors Baker, Beilstein, Brauner, Bull (6:33 pm), Glassmire, Hann, Hirsch, Hogg, York

Items at Councilors' places included a Welcome to Corvallis door hanger distributed by Councilor Hogg (Attachment A); and correspondence from residents concerning extension of City water service outside city limits: Kirk Bailey, Jennifer Gervais, and Tony Howell (Attachment B), P. Elinor Griffiths (Attachment C), Laura Lahm Evenson from the League of Women Voters (LWV) (Attachment D), Marilyn Koenitzer (Attachment E), David Eckert (Attachment F).

IV. PROCLAMATION/PRESENTATION/RECOGNITION

A. International Days of Peace Proclamation

Mayor Traber read the proclamation, which was accepted by Valerie White and LoErna Simpson. Ms. White said this was the tenth year that the Pinwheels for Peace event had been held to recognize International Days of Peace. She thanked the City and Benton County for being event partners and read from the preamble of the United Nations Charter.

Mayor Traber announced that Corvallis resident Carl Gustafson would receive the French Legion of Honor on October 3 to recognize his service in World War II as part of the European Campaign. Mayor Traber encouraged everyone to attend the event and noted that a copy of the proclamation recognizing Mr. Gustafson would be in the October 5 Council meeting packet.

V. VISITORS' PROPOSITIONS

Shelly Murphy, League of Women Voters (LWV), ceded her three minute time limit to Laura Lahm Evenson, who read from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment D). Councilor Hann noted the testimony mentioned property north of Timberhill that could potentially be annexed for fire safety purposes. In response to his inquiry about what residential development of that property would mandate sprinklers, Ms. Murphy opined that it might be required for a multi-family structure. She said with the exception of health hazard annexations, all properties should be annexed before granting services, including Beit Am's property. Ms. Lahm Evenson said the issue related to the Charter, not the applicant. In response to Councilor Bull's inquiry, Ms. Lahm Evenson said LWV's objection related to an approval for multiple unknown applicants without a majority vote of Corvallis citizens. In response to Councilor Hirsch's inquiry, Ms. Murphy understood the

proposed change was only for fire suppression; however, water in the line would become stale, so it would have to be used periodically. She was also concerned about unforeseen consequences. Ms. Lahm Evenson said in the past, the Council's ability to annex had been on a very limited basis; however, the proposed ordinance was a blanket application and it was not possible to foresee every problem that could arise. Councilor Beilstein observed that Charter language permitted the Council to authorize providing services outside the City limits if it passed an ordinance. Ms. Murphy interpreted the Charter language to mean the ordinance would be for a single circumstance, not as a blanket authorization. In response to Councilor Hogg's inquiry about whether she believed such requests should first be reviewed by the Planning Commission which would then make a recommendation to Council, Ms. Murphy said it was not clear when the process related to the Land Development Code (LDC) provision would occur, as two public hearings would be involved. In response to Councilor Glassmire's inquiry, Ms. Murphy did not have suggestions for modifying the ordinance that would make it acceptable to the LWV, other than restricting it to Beit Am.

Marilyn Koenitzer read from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment E) and noted that she supported the LWV's testimony. In response to Councilor Hann's inquiry, Ms. Koenitzer understood Council could initiate an ordinance; however, in consulting LDC Section 2.7.30 - Eligibility for Extension of Services, she found the jurisdiction of the LDC in the legislative section addressed legislative action dealing with land use issues; however, the ordinance was put forth as a legislative action that did not relate to a land use issue. Councilor Bull stated concerns about building to County standards rather than City standards. Ms. Koenitzer agreed, noting the street in front of her home was not built to City standards. She and her neighbors already paid for street improvements, and they may have to do so again. She preferred that the street would have been built to City standards from the beginning. Councilor Hann noted that such legacy streets would be discussed at the September 22 Urban Services Committee meeting and encouraged Ms. Koenitzer to provide input to the Committee.

Mayor Traber said while Councilors may deliberate and provide direction to staff, they would not vote on the proposed ordinance at tonight's meeting because the City Attorney had since recommended changes to the version that was included in the Council meeting packet. Mayor Traber believed the regular notification process of providing the updated ordinance in the Council meeting packet was sufficient; however, he acknowledged if the City Attorney's Office had a different view, he would stand corrected.

Steven McLaughlin, a Corvallis resident for nearly 40 years, was proud that the City required a majority citizen vote before property could be annexed. He cited the initial proposal to build 400 homes in the Highland Dell development, which ultimately was reduced to five acres with fewer homes. He would vote to annex the Beit Am property; however, he was concerned about the process that was being proposed.

Mike Blair read from prepared testimony concerning Corvallis Housing First's (CFH) proposed homeless shelter (Attachment G). Councilor Hogg said at a recent Avery Homestead Historic District Neighborhood Association meeting, residents expressed opposition to the shelter. In response to Councilor Bull's inquiry, Mr. Blair said the temporary use permit for the cold weather shelter had been renewed by the City for three years. This year's permit request was in process; however, it had not yet been approved. He lived one-half block from the shelter and had never received notification about the shelter permit requests.

Jennifer Gervais read from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment B). Ms. Gervais, who served for nine years on the City's Planning Commission, supported the LWV's testimony. In response to several questions from Councilors, she believed the proposed ordinance would erode confidence in City land use planning and was concerned about unforeseen consequences, citing development-related density rounding as one example. She said the proposed ordinance did not require a subject property to be annexed, so another property next to it could eventually be annexed, resulting in leap frog development, with the original subject property being an island of County property. The City's LDC only applied to City properties, so its provisions could not be considered for projects on County land. She did not believe language could be added to criteria in LDC Chapter 2.7 to address the current situation without risking unintended consequences later. She shared others' concerns about properties first developing to Benton County standards and trying later to bring them to City standards, as systems development charges would not have been collected to offset the cost. She noted the Planning Commission had no authority outside of the City's jurisdiction, and the City's LDC only applied to properties within the City limits; however, the ordinance was focused on properties located in the County.

Vanessa Blackstone, President of the Timber Ridge Neighborhood Association, spoke from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment H). In response to Ms. Blackstone's statement regarding the Fire Marshal's interpretation of the Fire Code, Councilor Hann said the City allowed individual staff members to make decisions on behalf of the City, and those decisions could be appealed.

Ken Crane read from prepared testimony regarding the proposed ordinance to extend City water service outside City limits (Attachment I). In response to several Councilors' inquiries, Mr. Crane said Beit Am did not anticipate fire suppression issues when it submitted its building permit request to Benton County, Beit Am did not have any concerns with City design standards, and when the property was purchased, it was surrounded by County land. Prior to the Witham Oaks annexation, the area had already been rejected for annexation many times. He believed fire was a health issue, so it could possibly be considered as part of the health hazard annexation provision; he acknowledged he was not an expert and the matter might better be interpreted by attorneys.

Ken Bronstein respected the points expressed thus far; however, he did not share the LWV's opinion that the particulars of Beit Am's circumstances were not material. He believed Beit Am's situation represented a case of unintended consequences. Beit Am did not anticipate that a project on County property would require City water service for fire suppression. To mitigate unintended consequences, he noted the need for City water service for fire suppression would have to first be determined by the Fire Marshal, and Council would then have to approve a second ordinance specifically authorizing the requestor to make such a connection. He saw those two requirements as ways to ensure the requests were legitimate. In response to public testimony that questioned whether the Fire Marshal's interpretation of the Fire Code was accurate, Councilor Hann said he trusted that Beit Am had vetted the decision with the Fire Marshal and the State to ensure there was no misinterpretation; Mr. Bronstein said lay people did not have the expertise to make such a determination. As an alternative to the proposed ordinance, he supported consideration of amending the criteria in LDC Section 2.7. In response to Councilor Hirsch's inquiry, Mr. Bronstein said Beit Am's property was involved in seven failed annexations.

Dave Eckert read from prepared testimony regarding the proposed ordinance relating to City water service outside City limits (Attachment F). In response to Councilor Hann's inquiry, Mr. Eckert said he was not speaking for or against the matter; he was only reacting to the ordinance

itself. During discussions with Planning Division and Engineering Division staff, the only thing he learned for certain was that Beit Am would be required to hook up to City wastewater if the property was annexed. Staff also did not believe storm water could be effectively retrofitted and he was concerned about the significant impact that would have on the surrounding properties. He was also concerned about parking regulations, as well as landscape design and differing bicycle and pedestrian standards. He said the matter was a larger issue for development around the City limits, not one that was specific to Beit Am. In response to Councilor Beilstein's inquiry, Mr. Eckert said the only good approach would be to require full urbanization as if the property were being annexed.

Hugh White complimented Development Services Division staff for their cooperative and positive attitude. He specifically named Development Services Manager Dan Carlson, Land Use Inspector Shannen Chapman, Permit Technician II Cheryl Flick, and Building/Mechanical Inspector II Pavel Anfilofieff as outstanding employees. In response to Councilor Glassmire's inquiry, Mr. White believed the south end of the Downtown would be boarded up if a homeless shelter was constructed on SW Fourth Street. He recently visited Downtown Detroit, Michigan and Downtown Dearborn, Michigan, noting the terrible conditions of both areas. He said Council controlled Corvallis' Downtown and the decisions it made would affect whether it remained as it was or would deteriorate to the conditions found in Detroit and Dearborn. He hoped the Council would not do anything to destroy Corvallis' Downtown.

Megan Karas, President of the Avery Homestead Neighborhood Association, said at a recent meeting, neighbors voted to oppose expansion of the current temporary homeless shelter on SW Fourth Street. She said Benson's Interiors was moving to another location and other businesses also were considering relocating. She cited negative impacts on the neighborhood, including littering, loitering in backyards, and an increase in petty crime that residents have experienced from the temporary shelter. She recognized the need for services for the homeless; however, she did not believe Downtown was the appropriate location to concentrate those services. In response to Councilor Beilstein's inquiry, Ms. Karas said she was aware that some neighbors opposed the temporary shelter; however, it was not discussed in their Neighborhood Association meeting. In response to Councilor Hann's inquiry, Ms. Karas said the issue of consolidating services from other organizations to the permanent homeless shelter was raised briefly at the Neighborhood Association meeting; personally, she did not support that approach. She volunteered at the soup kitchen and explained that many of its clients, including seniors and students, are not homeless. She said the stigma of receiving food service at a homeless shelter could result in some populations choosing not to use them. In response to Councilor Hogg's inquiry, Ms. Karas said she had lived in the Avery Homestead area for eight years and the number of families with children had increased over time. She had observed a decline in respect for the area by the homeless population who passed through. She was skeptical that what was proposed for the permanent shelter in Corvallis did not match the true Housing First model. She questioned whether a shelter operated by volunteers managing a mixed population of families and people who were under the influence of drugs and alcohol would be successful.

Paul Cauthorn said at their April 20, 2015 meeting, Council unanimously approved the Fiscal Year 2015-16 Community Development Block Grant/HOME Investment Partnership Program Action Plan. At that meeting, he objected to the section of the Plan regarding the CHF funding. Since then, he realized that element had deeper implications, as the Plan included funding for City staff to assist with pursuing the permanent shelter. He read the following excerpt from the Plan: *In addition, staff of the City's Housing and Neighborhood Services Division will provide technical and other assistance to the Corvallis Homeless Shelter Coalition during Fiscal Year 15-16 with the intent of helping the agency move forward and become ready to proceed with the*

construction of a new homeless services facility. He said the issue was that Downtown businesses, neighbors, and others in the community were objecting to the shelter location, yet the Council approved funding for City staff to actively pursue the shelter, or at least staff's commitment to assist. He believed it represented staff working against the community, the neighborhood, and the Downtown, and asked Council to amend the Action Plan to remove that funding. Councilor Hann said he would read the Action Plan again; however, he recalled the funding was for a part-time person to staff the shelter. He said the process for next year's funding would be considered at a future Human Services Committee meeting and encouraged Mr. Cauthorn to participate.

Marie Wilson spoke from prepared testimony opposing the proposed ordinance regarding extension of City water service outside City limits (Attachment J). In response to Councilor Hann's inquiry, Ms. Wilson confirmed that Corvallis was the first to enact a Charter amendment that required a majority vote for annexations, and as a result of its effectiveness, other cities have followed Corvallis' model.

VI. CONSENT AGENDA

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

- A. Reading of Minutes
 - 1. City Council Meeting – September 8, 2015
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Arts and Culture Advisory Board – August 19, 2015
 - b. Downtown Advisory Board – August 12, 2015
 - c. Economic Development Advisory Board – August 10, 2015
 - d. Housing and Community Development Advisory Board – August 19, 2015
 - e. Library Advisory Board – July 15, August 5 and August 19, 2015
 - f. Planning Commission – August 19, 2015
 - g. Watershed Management Advisory Board – July 22, 2015
- B. Announcement of vacancy on Community Police Review Board (Swinyard)
- C. Announcement of appointment to Visit Corvallis (Eckroth)
- D. Confirmation of appointments to advisory boards (Arts and Culture Advisory Board – Sischo; Bicycle and Pedestrian Advisory Board – Heald; Community Relations Advisory Group – Schacht Drey; Housing and Community Development Advisory Board – Rinaldi; Parks, Natural Areas, and Recreation Advisory Board – Alpert)
- E. Approval of an application for a Full On-Premises Sales liquor license for Yi Zhao, owner of Mix Café & Bar, 106 NW Second Street (New Outlet)

The motion passed unanimously.

VII. ITEMS REMOVED FROM CONSENT AGENDA - None

Mayor Traber recessed the meeting from 8:18 pm to 8:30 pm.

VIII. UNFINISHED BUSINESS

A. City water service outside of City Limits

Mayor Traber said, per his earlier comments, an ordinance was not on the table for action at tonight's meeting.

Councilor Brauner said he was not able to attend the September 8 Council meeting when the public hearing was held. He hoped a solution could be identified to address Beit Am's situation without creating a new ordinance. He was concerned about significantly impacting land use planning and development within the Urban Growth Boundary, and said he would find it difficult to support an ordinance that was not focused on a specific property. He noted that City water service had not been extended to properties outside of the City limits since the Charter amendment related to annexations was enacted. He inquired what made Beit Am's circumstance different from other churches on County land, none of which were connected to City water. Fire Marshal Prechel said as part of the Rural Fire Protection District, properties in the County must follow the same State Fire Code provisions that Corvallis adopted and he would have interpreted the Code the same way. Beit Am's circumstance was unique because the property was surrounded by City property, creating an island. Municipal water was available on two sides and would soon be available on a third side. A water stub existed on the southeast corner of the property and the City held an easement to run a waterline from that stub through the south end of the property to reach the west end of the property. Staff's interpretation was based on whether an adequate and reliable water supply existed for Beit Am's property. The criteria for the water supply included the fact that the City held an easement, a water stub was in place, and the City had an agreement and a plan to run water through the property. Other large churches in the area, all of which were located on County property, were well over one-half mile from City water and were not contiguous to the City limits. Mr. Prechel confirmed that if two fire hydrants were near the structure, most likely, the Fire Code could be met without use of sprinklers.

In response to Councilor Hirsch's inquiry, Mr. Prechel confirmed that one hydrant would be acceptable if a sprinkler system was installed. Without a sprinkler system, proximity to two hydrants would be required.

In response to Councilor Hann's inquiry, Mr. Prechel explained that in a building without sprinklers, one of the hydrants would have to be located within 400 feet of the structure and a fire hose would need to reach around the structure. The second hydrant would have to be located within several hundred feet so an arriving fire engine could connect to both hydrants. Mr. Prechel said based on the last set of plans he reviewed, where the structure was to be cited toward the west side of the property, he believed it would meet the requirement if a hydrant was located on City property to the west of the Beit Am property.

In response to Councilor Beilstein's inquiry, Mr. Prechel said it was possible to meet the Fire Code requirement by having two fire hydrants nearby without providing City water to the facility.

In response to Councilor Hirsch's inquiry, Mr. Prechel said if Beit Am had a nearby hydrant and a sprinkler system, the Fire Code requirement could be met. Mr. Prechel

noted that a holding tank, pump, back-up generator, and fuel source for the generator would be required as part of the redundant supply.

In response to Councilor Bull's inquiry, Mr. Prechel agreed that, until building plans were submitted, it was difficult to say what specific Fire Code requirements would need to be met. He said it was typical for someone to purchase a property and not submit building plans until a later date. Unfortunately, that person is sometimes surprised to learn what the Code mandates. He said the City and County have made strong efforts in the past few years to communicate Code requirements early in the building process with the hope of avoiding such surprises. Mr. Prechel said Beit Am's structure did not quite meet the threshold for a sprinkler system; however, to reduce the water flow that would be required if only one hydrant was available, Beit Am could install sprinklers in their building. He said Beit Am had expressed an interest in this approach. Another issue for the property was the narrow driveway access to reach the structure, which was not Fire Code compliant. A sprinkler system would also resolve that issue.

Councilor Beilstein noted Mr. Eckert's testimony about differing standards for development in the City and County, especially with regard to storm water. Planning Division Manager Young said he did not have expertise in storm water standards; however, if a property was initially developed to County standards and then was annexed into the City, the property could be considered to be a legal non-conforming property. In other words, it may not comply with the City's LDC, but it would be allowed to exist as it was constructed.

In response to Councilor Brauner's inquiry about impacts of the proposed ordinance if another County property was subdivided to include several structures and streets, Mr. Young said under County standards, he did not believe it was possible to develop the types of residential densities that would be found in the City. He could not speak to what types of uses would be permitted under County standards. Mr. Young said he believed there was potential for larger-scale facilities with larger traffic and water quality impacts to be developed under the ordinance's provisions.

In response to Councilor Hann's inquiries, Mr. Young did not know the zoning for the large parcel of County property located where Bunting Drive ended, and he confirmed that during the economic downturn, the previous Council passed ordinances to extend the time frames for land use approvals that were about to expire. The extension of services process was last invoked in early- to-mid-2000s as part of a health hazard concern. Septic systems were failing in a large area of the County which was not adjacent to the City limits, so it was not annexed into the City. Residents of that area paid the cost for an infrastructure extension and Mr. Young confirmed that extension of service was for wastewater only.

Councilor York preferred that any modifications to the criterion for extension of City services were made through an amendment to LDC Chapter 2.7. In response to her inquiry, Mr. Young believed such a change would be under the Council's control, rather than an administrative action. He said a 35-day notification to the State Department of Land Conservation and Development was required prior to the first evidentiary hearing, which would be with the Planning Commission and then the City Council. He estimated the entire process to make such an amendment would likely take four to six months.

In response to Councilor Bull's inquiry, Mr. Young said LDC Chapter 2.7 requires the applicant to consent to annexation in the future. Mr. Brewer said the Fire Code is similar to the Building Code in that the City had adopted the State's Codes. The requirements come from a different authority. Someone who wishes to appeal the Fire Marshal's interpretation may do so through the City's Board of Appeals, as well as at the State level.

Councilor Glassmire supported the possibility of amending LDC Chapter 2.7 as suggested by Councilor York. He noted item d in Section 2.7.30, Eligibility for Extension of Services: *The site cannot be annexed at this time, or the Annexation has been approved but has not yet taken effect.* Given that requirement, he was not certain it would resolve Beit Am's situation. Mr. Young said the Chapter was the appropriate one since Council was focusing on extension of services, not annexation. He said if Council's direction was to amend Chapter 2.7, staff would have to consider how the various parts of the LDC would work together.

In response to Councilor Hann's inquiry regarding fire hydrants, Mr. Young said a water stub was located on private property to the east of Beit Am. He opined it would be unusual to place a fire hydrant in someone's backyard; however, it was possible that an easement could be obtained.

In response to Councilor Baker's inquiry, Mr. Young said other than connecting to the City's wastewater system, he was not certain what else would be required to retro-fit property that was initially developed under County standards and later annexed into the City.

In response to Councilor Baker's inquiry, Deputy City Attorney Brewer confirmed an ordinance directed toward a specific group was problematic due to equal protection issues.

In response to Councilor Hogg's inquiry, Mayor Traber was inclined to keep the matter at the Council level, rather than assigning it to a Council Standing Committee for review.

Council supported staff providing more information about the following: Planning Division staff will review the LDC amendment process; Fire Department staff and Beit Am will discuss fire hydrant options so Beit Am could obtain fire protection without connecting to the City's water system; and annexation. They did not support pursuing an ordinance.

Consideration of the matter was continued to a future Council meeting.

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

A. Human Services Committee (HSC) – September 8, 2015

1. Corrections to HSC minutes, if any

The item was for information only.

2. King Legacy Advisory Board (KLAB) Annual Report

Councilor Glassmire noted KLAB was allocated \$10,000 per year to fulfill their mission. He noted that KLAB's focus of pursuing social and economic justice in Corvallis differed from the new Community Involvement and Diversity Advisory Board, which was formed to encourage involvement in municipal government.

Councilors Glassmire and Hann, respectively, moved and seconded to accept the King Legacy Advisory Board Annual Report.

The motion passed unanimously.

3. Library Advisory Board (LAB) Annual Report

Councilor Glassmire said the LAB was developing a strategic plan and he appreciated that the LAB had a student member, even though it was a non-voting position.

Councilors Glassmire and Beilstein, respectively, moved and seconded to accept the Library Advisory Board Annual Report.

Councilor Hann noted that the Library had to cancel library cards that were inadvertently issued for free to some of its patrons because they resided in the unincorporated areas of Linn County immediately to the east of Corvallis. With the exception of Corvallis School District 509J students, library cards were only free to those who lived, worked, or attended school within Benton County's Library District. Councilor Hann said many of those who had their cards canceled had donated to the Library and/or served as a Library volunteer.

The motion passed unanimously.

4. Housing and Community Development Advisory Board Annual Report

Councilor Glassmire said three significant projects were accomplished in Fiscal Year 2014-15: completion of the Julian Hotel renovation; rehabilitation of the heating and cooling system at Community Outreach, Inc.; and the Jackson Street Youth Shelter's creation of a separate residence for its clients who are over 18 years of age.

Councilors Glassmire and Beilstein, respectively, moved and seconded to accept the Housing and Community Development Advisory Board Annual Report.

The motion passed unanimously.

Councilor Glassmire said the subject of restrooms Downtown would be discussed at the October 6 HSC meeting.

B. Urban Services Committee – None

C. Administrative Services Committee (ASC) – September 9, 2015

The meeting was canceled due to lack of a quorum.

X. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

1. Jail Bond Measure

Councilor Hann spoke to Benton County Commissioners Dixon and Schuster. He was not opposed to a new jail facility; however, he was concerned about social inequity. He was supportive of Council's endorsement of the jail bond measure; however, without a firm plan about how various ideas would be funded and whether services might be duplicated, he was not certain he would personally vote for the measure.

Councilors Brauner and Hirsch, respectively, moved and seconded to support the Benton County jail bond measure to build a new jail.

Councilor Bull understood concerns about social justice which were raised by the King Legacy Advisory Board. She recognized that those concerns could be directed more at how jails and prisons were used on a national level. She did not know the extent to which those were issues applied to Benton County. She supported endorsement of a new jail facility and hoped her support was not in conflict with social justice concerns.

Councilor Beilstein opined that our society was dedicated to mass incarceration and he was concerned about that; however, he did not believe support for a new jail facility in Benton County amounted to jailing more people. At a rate of 0.8 people sent to the state prison per thousand residents, Benton County was well below the national average. He noted that a new jail could offer more alternatives for people, including long-term counseling and assistance to people with mental illnesses.

Councilor York supported community policing and community corrections. She agreed with Councilor Beilstein's point about not necessarily adding more people to the jail. She appreciated the County's foresight to consider sites that would accommodate growth over the next 40 years. She encouraged citizens to speak with the Board of Commissioners if they wanted more information about how savings would be used.

Councilor Baker toured the jail and spoke to the Board of Commissioners and County corrections staff. He was impressed with staff at the jail and their commitment to helping people who were in jail. However, he did not believe all of the alternatives had been considered, especially regarding mental health and substance abuse services; therefore, he did not support the motion.

Councilor Hirsch said a new jail facility was absolutely necessary and he supported the motion.

The motion passed 8 to 1, with Councilor Baker opposing.

2. Homeless Shelter Update

Mayor Traber and Benton County Commissioner Schuster met with a mediator who is proceeding to meet with CHF and Citizens for Protecting Corvallis. Mayor Traber said he would provide regular updates to the Council. He noted Councilor Glassmire's earlier comment that restroom availability Downtown and car camping would be discussed at the October 6 Human Services Committee meeting. CHF scheduled a series of listening sessions on September 23, October 18, and November 16.

3. State of the Region

Mayor Traber said the Oregon Cascades West Council of Governments recently provided a State of the Region update concerning Linn, Benton, and Lincoln Counties. Information was available at www.stateoftheregion.org.

4. Burgerville

Mayor Traber said Burgerville was coming to Corvallis and several outreach sessions were being conducted to learn more about residents' preferences for the Corvallis location.

- B. Council Reports

1. Climate Action Task Force (CATF)

Councilor Baker said Susie Smith was hired as a casual employee to serve as the project manager for the Council's Climate Action goal. The CATF's next meeting was anticipated for October 13.

In response to Councilor Hann's inquiry, City Manager Shepard said funding for the casual position, as well as funding for the Vision and Action Plan consultant, would come from the \$185,000 set aside in Fiscal Year 2015-16 for all Council goals. Mr. Shepard believed sufficient budget existed for the current fiscal year; however, Council goals funding needs for next year would be part of upcoming Fiscal Year 2016-17 budget discussions. He agreed to provide regular updates to Council about how the budgeted funds were being spent. The item was for information only.

2. Housing Development Task Force (HDTF)

Councilor Beilstein said HDTF continued to meet every two weeks. The item was for information only.

3. Sustainable Budget Task Force (SBTF)

Nothing new was reported. The item was for information only.

4. Vision and Action Plan Task Force (VAPTF)

Councilor York said. The item was for information only.

5. OSU-Related Plan Review Task Force

Councilor Bull said the Task Force was wrapping up its work. In response to her inquiry about next steps with Council, Mayor Taber said it would be considered as an item for discussion at an upcoming Council work session. Council Leadership would discuss the matter and report at the October 19 Council meeting.

6. Other Council Reports

In response to Mayor Traber's inquiry, Councilors agreed the Council Goals Task Force Chairs did not need to meet on September 29. Councilor York said the Chairs should meet soon after the Vision and Action Plan consultant was selected, as it would be important to coordinate the work of that consultant and the newly hired CATF project manager.

Councilor Hogg noted the Welcome to Corvallis door hanger that was at Councilors' places (Attachment A). The door hanger was a product of the Community Relations Advisory Group's (CRAG) outreach efforts which included representatives from both the City and Oregon State University (OSU). CRAG will have a booth at the Fall Festival and volunteers from the City and OSU planned to visit neighborhood residents to encourage good neighborly behavior. Councilor Bull encouraged people to distribute the door hangers at any time.

Councilor Beilstein said September 22 was International Car Free Day and he hoped everyone would participate.

Councilor Glassmire hosted Government Comment Corner on September 19 and spoke to approximately eight people. Discussions centered around the possible extension of City water services to properties outside the City limits and the impact of homeless people on the City, particularly at Shawala Point. He said three of his constituents have separately requested that the City gather data about how much of the City's housing was devoted to students. About 40 people attended his Ward 7 meeting on September 15.

Councilor Hann said the Timberhill Neighborhood Association expressed an interest in a crosswalk at the lower end of NW Arrowwood Drive to provide a safe place for school children to cross the street.

Councilor Baker noted that Mr. Cheyne Willems, who spoke to Council at the September 8 meeting concerning the cigarette butt scavenger hunt, was in attendance at tonight's meeting; however, he left after Visitors' Propositions. Referring to the Welcome to Corvallis door hanger (Attachment A), Councilor Baker observed the fine for littering was listed at \$150; however, he recalled Mr. Willems' testimony indicated the fine was \$1,250 for cigarette butt littering. Councilor Baker requested follow up from staff about fines for littering, including why the amounts would be different and if the City had enforced the cigarette butt fine. Mr. Brewer said there were two statutory references regarding littering; the fines differed depending on whether the act was considered littering or offensive littering.

Mayor Traber referred to earlier testimony regarding the temporary use permits that had been issued for the temporary homeless shelter. He asked staff to provide

information about the process and the guidelines for issuing those permits. Councilor Hogg supported the request for information and asked that the mediator working on the permanent homeless shelter issue also speak to the neighborhood association presidents.

Councilor Hirsch offered to be a resource for new Councilors who were attending the League of Oregon Cities Conference.

In response to Councilor Baker's inquiry, Interim Community Development Director Weiss responded to earlier testimony from Mr. Cauthorn concerning staff providing technical assistance to the CHF in its efforts to construct a permanent homeless shelter facility. He said the staff assistance component described in the Community Development Block Grant (CDBG) Fiscal Year 2015-16 Action Plan was not a site-specific provision of technical assistance. Rather, after CHF determined an appropriate site, staff would provide technical assistance to help them prepare an application for CDBG funding. Mr. Weiss noted staff would provide the same assistance to any other potential grant applicant. He said Action Plan amendments were for instances where money was approved, but would not be spent on that item, or if no funding was allocated for an item where money was needed. No money was associated with staff's assistance; therefore, it was not an item that would technically reach the level of an Action Plan amendment. Mr. Weiss said Council could amend the Action Plan if it wished, or it could direct staff to not provide technical assistance to the CHF without amending the Action Plan.

Councilor York said, during earlier public testimony, a statement was made that conflict existed between staff and the community regarding the permanent homeless shelter. She believed the conflict existed within the community about how to solve a difficult and complex issue. She said staff was aware of the situation and she assumed staff was being sensitive to the issue and not getting out in front of solutions that receive broad community support; Mr. Weiss agreed. She thought it was important to be clear about the matter and believed everyone could work together to resolve the shelter issue.

Councilor Baker would like to better communicate what assistance the City was providing to ensure it was clear to the community. Mr. Weiss said at this time, staff was not providing technical assistance and would only do so upon request. CHF was aware that at the current proposed location, given the development plan, the City would not provide funding to CHF at that site. Any technical assistance from staff would be looking beyond that and considering a different location. Mr. Weiss said, for the most part, staff would consider how they could help CHF through the provisions of any CDBG funding.

Mayor Traber noted staff was developing a map to show where outright or conditional use for a shelter would be permitted. Mr. Weiss said the maps were close to being completed.

C. Staff Reports

1. City Manager's Report – August 2015

The item was for information only.

2. Other

Mr. Shepard said he would be attending the League of Oregon Cities Conference, immediately followed by the International City Manager's Association Conference. He looked forward to gaining insight and knowledge into the City Manger profession. Police Chief Sassaman and Public Works Director Steckel would be splitting Acting in Capacity duties during his absence.

In response to Mr. Shepard's inquiry, Councilors did not express interest in receiving additional email training.

Mr. Shepard said a conditional job offer was extended for the Community Development Director position. If the candidate was interested, staff would proceed with background checks.

XI. NEW BUSINESS – None

XII. PUBLIC HEARINGS – None

XIII. ADJOURNMENT

The meeting adjourned at 10:12 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

WELCOME TO CORVALLIS

Corvallis is one of the top college towns in America. Here's how you can get connected with your community:

- Be a good neighbor. Introduce yourself and make a connection — maybe even a friend.
- Party smart. Keep the noise down — it's the No. 1 reason police are called.
- Take the bus. Both the Corvallis Transit System and on-campus Beaver Bus are free.
- Keep the neighborhood clean. Call Republic Services — 541-754-0444 — to dispose of unwanted furniture.
- If you're a student, contact ASOSU Legal Services at 541-737-4165 for free legal advice and representation.
- Building or landlord problems? Contact the Corvallis Rental Housing Program at 541-766-6944.
- Housing discrimination issues? Contact the Fair Housing Council of Oregon at 1-800-424-3247.
- File a community grievance. Contact OSU's Corvallis Community Relations at 541-737-8606.
- Too much noise? Contact Corvallis Police at the non-emergency number: 541-766-6911.



BY PARTICIPATING WITH CORVALLIS NEIGHBORHOOD ASSOCIATIONS

KNOW THE CODE

The OSU Student Conduct Code applies to all students, whether living on or off campus.

KNOW THE LAW

Breaking the law or violating a city ordinance is a violation of the Code, and, in addition to citation fines and fees, may lead to sanctions, suspension or expulsion from the university.

Violations and fines include:

- \$500 - \$1,500: Furnishing alcohol and marijuana, or hosting a party for minors.
- \$7,500: Driving under the influence (DUI) of alcohol, marijuana or other drugs. Party hosts may also be held liable for guests who receive a DUI.
- \$7,500: Providing alcohol to minors.
- \$1,000: Providing marijuana to minors.
- \$306: Loud music
- \$295: Minor in possession of alcohol or marijuana (MIP). Driver's license suspension for up to one year.
- \$150: Public urination
- \$150: Littering
- \$100: Open container or public use of marijuana

SPECIAL RESPONSE NOTICE (SRN)

Written warning for violations like littering, noise or indecent exposure. Two SRNs within 30 days will result in a bill from the city to cover the cost of responding to both incidents.

studentlife.oregonstate.edu/ccr

Kirk Bailey
Jennifer Gervais
Tony Howell

September 20th, 2015

Corvallis City Council
501 SW Madison Avenue
Corvallis, OR 97330

Honorable Mayor and City Councilors:

We are jointly writing concerning the proposed ordinance which allows the extension of City water outside City boundaries in non-health hazard situations. As community volunteers with significant experience with the Corvallis land use system, we **strongly** concur with City Staff in recommending that the Council not pursue this new ordinance. We also propose an alternative Council action that might help address the equity issues of the current situation.

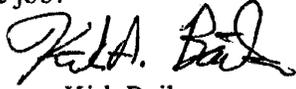
While we are sympathetic to the additional unexpected hurdle placed in front of Beit Am's development plans, we are also extremely concerned that the proposed ordinance is a short-term and short-sighted fix that will potentially cause an avalanche of long-term problems. In particular:

- (1) Comprehensive land-use planning requires more than just the orderly provision of municipal water services. The increased intensity of development within the UGB that this ordinance permits could result in many other potential impacts to the rest of the community. These include increased traffic, lack of concurrent storm-water development, and decreased natural features protection. The cost to mitigate these impacts, even if possible, is unlikely to be covered using just the revenue from water SDC's. As Staff has noted, Council will not be able to pick and choose where this ordinance gets applied. There are hundreds of acres of land within the UGB and adjacent to City limits, and some parcels, because of their size and/or location, would be a much bigger long-term challenge for the community than that posed by the Beit Am property.
- (2) Beyond the costs associated with the "leap-frog" development attendant to (1), there is also a potentially significant long-term fiscal impact from litigating "iffy" development proposals which might use this ordinance to attempt to push inappropriate development proposals through. We have all been recently reminded that this can lead to very expensive and drawn-out legal battles with unfortunate results.

So, how to address the potential equity issues for the Beit Am proposal? Our suggestion is simple: Have the Council propose the annexation of this property to the Citizens of Corvallis and offer to pay for the annexation fees in this case. Because the problem appears to result from a decision by the Corvallis Fire Marshall that Beit Am couldn't have realistically predicted, it seems only fair that Corvallis pay the tab for the annexation. In the future, developers will be

aware of this possibility. Although this will cost the City in the short run, it could be a tiny drop in the bucket compared to the long-term costs associated with going forward with the proposed ordinance.

And finally, as your constituents, we very much appreciate all the hard work you put in on behalf of the larger community. Important decisions like this probably aren't the "fun" part of the job!


Kirk Bailey


Jennifer Gervais


Tony Howell

September 21, 2015

Mayor Traber & City Council
City of Corvallis
500 SW Madison Ave.
Corvallis, Oregon

Re: Extension of City Water to Contiguous Urban Growth Area Land Without Annexation

Dear Mayor Traber and City Councilors,

I am writing regarding the recent request made by Beit-Am for extension of City water to land in the Urban Growth Area (UGA) without annexation. This type of request would set a precedent for developers in the future, and I do not support the draft Ordinance prepared by staff (as part of your September 3, 2015 packet).

On Friday, I went to the County Planning Department to request information on this development request, and none was available to share with the public. Staff showed me a topographic map of the area, and indicated that a 5.50-acre parcel with significant slopes was the site. A recent article (dated September 11, 2015) in *The Gazette Times* (GT) provided some general information of what the development might entail, but no conceptual plan or application was available for review at the County. The GT article indicated that an 8,000 square foot structure was planned, including a sanctuary and synagogue, classrooms, a social hall, a library, and an office.

Our Charter Amendment on Annexation specifically states no extension of City services without annexation.

This property is an island in that it is surrounded by City land, but remains in the Urban Growth Area, and in the County. There are many islands in the City of Corvallis that have never been brought into the City Limits, and some of them have sewage problems, and/or hazardous chemical problems, and they have not been annexed into the City.

Apparently, the City is unable to compel islands to request annexation. Is this also a possibility with the Beit-Am property? If the property owner is not required to request annexation in order to obtain significant City services, such as sewer and water, what would compel an island to be annexed in the future?

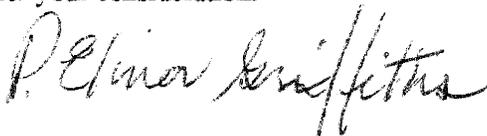
The draft Ordinance would have a much broader scope than just this one property. Even the applicant for Beit-Am acknowledged that, as drafted, the City's Ordinance is "very broad in scope," and that, "as written, the proposed Ordinance could extend water services to anyone within the Urban Growth Boundary."

At the last City Council meeting, one of the speakers supporting Beit-Am indicated that Beit-Am had always intended to build in the County. However, in 2002, when City voters were asked to vote on the Parkland Addition Annexation, the subject property owned by Beit-Am was part of that annexation request. At that time, the voters turned down the approximately 102-acre annexation request. *(Please see the attachment.)*

Please do not approve this request without annexation, or this Ordinance. To do otherwise, you will be breaking faith with the voters of Corvallis and with the City's long-standing Charter Amendment on Annexation since it would deliberately circumvent the public process reflected in that Charter. As such, it should not be allowed.

Thank you for your consideration.

Sincerely,



P. Elinor Griffiths

Corvallis, OR 97330

ATTACHMENT C
Page 374-d

BENTON COUNTY VOTERS' PAMPHLET



GENERAL ELECTION NOVEMBER 5, 2002

PUBLISHED BY THE
BENTON COUNTY
BOARD OF COMMISSIONERS

Please RECYCLE this pamphlet with your newspapers

ATTENTION

This is the beginning of your county voters' pamphlet. The county portion of this joint voters' pamphlet is inserted in the center of the state portion. Each page of the county voters' pamphlet is clearly marked with a gray screen bar on the outside edge. All information contained in the county portion of this pamphlet has been assembled and printed by the Benton County Elections Office.

City of Corvallis

CONTINUED 

Measure No. 02-26

BALLOT TITLE

MEASURE PROPOSING ANNEXATION OF THE PARKLAND ADDITION PROPERTY

QUESTION: Shall the 102.67-acre Parkland Addition property, located on the north side of Harrison Boulevard, be annexed?

SUMMARY: Approval of this measure would annex approximately 102.67 acres to the City of Corvallis. The property to be annexed is located on the north side of Harrison Boulevard, west of the Church of Jesus Christ of Latter-Day Saints located at 4141 NW Harrison Boulevard, east of Walnut Boulevard, and south and west of Witham Hill Drive. The property is proposed to be districted in a combination of RS-3.5 (Low Density Residential), RS-6 (Low Density Residential), PD(RS-6) (Low Density Residential with a Planned Development Overlay), PD(RS-12) (Medium-High Density Residential with a Planned Development Overlay), and PD(AG-OS) (Agricultural - Open Space with a Planned Development Overlay).

identified in 1980 when the Corvallis Urban Growth Boundary was established. This need was reaffirmed in 1998, with acknowledgment of the City's Comprehensive Plan update. City ordinances specify that the developers will be responsible for on-site and off-site costs associated with street and utility improvements needed for land development projects. Infrastructure proposed to serve the development includes the extension of Circle Boulevard to Harrison Boulevard, new local streets, pedestrian pathways, stormwater detention facilities, and the extension of water and sanitary sewer lines to serve the project.

The City Council found the annexation request to be consistent with the policies of the Comprehensive Plan and other City and State policies and standards. Citizens are encouraged to become informed about the annexation request. Full copies of the project's staff reports and Planning Commission and City Council hearing minutes are available at the Corvallis-Benton County Public Library (645 Monroe Avenue) and the Community Development Department at City Hall (501 Madison Avenue, 766-6908), e-mail: planning@ci.corvallis.or.us.

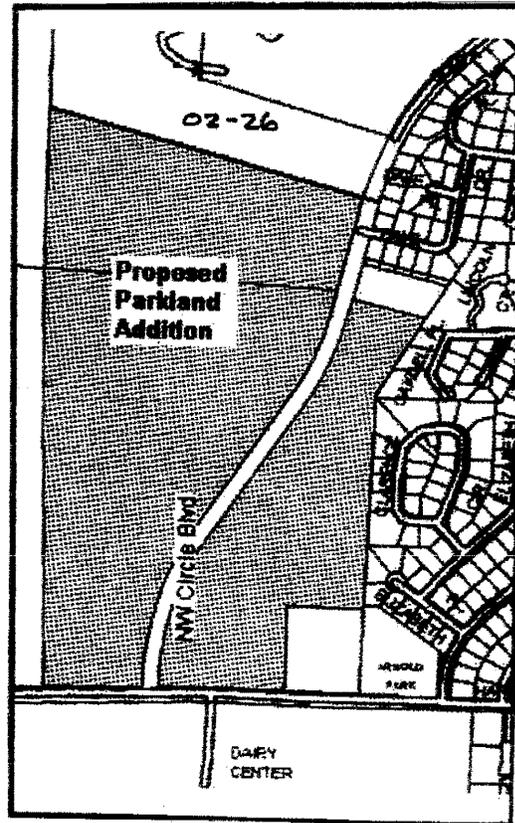
EXPLANATORY STATEMENT

The 102.67-acre area proposed for annexation is located on the north side of Harrison Boulevard, west of the Church of Jesus Christ of Latter Day Saints, and east of Walnut Boulevard. The area includes 1.91 acres of Harrison Boulevard right-of-way, 0.83 acres of land recently purchased by the owners of adjacent developed residential properties to the east, 5 acres of land owned by the Beit Am Mid-Willamette Valley Jewish Community, and 94.93 acres of land proposed for residential development and open space. Upon annexation, the Comprehensive Plan Map would identify 10.82 acres of the area as Medium-High Density Residential, 40.97 acres as Open Space - Conservation, and 48.97 acres as Low Density Residential. Zoning District changes would follow these designations and add a Planned Development Overlay zone to the 94.93 acres that are proposed for residential development and open space. The City's Comprehensive Plan permits Low Density Residential development at 2-6 units per acre and Medium-High Density Residential development at 12-20 units per acre.

Annexation requests are required to include a drawing to illustrate how the site could be developed. The applicant's drawing was submitted in the form of a Conceptual/Detailed Development Plan. This Plan is for the development of single family homes, an assisted living facility, and a future community center. It includes areas set aside for wetlands, drainageways, and oak forest preserve. If annexed, development would occur consistent with the approved Conceptual/Detailed Development Plan unless the property owner requested a change. Any major revisions to the approved plan would require a public hearing, Planning Commission review, and findings that the change was consistent with the review criteria.

This project was analyzed for possible development impacts to wetland, tree, hillside, habitat, and drainageway resources; for compatibility impacts; and for potential traffic impacts. Analysis included consistency with the City's adopted Master Plans for items such as transportation, parks, trails, sewer, water, and storm drainage.

The eventual need to annex and develop this land was originally



(Submitted by the City of Corvallis)

Official Benton County 2002 General Voters' Pamphlet

City of Corvallis

Measure No. 02-26

ARGUMENT FOR

We are interested in developing an assisted living facility and 162 single-family homes at Parkland Addition. As you may know, a number of attempts have been made at annexing this property, none of which have offered to set aside 41% of the land for open space.

We have spent the past three years working with City officials and the neighbors to develop a plan that will address the housing needs of young families and the elderly in our community. The plan provides the following:

- Single-family homes for young families. Over half the lots are less than 7,700 square feet, making them affordable to most families.
- Preserves the integrity of the wetlands and mitigates all wetland impacts on site.
- Preserves existing significant stands of White Oak trees.
- Discourages truck traffic along the existing portions of Circle Boulevard.
- Provides developer funding of traffic calming measures to maintain 25 MPH speeds along the new Circle Boulevard extension and existing portions of Circle Boulevard through Woodland Park.
- Provide open space preserves between existing single-family homes and OSU's agricultural lands.

We have a track record of successfully developing homes in Corvallis and Philomath, and welcome the opportunity to complete another project in Corvallis. Currently the entire 101 acre parcel is designated for low-density residential development on the City's Comprehensive Plan. Annexing this property would convert 41 acres to open space and would ensure the preservation of existing wetlands near Harrison Boulevard and White Oak trees on the hillside.

Please join us in supporting this measure to provide housing for young families and the elderly, and giving the community additional open space at no cost to the taxpayer.

Vote YES for Parkland Addition.

Sincerely,

People in support of Parkland Annexation

(This information furnished by Citizens for Parkland)

The printing of this argument does not constitute an endorsement by Benton County, nor does the county warrant the accuracy or truth of any statements made in the argument.

ARGUMENT FOR

Our town needs Parkland

Vote 'Yes' on the Parkland annexation. This property is in an ideal location for family housing. It is close in on the City Limits, well within the Urban Growth Boundary with utilities in place or ready for expansion. So situated, this neighborhood plan will help us avoid sprawl and increase our housing stock while providing key features called for in the Corvallis Vision Statement:

- provides a complete and distinct neighborhood with connectivity to adjoining neighborhoods;
- planned on a pedestrian scale;
- incorporates substantial open space and preserves significant natural features;
- within easy biking and/or walking distance from shopping areas and workplaces, including the OSU campus;
- accessible to these same areas by existing public transportation routes.

With lots dedicated to more modestly priced new homes, a planned assisted living facility and larger lots for more expensive homes similar to some of the neighboring properties on developed Witham Hill, the Parkland proposal offers a variety of family focused housing types. **The tight family housing market means that our schools suffer because of declining enrollments. Parkland would help address this problem.**

The developer has also gone to great lengths to solicit and address the concerns of current Witham Hill residents, and has conceived a design for this property that is sensitive to the potential impacts on the existing neighborhood.

Finally, we need property tax revenue in Corvallis. In the period from 1995 to 2000, our per capita property tax revenue decreased 21%, contributing to our current funding woes and the fact that many city services are now at risk. Annexing lands should be a priority for our community, particularly if proposed developments meet other community-wide needs as well as the Parkland proposal would.

Vote 'Yes' to meet our housing needs. Vote 'Yes' for families and schools. Vote 'Yes' for the health of Corvallis. Vote 'Yes' on Parkland.

(This information furnished by Citizens for a Healthy Corvallis.)

The printing of this argument does not constitute an endorsement by Benton County, nor does the county warrant the accuracy or truth of any statements made in the argument.

Official Benton County 2002 General Voters' Pamphlet

<p>City of Corvallis</p>	<p>City of Monroe CONTINUED ▶</p>
<p>Measure No. 02-26</p>	<p>Measure No. 02-29</p>
<p>ARGUMENT AGAINST</p> <p>Voters have rejected annexing this property six times, including the same developer's similar proposal in 2001.</p> <p>The Corvallis Planning Commission unanimously denied this annexation saying, "The advantages of annexation do not outweigh the disadvantages."</p> <ul style="list-style-type: none"> • "There is no public need for the annexation of additional low density residential land." • Medium-high density zoning would have "negative traffic impact," "is not compatible in close proximity to OSU's agricultural lands" and "is not the desirable means of meeting a public need." • Annexation would not "encourage affordability and diversity." <p>NOT NEEDED: According to the <i>Corvallis Land Needs Analysis</i>, we will have a surplus of 341 acres of low density land in 2020.</p> <ul style="list-style-type: none"> • Planning Commission calculations indicate we currently have a surplus of 20 acres of medium-high density. • Last year the city issued building permits for 847 new dwelling units, including 197 single family homes, demonstrating that land is available inside Corvallis. <p>A POOR SITE FOR DEVELOPMENT: Steep slopes, fragile wetlands, and soil and drainage problems make developing Parkland difficult and expensive.</p> <ul style="list-style-type: none"> • There are no nearby schools. • The assisted living center would be far from stores and doctors' offices. <p>A SERIOUS DRAINAGE PROBLEM. The developer plans to send stormwater to Oak Creek via the OSU dairy property. The planning commission, concerned about "detrimental sediment flowing into area streams," noted "there is no assurance that the applicant and OSU will come to an agreement regarding stormwater drainage."</p> <p>INCREASED TRAFFIC: Residential sections along Circle west of Highland and Harrison west of 30th are already under pressure from more than 15,000 cars a day.</p> <ul style="list-style-type: none"> • According to the developer, the subdivision would add another 1300 trips a day to Circle. • There would be a significant increase on Harrison even without the proposed Oak Creek annexation. • The City's planners say the proposed zoning would allow 535 units on Parkland. Such development could almost double the increase in traffic. <p>This information furnished by Citizens Against Parkland Addition Annexation 3800 NW Harrison, Corvallis http://NoParklandAddition.webhop.org</p> <p><i>(This information furnished by Citizens Against Parkland)</i></p>	<p>BALLOT TITLE</p> <p>GENERAL OBLIGATION BONDS FOR WATER SYSTEM</p> <p>QUESTION: Shall the City be authorized to issue up to \$556,000 of general obligation bonds for water system improvements? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of Section 11 and 11b of Article XI of the Oregon Constitution.</p> <p>SUMMARY: A "yes" vote on this measure is a vote to increase taxes. This measure, (Phase II of a two phase project), will permit the City to issue up to \$556,000 in general obligation bonds to finance costs of capital construction and improvements related to the water system. Phase II construction includes addressing supply deficiencies, upgrading the Water Treatment Plant, replacement of existing aging supply lines and securing additional water sources. The bonds will mature over a period not to exceed forty years. The total estimated cost of the bonds, including interest estimated at 4.5% and a forty-year payment schedule is \$1,207,720. The annual property tax levy to pay the bonds for the city is estimated to be \$30,193. The bond cost estimate is \$1.61 per \$1,000 of assessed property value per year.</p> <p>EXPLANATORY STATEMENT</p> <p>Approval of this measure by the voters would allow the City of Monroe to issue up to \$556,000 in general obligation bonds to finance costs of capital construction and improvements related to a new water system. The estimated tax rate would be \$1.61 for each \$1,000 assessed property value. The bonds would be paid off with a time period not to exceed 40 years from taxes on property within the City of Monroe.</p> <p>The City Council has referred this measure to the voters based upon conditions and requirements established by the Oregon Health Department's (OHD), Drinking Water Program, the Environmental Protection Agency, Department of Environmental Quality (DEQ) and the Federal Safe Drinking Water Act of 1996.</p> <p>This bond measure allows the City to work in cooperation with Rural Development on a water grant to improve the water quality, supply for fire protection, and water consumption needs for the next generations. Such bonds will secure the City's portion of a 25/75 matching grant. As part of project the bonds will pay for 25% (\$556,000) of the project and the grant will pay for 75% of the project (\$1,666,550).</p> <p>The construction project calls for improvements of the current water system. These improvements have been laid out in two phases. Phase I of the project included a 1,000,000 gallon water tank, replacing existing distribution lines and a dedicated supply line to the new water tank. Phase 2 will address water supply deficiencies, upgrades to the Treatment Plant, repair remaining aging distribution lines, and secure additional water sources.</p> <p>Construction is anticipated to begin in the third quarter of 2003 with voter approval of this bond measure.</p> <p><i>(Submitted by City of Monroe)</i></p>
<p>The printing of this argument does not constitute an endorsement by Benton County, nor does the county warrant the accuracy or truth of any statements made in the argument.</p>	<p>NO ARGUMENTS FOR OR AGAINST THIS MEASURE WERE FILED.</p>



<u>Race</u>	<u>Candidate</u>	<u>Votes</u>	<u>Percent</u>
02-26: CORVALLIS ANNEX PARKLAND ADDITION			
	YES	6,247	33.84 %
	NO	11,356	61.51 %
	Total	17,603	
	Under-Votes	825	4.47 %
	Over-Votes	33	0.18 %
	Total Votes Cast	18,461	
02-29: MONROE GO BOND FOR WATER SYSTEM			
	YES	78	42.16 %
	NO	99	53.51 %
	Total	177	
	Under-Votes	8	4.32 %
	Over-Votes	0	0.00 %
	Total Votes Cast	185	
02-20: PHILOMATH ANNEX INDUSTRIAL PARK			
	YES	1,110	71.02 %
	NO	344	22.01 %
	Total	1,454	
	Under-Votes	103	6.59 %
	Over-Votes	6	0.38 %
	Total Votes Cast	1,563	
02-21: PHILOMATH ANNEX DASTEUR PROPERTY			
	YES	1,136	72.68 %
	NO	322	20.60 %
	Total	1,458	
	Under-Votes	104	6.65 %
	Over-Votes	1	0.06 %
	Total Votes Cast	1,563	
02-22: PHILOMATH ANNEX PEKAR PROPERTY			
	YES	1,132	72.42 %
	NO	329	21.05 %
	Total	1,461	
	Under-Votes	102	6.53 %
	Over-Votes	0	0.00 %
	Total Votes Cast	1,563	
02-23: PHILOMATH ANNEX SMURFIT NEWSPRINT			
	YES	1,175	75.18 %
	NO	290	18.55 %
	Total	1,465	
	Under-Votes	98	6.27 %
	Over-Votes	0	0.00 %
	Total Votes Cast	1,563	
02-24: PHILOMATH ANNEX THOMPSON TIMBER/G			
	YES	1,082	69.23 %
	NO	379	24.25 %
	Total	1,461	
	Under-Votes	102	6.53 %
	Over-Votes	0	0.00 %
	Total Votes Cast	1,563	

September 21, 2015

To: Mayor Traber and Members of the Corvallis City Council
From: League of Women Voters of Corvallis, Laura Lahm Evenson, President
Re: Extension of City Services Outside of City Limits

The League of Women Voters of Corvallis is a strong supporter of comprehensive planning and of measures to ensure its effective, impartial, and lawful implementation.

The League understands that the City Staff is trying to find a way for the Council to allow Beit Am to proceed with plans to build their synagogue. However, we request you DENY the approval of the Ordinance before you. The applicant and project are immaterial to the issue at hand, which is extension of City services without annexation. Adoption of this Ordinance is likely to result in unforeseen consequences, as noted in the Staff Report. Such was the case with the Coronado property, and now the City must bear the cost of appeals.

There are two reasons for our opposition to this Ordinance.

1. Abrogates the City Charter and Land Development Code

In the mid-1970s, Corvallis voters passed two Charter Amendments addressing annexation. These amendments work hand in hand. The 1974 Amendment (Section 52) prohibits extension of City Services outside the city limits unless mandated by State law or by an Ordinance passed by City Council. The Amendment passed in 1976 (Section 53) states that *"Unless mandated by State law, annexation, delayed or otherwise, to the city of Corvallis may only be approved by a prior majority among the electorate."* Land Development Code (LDC) language was adopted to implement these amendments. The draft ordinance before you tonight is not in keeping with the provisions in Sections 52 and 53 of the City Charter. The City and its residents have relied on the process set forth by these amendments to provide orderly, cost-efficient growth for 40 years. The proposed Ordinance is so broad that it essentially disregards both Charter Amendments 52 and 53, by not providing for orderly extension of services, and by not requiring an annexation vote before building.

The LDC says *"...The City shall furnish no services or enter into any agreement or contract to furnish such services to property outside the corporate limits of the City unless the City Council shall have first adopted an ordinance approving the same..."*. The provision within Charter Amendment 52, which gives the Council the ability to write an ordinance, has been used for exceptions only, not for a blanket allowance. Since 1974, the city has used this provision rarely, if at all.

2. Setting a Precedent

Many properties in the urban growth boundary abut the City limits. If owners of property north of the Timberhill development choose to build in the County and request use of City water to meet the Fire Code, what happens to our public hearing and annexation process? The irrevocable annexation clause in this Ordinance removes Corvallis voters' ability to vote on annexations before building takes place. Additionally, with no specific timeline for annexation, annexation may never occur, costing the City valuable tax base.

We also wonder when, in this situation, does the public process set forth in Section 2.7.50 of the LDC take place? This process requires a Planning Commission hearing, for the Commission to make a recommendation to the Council, and a Council public hearing before a final decision is made.

In conclusion, League believes that if City water is necessary to meet the requirements of the Fire Code to allow building on the Beit Am property, it should be annexed to the City before building. In this case, because the decision by the Fire Marshal requiring extension of City water into the County is unprecedented, the City itself might consider placing the annexation on the ballot. Also we strongly recommend that the City, County and the Fire Marshal be required to inform all parties abutting the city, who are contemplating development, of all requirements at the *beginning* of the application process.

Thank you for the opportunity to express our concerns.

A handwritten signature in black ink, appearing to read "Laura Lahm Evenson". The signature is fluid and cursive, with a large initial "L" and "E".

Laura Lahm Evenson, President
League of Women Voters of Corvallis

Date: 21 September 2015
To: Corvallis Mayor and City Council
From: Marilyn Koenitzer; Corvallis 97333
Re: Extension of Services Outside the City Ordinance

Tonight I very strongly urge you deny the ordinance before you.

If you approve this ordinance, your decision will impact Corvallis more than any other land use decision before the Planning Commission and City Council in my memory. It changes the complete complexion of how we process land use decisions. It will remove decision-making from the citizens and councilors. City Staff has recommended against the Ordinance.

Implications of not including Charter Amendment 53 in your packet information.

Amendments 52 and 53 are linked. During the public hearing, I have not heard discussion of Amendment 53. It cannot be ignored because it requires a prior public vote on annexation. "Unless mandated by State law, annexation, delayed or otherwise, to the City of Corvallis may only be approved by a prior majority vote among the electorate." The proposed ordinance has no timeline for annexation, and the vote would be moot after extension of service and development has occurred.

Insufficient public notice for city wide implications.

The original draft Ordinance was Noticed by the city as an ordinance for a single entity asking for city water outside the city. It was treated as a minor housekeeping type issue without planning commission review. It has morphed into an ordinance with ramifications to every property contiguous to the City. This is both a land use and a legislative issue. If you do not deny, this Charter Amendment interpretation requires another public hearing.

Because I am concerned of city wide implications of this Ordinance, I attempted to find code language to address how ordinances such as this should be noticed. I could not find legislation in either the LDC or the Municipal Code that fits this situation.

LDC 2.0.40.01ⁱ, Legislative Hearings, applies to legislative land use actions. It appears to apply to adjacent landowners of land that will only be rezoned. Subsection c. requires notification for limitations put on the property, not EXPANSION of amenities (water) as allowed in this Ordinance.

I called the city attorneys' office to find notice requirements, and was referred to ORS 192.640ⁱⁱ Public Meetings¹ section. It calls for responsible notification. What I am saying is that the intent of these LDC legislative sections is to notify if zoning or limiting actions are happening to property. Apparently, it was not foreseen in 1974 that water would be extended to county property and there would be no provision for adequate hearings. The city should err on the side of caution when promulgating laws with wide application after stating in public notifications that it was extending water use for one entity only. Ordinances, especially those with city wide land use implications, should be carefully written after extensive public input.

In addition, Ms. Robin Pekala, of Beit Am, requested before you at the last council meeting, to continue the hearing. Her plea was not acknowledged or acted upon. If you do not deny, then this subject needs another public hearing with broad notification.

ⁱCHAPTER 2.0 PUBLIC HEARINGS; Section 2.0.10 BACKGROUND

The following procedures establish the conduct of legislative and quasi-judicial public hearings required by the provisions of this Code. Where this Code and a provision of state law address the same subject, the requirement of state law shall take precedence.

Section 2.0.20 PURPOSES

- a. Describe rules of conduct, notice requirements, order of proceedings, and action required for legislative and quasi-judicial hearings; and
- b. Provide clear and consistent rules to ensure that the legal rights of individual property owners and the general public are protected.

Section 2.0.30 DETERMINATION OF HEARING TYPE

Within seven days from the date of the Director's request for a hearing, the City Attorney shall determine whether a legislative or a quasi-judicial hearing is required. The decision shall be based upon consideration of applicable state regulations and relevant court decisions.

Section 2.0.40

2.0.40.01 LEGISLATIVE HEARINGS

Notice

a. Notice Published in Newspaper

Notice of the hearing shall be published in a newspaper of general circulation at least 10 days prior to the hearing and shall contain the following information:

1. Terms of, or a statement of, the proposed public action;
2. Department of the City from which additional information can be obtained; and
3. Time, place, date, and methods for presentation of views by interested persons.

b. Notice Requirements Pursuant to ORS 227.175

Notice shall be provided to property owners affected by legislative land use actions in the following manner:

1. Notice Recipients

The statutory notices required by Oregon Revised Statute 227.175, as amended over time, shall be provided in addition to any other notice required by the Code. These notices include:

- a) Notice to all owners of property that will be rezoned to comply with a proposed legislative amendment to the Comprehensive Plan, when the proposed legislative amendment is not required as part of Periodic Review;
- b) Notice to a
 - ii owners of property that will be rezoned as a result of a proposed ordinance;
 - iii Notice to all owners of property that will be affected by a text amendment that limits or prohibits uses permitted by that zone, when the proposed amendment is not required as part of Periodic Review; and
 - iv Notice to all owners of property that will be rezoned as the result of a proposed amendment to the Comprehensive Plan or Zoning Ordinance that is a component of the Periodic Review process.

2. Timing of Notices

Notices under "1.a," "1.b," and "1.c," above, shall be sent within 20 to 40 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment. Notices under "1.d," above, shall be sent 30 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment.

4. Renotification Required

If, during the legislative land use action for which notices have been provided in accordance with ORS 227.175, as amended over time, the hearing authority has rezoned property not previously noticed, or further limited or prohibited uses not previously identified, then re-notification shall occur in accordance with these provisions.

ii ORS192.640 Public notice required; special notice for executive sessions, special or emergency meetings. (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

Koenitzer, 21 September 2015

September 24, 2015

To: Corvallis City Council
From: David Eckert, Corvallis, OR 97330
Subject: Proposed Ordinance - City Water Service outside City Limits

Today I consulted with City Planning staff, a City engineer, and the City Manager to find answers to questions I have about the proposed ordinance. This is what I discovered:

1. Since there is no time restriction listed when an annexation must be brought before voters when instituting this ordinance, there is no obligation for the City to require annexation. This portion of the ordinance is, therefore, without any teeth or meaning.
I recommend a fixed, one-year time limit for the annexation requirement.
2. If the site owner proceeds through planning approval and development phases prior to annexation, they will be subject only to County standards, not to City standards.
3. The ordinance does not require wastewater hook up for the intended properties in this ordinance and, therefore, the site owners would get City water, a theoretically unlimited source of water, without City wastewater hookups. They would rely on very limited septic systems to treat a potentially large source of water. Our City government has no staff or procedures to work with septic fields.
4. Once the site is annexed into the City, the site will then be required to hookup and use City wastewater. This means that if this ordinance is passed and Beit Am installs a septic system during development, then upon annexation, they will need to hook up City wastewater post-development. And that is a lot more expensive than pre-development hookup. **I recommend requiring wastewater hookup, as well as water hookup, as a stipulation of this proposed ordinance.**
5. By developing with County standards, the site will not be required to follow the more stringent and effective City standards for stormwater management, parking features, pedestrian and bicycle accommodations, landscape design and natural areas protection. installing City-substandard features will ultimately have a negative impact upon neighboring properties, the local environment and our City culture. We are currently struggling with poorly conceived annexations. **I recommend requiring adherence to City standards while planning and developing a property committed to annexation.**
6. City staff cannot and should not be deemed accountable for the current last-minute awareness of the property owner regarding County and City codes. Such accountability must rest with the paid consultant of the property owner whose job it is to fully read and understand all aspects of City code. This paid consultant may be an architect, engineer or planner who is tasked with ensuring the plan is compliant with all relevant codes.
7. Staff indicated this ordinance is entering into uncharted territory* of which the unintended consequences cannot be foreseen. **I recommend that any new ordinance ensure that the new property fully conforms to the needs of the City, not the County.**

*The only sites outside the City that have municipal water without municipal wastewater were those sites along the Rock Creek water delivery line. The City bargained easements for water hookups. These hookups were granted long before the 1974 Amendment (Section 52). Most are well outside of the City and do not impact the City environment.

From: Mike Blair

Sent: Monday, September 21, 2015 4:50 PM

To: 'mayorandcitycouncil@corvallisoregon.gov' <mayorandcitycouncil@corvallisoregon.gov>

Subject: Temporary Mens' Shelter on 4th Street

Dear Mayor and Councilors:

I'm writing this email regarding Corvallis Housing First, and both the temporary men's shelter they have been running and the proposed permanent shelter on 4th St. I understand that they have "postponed" plans to build right away. Many thoughtful and heartfelt Corvallis Citizens feel that this location, adjacent to both an historic district and the downtown "heart" of our city, is simply wrong. Many of us are also concerned about the continuance of a winter shelter in this location. Not only are the negative impacts felt by the homeowners and businesses, but CHF's "program" is flawed for those they are trying to serve as well, enabling a cycle of addiction and negative behavior with no real attempt to help these chronically homeless people. Close proximity to a liquor store, a Dari-mart, and a Safeway only compounds the cycle and perpetuates the negativity for all. Many downtown employees and neighborhood residents have expressed their safety concerns. The reality is that property values in the vicinity of the temporary shelter have already been negatively impacted over the past three years.

There have been some discussions of alternative solutions, but they have been focused on the proposed permanent shelter, leaving the question about the temporary shelter apparently still an option. I would encourage you to please help find a better suited location, and a better qualified group, to run this type of "damp" shelter, whether temporary or permanent, for the future of all of our citizens.

I am asking the Council and Mayor to impose a moratorium on issuing another temporary permit for the operation of the shelter at this location, until a thorough study has been completed related to the impacts on the downtown and Avery-Helm Historic District.

Respectfully Submitted,

Mike Blair

Corvallis

MAYOR & COUNCIL EMAIL

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Ordinance allowing City Water extended beyond the City Limits

- *To:* ward8@xx
- *Subject:* Ordinance allowing City Water extended beyond the City Limits
- *From:* Vanessa Blackstone <timberridgecorvallis@xxxxxxxx>
- *Date:* Mon, 21 Sep 2015 12:38:36 -0700
- *Authentication-results:* zmail-mta01.peak.org (amavisd-new); dkim=pass (2048-bit key) header.d=gmail.com
- *Cc:* mayor@xx

Hello Councilman Hann,

My Neighborhood Association has been informed of this Ordinance this past Friday; we did not receive a clear notification regarding a public hearing on this topic. The notification was regarding Beit Am, and not a new ordinance. We discovered the Ordinance when checking the City Council Agenda for tonight's meeting. As such, we were not able to provide comment during the actual public hearing at the previous Council Meeting. In fact, in reviewing the meeting minutes, it is obvious most of Corvallis did not know about this public hearing or there would have been more speakers either for or against.

My neighborhood association does not support this ordinance as written. While the situation the Beit Am property owners find themselves in is unfortunate, it does not justify an attempt to bypass Charter 52 just to aid one property owner while opening the door for unforeseen abuses of this ordinance. The property owners already have an avenue to connect to City Water by applying for annexation. It may take them longer than they anticipated, but that is the process. By passing this ordinance as written, it forces the voters to annex property that was already granted City services OR allow property to acquire City services without paying City taxes. This "alternative process to Chapter 52" places the cart before the horse. It also sets a dangerous precedent that the Council can provide other alternative process to Chapter 52 that may be less narrow and discretionary.

Some of our membership have stated that the requirements the Fire Marshall is placing on Beit Am are not actual Fire Code rules, but guidelines from the insurance. Perhaps you know the section of Fire Code that the Fire Marshall based his decision upon. I have not verified this statement, but if this is

ATTACHMENT H

Page 374-p

true, then this whole situation is a misinterpretation of fire code, and Beit Am needs to proceed along that route rather than seek an alteration on a voter measure that has been in place for decades.

I would suggest (though not necessarily my association, as I haven't vetted the idea with them), that instead of providing an alternate means to gain City Services, the Council considers a way for property owners in the Urban Growth Boundary to apply for "special vote" annexations when they cannot wait for the typical May or November submissions. Rules that apply to those annexations could be similar to those in this ordinance in addition to something like this: to get a special vote property owners must demonstrate a need for City Services, such as a requirement by the Fire Marshall. There could be unforeseen abuses of this as well, but at least it goes to the voters, which keeps to the heart of Chapter 52.

I will be speaking during Visitor Propositions at the meeting this evening, but wanted to provide this input to you in advance in case there was additional actions you wanted to take prior to the "unfinished business" segment of tonight's agenda.

Vanessa Blackstone

President

Timber Ridge Neighborhood Association

timberridgecorvallis.wordpress.com

"Like" us on Facebook at <https://www.facebook.com/timberridgecorvallis/info>

- Prev by Date: **Re: HOC meetings**
- Next by Date: **Press release: Local history author presentation at Corvallis-Benton County Public Library on 10/21/15**
- Previous by thread: **Re: HOC meetings**
- Next by thread: **Press release: Local history author presentation at Corvallis-Benton County Public Library on 10/21/15**
- Index(es):
 - **Date**
 - **Thread**

Mayor Traber, City Councilors, and Staff:

My name is Ken Krane. I have lived in Corvallis for more than 40 years. I am a member of Congregation Beit Am and chair of the design committee for our new synagogue building.

It has been very distressing to me to see how a bureaucratic molehill has been allowed to develop into a mountain. The original narrow focus on fire suppression issues has been allowed to develop into a discussion of issues fundamental to the city's charter and its growth capabilities through annexation. Beit Am did not come before you to request access to city water. Instead, we sought resolution of a conflict between two city policies: the fire marshall's insistence that we use city water for fire suppression and the city's charter that forbids city services being delivered to property outside the city limits. We do not seek to overturn the city's charter nor to create a precedent that will cause future city councils to be forced to deal with a myriad of requests from county landowners for access to city services.

We have a well on our property that is perfectly adequate for all of our needs, but our plans to build an underground cistern for fire suppression were found to be inadequate by the fire marshall. Adequate fire suppression on our property is clearly in the city's interest, because a fire could rapidly spread over our heavily wooded hillside and threaten the adjacent city homes on Clarence Circle and Elizabeth Place. Fire suppression is in everyone's interest, but domestic city water is being sought by no one and is in no one's interest to be provided to our property. Why then are we even having this discussion? We respectfully suggest that rather than dealing with global issues of the city charter or annexation, that instead you focus on the fire suppression issue. Is it possible to provide water for fire suppression within the guidelines of the city charter? In such a case there would be no actual usage of the water except in the event of a fire, in which case everyone would presumably be in favor of its use.

Is it not possible to put a dedicated fire suppression water line on our property? After all, if the Campus Crest development were completed and Circle Boulevard had been put through, there would presumably be a fire hydrant on Circle close to our property, and this issue would not arise. Would it be a violation of the city charter to use city water from the hydrant to put out a fire on our county property? A dedicated fire suppression water line would in the interim serve the same purpose as a fire hydrant. We recognize that city staff are reluctant to place a stub water line, but surely there are ways to mitigate its effect on the city water system: for example, a backflow valve and an agreement to flush the line periodically (similar to the way that hydrants are now flushed periodically).

We have heard the many sincere voices requesting that we be annexed into the city before we build. We do not see this as a viable solution, because there is no certainty that the annexation vote would pass. It would mean delaying by at least a year before a vote could even be taken, and then if it were to pass starting the permitting process, which is already 8 months underway in the county, all over again in the city. And if the vote were to fail, we would be back here again in a year or two having the same discussion. In our Jewish liturgy, we find the phrase often quoted by Martin Luther King: "justice delayed is justice denied." That is surely the case here.

Thank you for your attention.

September 21, 2015

Pg 1

To: The Mayor and City Council
From: Marie and Jim Wilson Corvallis Oregon
RE: Ordinance 2015 Amending Corvallis Municipal Code Section 3.010.50

I have reviewed the Staff Report and City Council Meeting.

I request that the council retain our existing charter amendment and reject the proposed ordinance change.

I believe there are three other options available.

1: Perhaps a broader interpretation of whether an adequate and reliable and water supply exist may resolve the issue. The Fire Marshall's interpretation based on 1000 ft criteria is an evaluation for (ISO) Insurance Services Office. This is a data - base for the insurance industry, which is risk based, not a fire code. The Fire Marshall has latitude in this interpretation. It is not a shall or should, rather it may be a better best practices. This water request is Precedent Setting.

2: If the project were built 100 ft further out it could be adequately addressed with a storage tank system.

3: The traditional annexation process could be implemented.

The proposed ordinance change would create a council abdication of its authority and decision making as an elected body. All future annexation requests, extension of services, and fees would be interpreted and decided by an administrative body. The controversy before us is a perfect example of an administrative bodies interpretation.

The irrevocable contract for annexation (delayed annexation) is non-binding on future councils.

Once potable water/ fire protection is provided, unless the proponent requests annexation, they cannot be forced to annex unless it is a health annexation. If City water is provided in the county, it becomes less attractive to annex. Two and 5-acre parcels would hamstring orderly growth and densities, which creates an impediment of orderly contiguous annexations. An example is Highland Dell who chooses not to be annexed. This would take us back forty years and the deleterious effect would be leapfrog water and land use requests throughout the entire urban growth boundary.

Pg 2

This Ordinance has City Wide Ramifications.

Public notices and Saturdays GT Article described as a Beit Am water issue requesting connection to city water. There has been no notification to neighborhood associations, or notice of public hearings on an ordinance proposal that impacts the entire city and our right to vote on annexations.

The city manager states this is not project driven or specific, yet that is precisely how the hearing has been announce. This is precisely why we are here, and possibly creating an ill-conceived solution, which serves no one well. If the intent is other than a solution to the applicant it should be announced as such and a process should ensue.

I believe such an ordinance may hold the city open to a myriad of legal challenges, and appeals now and in the future. This may cause lengthy delays to the project being built.

While the Council can implement an ordinance, it does not mean it should.

No action should be taken that compromises the intent of our City Charter Amendment 52 and 53.

While we all want good will and a resolution for and with our neighbors, That cannot be achieved through an ordinance that renders our Charter Amendment ineffectual

Sincerely,
Marie and Jim Wilson

BICYCLE AND PEDESTRIAN ADVISORY BOARD
MINUTES
September 4, 2015
DRAFT

Present

Brad Upton, Chair
 Meghan Karas, Vice Chair
 David Ullman
 Brian Bovee
 Thomas Bahde
 Mike Beilstein, City Council

Staff

Greg Wilson, Public Works
 Lisa Scherf, Public Works

Visitors

Court Smith
 Laura Duncan

Absent

Ron Georg

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Introductions	X		
II. Review of August 7, 2015 Minutes			Approved
III. Visitor Comments	X		
IV. Old Business <ul style="list-style-type: none"> • CPD Facebook Page • Bicycle/Pedestrian Content • BPAB Annual Work Plan Activities • Increase Public Involvement 	X		Content split into shorter items. BPAB discussed plans for its public forum
V. New Business <ul style="list-style-type: none"> • Green Lane Markings Subcommittee Report • 29th and Grant Intersection 	X	X	Subcommittee will develop criteria to bring back Staff will discuss options
VI. Information Sharing	X		
VII. Commission Requests and Reports	NA		
VIII. Pending Items	NA		

CONTENT OF DISCUSSION**I. Call Meeting to Order/Introductions**

Chair Upton called the meeting to order and those present introduced themselves.

II. Review of Minutes

Board Member Karas moved to approve the August 7 minutes; Board Member Ullman seconded the motion and the minutes were approved unanimously with one abstention.

BPAB Minutes
September 4, 2015
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III. Visitor Comments

Visitor Court Smith stated that he is part of a group looking at how to make Corvallis more bicycle and pedestrian friendly and less car-centric by connecting clustered walkable areas with transit and bicycles. He presented the beginnings of a proposal for a “bicycle tramway” system, which would be small vehicles that hold 15 people for transport in areas where the speed limit is around 15 miles per hour. Chair Upton noted that this is a good idea, but it is a big change that will require building consensus in order to achieve. Mr. Smith stated that the plan is to start with a small test area and expand from there. Mr. Smith is also working with OSU on this concept. The Board expressed support for the concept and recommended Mr. Smith’s group talk to the members of the Madison Avenue Task Force and the Corvallis Sustainability Coalition.

IV. Old Business

CPD Facebook Page Bicycle/Pedestrian Content

The Board discussed the content drafted by former Board Member Susan Christie for the Corvallis Police Department’s Facebook page. The Board agreed that the content is too long and broke it into smaller parts that can be published over time. Board Members Ullman and Karas volunteered to write twelve more short items that can be published throughout the year.

BPAB Annual Work Plan Activities

Chair Upton noted that other agenda items cover this topic.

Increase Public Involvement

The Board discussed holding an informal town hall style forum in October at the Corvallis Benton County Public Library. Staff will put together display boards with information for attendees to read and discuss. Topics for the boards may include bicycle count data, bicycle facilities types (new, old, and proposed), Corvallis’ Bicycle Friendly Community gold level status, and information on green lane markings. Councilor Beilstein recommended having information at the World Car Free Day event to promote the forum, as well as a press release or an article in the Gazette-Times. Councilor Beilstein also reported that the Library has acquired a “book bike” and suggested having it on display at the event. Board Members Karas and Bahde volunteered to help staff with the development of content for the displays at the forum.

V. New Business

Green Lane Markings Subcommittee Report

Board Member Bahde reported that the subcommittee decided to bring one of the variations from the National Association of City Transportation Officials (NACTO) design to the full board. The design is dashed green pavement in conflict areas where automobile lanes cross bicycle lanes, followed by a solid green marking from there to a crosswalk or stop line. The subcommittee liked the higher visibility of the dashed marking and thought it would save some materials cost. The recommendation does not include green marking on the far side of the intersection, but could include a green box around the bicycle lane marking. The subcommittee recommended looking at several intersections on Kings Boulevard as the first locations for this treatment. Ms. Scherf recommended developing criteria for where to use this treatment rather than suggesting locations. Chair Upton noted that referring to the Manual of Uniform Traffic Control Devices (MUTCD) in the recommendation would carry more weight than NACTO does. Chair Upton recommended

BPAB Minutes
September 4, 2015
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that the subcommittee make the discussed changes and refine the criteria and bring it back when they are ready.

29th and Grant Intersection

Board Member Ullman reminded the Board about the issues at this intersection, which is largely caused by the diagonal intersection with Coolidge Way. His recommendation is to close Coolidge Way at the intersection of 29th Street and Grant Avenue. Ms. Scherf noted that there have been CIP suggestions for this intersection in the past. A second option that the Board discussed was adding a pedestrian island at the intersection to provide a refuge and help indicate that there is a crosswalk. Staff will research the options with the City Traffic Engineer.

VI. Information Sharing

Staff reported that there will be a ribbon-cutting with the Oregon Department of Transportation (ODOT) for the new pedestrian-activated crosswalks on 9th Street and Walnut Boulevard. It will be held in the Samaritan Health Services Avery Square building on 9th Street on September 4.

Mr. Wilson read a statement regarding City volunteers and the restrictions on the BPAB members' ability to discuss the Benton County's jail bond issue when acting in their capacity as Board Members.

Mr. Wilson reported that Pedalpalooza is happening on September 20, from 12:00-3:00 p.m. on 1st Street and in Riverfront Park. He also reported that Car Free Day will be held on September 22, with four breakfast stops held in different locations. Finally, the Oregon Drive Less Challenge will be taking place from October 5-18. The Challenge is jointly sponsored locally by the City's Transportation Options Program, Cascades West Rideshare and ODOT.

VII. Commission Requests and Reports

None.

VIII. Pending Items

None.

The meeting was adjourned at 8:55 a.m.

NEXT MEETING: October 2, 2015, 7:00 a.m., Madison Avenue Meeting Room



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

DRAFT
CITY OF CORVALLIS
DOWNTOWN ADVISORY BOARD
Madison Avenue Meeting Room
September 9, 2015

Attendance

Shelly Signs, Vice Chair
 Brigetta Olson
 John Morris
 Nancy Whitcombe
 Ken Pastega

Staff

Sarah Johnson, Senior Planner
 Mark Lindgren, Recorder

Visitors

Peter Wendel
 Andre Barbosa

Absent/Excused

Liz White, Chair
 Joe Elwood
 Elizabeth Foster
 Mary Gallagher
 Dan Brown, Council Liaison

SUMMARY OF DISCUSSION

	Agenda Item	Recommendations
I.	Call to Order	
II.	Approval of August 12, 2015 Meeting Minutes	
III.	Public Comment	
IV.	Presentation & Discussion: Cascadia Seismic Institute- Peter Wendel	
V.	Discussion: 2016-2017 DAB Work Program	
VI.	Updates	
VII.	Other Business	
VIII.	Adjournment - 6:47 p.m.	The next regular meeting will be held on Oct. 14, 2015 at 5:30 p.m., at Madison Avenue Meeting Room

CONTENT OF DISCUSSION

I. CALL TO ORDER.

Vice Chair Shelly Signs called the regular meeting of the Corvallis Downtown Advisory Board to order at 5:36 p.m.

II. APPROVAL OF MEETING MINUTES.

AUGUST 12, 2015

Due to the lack of quorum, the August 12, 2015 minutes could not be approved.

III. PUBLIC COMMENT: None.

IV. PRESENTATION AND DISCUSSION: CASCADIA SEISMIC INITIATIVE

Peter Wendel, downtown business and property owner, related he'd learned his building was vulnerable in event of earthquakes, but found that simply seismically retrofitting his own building was not a good option, since surrounding buildings would affect his during an earthquake. Therefore, it is not just an individual property issue, and solutions should span property lines.

He participates in a diverse committee of experts and property owners which is discussing aspects of preparing downtown for a major event. Over the last eighteen months they've found there were not organized resources to refer to, and are looking for answers for the community. Plans on preparedness are not well publicized. The New Yorker summer article on Pacific Northwest earthquakes stirred public awareness and concern, but did not point to solutions.

The group is seeking to bring together knowledge and help Corvallis become a node of expertise on earthquake preparedness to serve the community. They are considering presenting forums on property preparedness and public safety preparedness. They advocate making buildings safer during quakes, as well as surviving in a usable condition so that we can rebuild our economic vitality more quickly. They suggest looking at the issue on a block by block basis; however, this will require social engineering in order to deal with it in terms of rewriting ordinances and legal structures, liability and the common interest of investment and tax incentives. They are getting expertise from the University of Oregon's Architecture and Allied Arts Department.

He introduced Andre Barbosa, Oregon State University Civil and Structural Engineer, who specializes in earthquakes and buildings. Mr. Barbosa said that Peter Wendell, Cathy Kerr and others in the committee have been working for 18 months, but the effort needs to be on a community scale. He said his presentation would outline how buildings can be retrofitted, as well as impacts of earthquakes in Nepal and elsewhere.

After major earthquakes he and other researchers seek to learn from them. Earthquakes often cause fires, especially in older buildings. Retrofitting seeks to minimize cascading hazards, such as fires, afterwards, and makes buildings safer. Chile in 2010 had a magnitude 8.8 earthquake, with damage typical of developed countries, since they had

good seismic design, engineers and enforcement. New Zealand earthquakes occurred in 2010 and 2011; there was good design and engineers, but also unreinforced masonry buildings, and damage has caused the Christchurch downtown to be still closed for business even after five years (due to structural damage as well as ground failure (liquefaction soils)). Japan is the most prepared, given their history of many earthquakes over the last century, though they weren't prepared for a 2011 tsunami.

He said earthquake shaking in Napa would be similar to what we'll likely experience in Oregon. A 1996 San Francisco URM law requires that unreinforced masonry buildings be retrofitted within twenty years, providing only tax incentives. He highlighted a Napa 2006 ordinance; the Corvallis group feels that a mandatory approach may not be the best way to go at this time.

He outlined shaking levels in a 6.9 earthquake in 1989 in Loma Prieta and a 5.2 quake in 2000 in Yountville and the resulting damage. In Napa, shaking levels of 0.4g to 0.6g were measured, with a similar level of 0.6g expected for earthquakes in the area around Salem and Corvallis, with more expected damage in the Oregon coast area. The August 24, 2014 Napa earthquake of 6.0 magnitude resulted in \$400 to \$800 million in damage.

He displayed examples of stone masonry buildings. One, with a minimal seismic retrofit of wall to floor ties to prevent walls from falling, suffered some damage. Another, with a comprehensive retrofit, performed well. Another with wall-to-floor ties had out-of-plane failure. Another stone masonry building with a comprehensive retrofit with light interior steel structure suffered no damage. He noted that building corners are often tricky to protect. He displayed interior steel braces, which prevented most damage, with a building up and running immediately afterwards. He noted that residual offset damage is difficult to fix, and many owners will choose to demolish them, to the concern of many community members. He displayed typical chimney failure.

Wooden buildings typically perform much better than unreinforced masonry buildings, since they typically have a lot of redundancy, except with cripple wall buildings, which are subject to sliding failures. Buildings can be retrofitted, costing \$50,000 to \$80,000 *after* the fact, but much more cheaply (\$3,000 to \$5,000) *before* an earthquake, including anchor bolts.

He said liquefaction of soils causes buildings to sink, as if in quicksand. It is less a problem in dry soils. It can cause damage to pipes in the ground- Napa houses with a lot of cast iron had 75% breakage. In Chile, there were a lot of water shortages- liquefaction caused sand to get into pipes, and was hard to get out.

Nepal is quite poor, relying largely on tourism, and following a 7.8 magnitude earthquake there were over 9,000 deaths and 22,300 injuries (as of May 2015). Buildings with masonry infill all suffered damage (a few of Corvallis' older downtown buildings were built with this technique). Nepal has a substantial retrofitting program for schools funded by USAID, and they performed well. In terms of emergency response, community or self

help was far more significant than from national or international SAR teams- we have to be prepared as a community to help each other.

Our community and preparedness starts here- he sought ideas on how to make changes to do better. In general, retrofitted buildings perform better, and people went back to houses and businesses much faster than to non-retrofitted structures. It's hard to avoid damage completely, but retrofitted buildings were repaired, while non-retrofitted buildings were demolished.

He related that Seattle was contemplating mandatory retrofitting. He noted that in Oregon we're expected to have 5 to 6 minutes of shaking, similar to the Japan earthquake, so we'll see more damage.

Ms. Olson asked what financing tools were successfully used in California and other places; it will be expensive. Wendel said the local group looked at California examples, where there were no teeth in non-compliance in ordinances. Ms. Whitcombe said remodeled buildings typically have X-braces in the interior and are quite safe.

Mr. Pastega asked if a local engineering firm had expertise to provide retrofit estimates and solutions. Mr. Wendel replied that he knew of none. Mr. Morris said new construction was quite prescriptive regarding earthquakes. Mr. Barbosa replied that most engineering firms would have some degree of know-how, though with varying experience. One building owner could be fine after seismic retrofits, but could still be affected by surrounding buildings, so working at the block level is the most effective approach. However, getting building owners to work together is challenging; it could require an ordinance and incentives.

Mr. Pastega asked about seismic codes for remodeling; Mr. Wendel replied that especially if changing the occupancy class, one must include seismic upgrades. Senior Planner Sarah Johnson highlighted tax credit programs; the DAB worked on this in detail when an urban renewal district was proposed, with loan programs for seismic upgrades. This is addressed in the Downtown Strategic Plan. Often, tax credits alone are not enough. Mr. Wendel said an urban renewal district was considered, along with advocating national investment; there has been a good response from Senators Merkley and Wyden. They plan to reach out to the construction industry to highlight solutions to the public.

Ms. Olson highlighted a Salem group also working on these issues for that region. She asked if you hear an earthquake before it hits; Mr. Barbosa replied that you have about ten seconds, but often one doesn't know what the sound is initially. However, if you run outside downtown where there is unreinforced masonry, there will be falling masonry. Ms. Whitcombe said when buildings are remodeled, or there is a change of occupancy or use, that is when a decision must be made. Mr. Wendel said many people don't want to know; something can sometimes be implemented where there is a public interest. Building Code requires things in buildings in the public interest, such as prohibiting sale of a house which has a woodstove which is out of date; we also require smoke alarms. He

said he was concerned that there was no one to go to to get resources. Ms. Olson said that as a community, we need to take charge and make plans. Planner Johnson highlighted a recent presentation on earthquakes to City employees, including planners and fire and police. Mr. Wendel related that he understood that there will be a national subduction quake drill next June.

V. DISCUSSION: 2016-2017 ADVISORY BOARD WORK PROGRAM

Ken Pastega highlighted the proposal to place transient housing in downtown, and asked if the board had been informed. Planner Johnson replied that the board has discussed it and had received a presentation on police efforts; Police Chief Jon Sassaman has been asked to give another. The proposed shelter is a permitted use within the Central Business Zone where it is proposed.

Mr. Pastega said the testimony he heard at a meeting at the library was disturbing, since it affected so many neighbors. Mr. Pastega said the building looked somewhat like a hotel; and asked why the proposed shelter is not subject to the same review process as the recent downtown hotel project. Planner Johnson said the recent hotel approved was in the Willamette Greenway, so it got additional scrutiny.

Planner Johnson suggested staff provide a summary of previous work to help get started on the Work Program at the next meeting. Medium and long-term projects will require more staff involvement and additional funding.

VI. UPDATES:

Staff Updates:

Planner Johnson reported that staff were looking at the Parking Utilization Study and will bring those findings to the board. She distributed the Community Development Department Annual report.

Board Updates: None.

VII. OTHER BUSINESS.

VIII. ADJOURNMENT.

The meeting was adjourned at 6:49 p.m.

The next meeting of the Downtown Advisory Board will be held on October 14, at 5:30 p.m., at the Madison Avenue Meeting Room.



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

DRAFT
CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
September 8, 2015

Present

Lori Stephens, Chair
 Kristin Bertilson, Vice Chair (left at 8pm)
 Peter Kelly
 Mike Wells
 Kathleen Harris
 Cathy Kerr
 Charles Robinson

Staff

Carl Metz, Associate Planner
 Daniel Miller, Deputy City Attorney
 David Coulombe, Deputy City Attorney
 Claire Pate, Recorder

Guests

Mike Jager

Absent/Excused

Roan Hogg, Council Liaison
 Jim Ridlington, Planning Comm. Liaison
 Rosalind Keeney
 Eric Hand

SUMMARY OF DISCUSSION

	Agenda Item	Recommendations
I.	Visitor Propositions	
II.	Historic Resources Commission Training; Quasi-Judicial Land Use Decisions	
III.	Minutes Review – August 11, 2015	Approved, with one comment noted by Commissioner Harris.
IV.	Other Business/Info Sharing A. Historic Preservation Plan Status Update	
V.	Adjournment	8:23pm

CONTENT OF DISCUSSION

Chair Stephens called the Corvallis Historic Resources Commission to order at 6:30 p.m. in the Madison Avenue Meeting Room, 500 SW Madison Ave.

I. VISITOR PROPOSITIONS:

At the suggestion of Commissioner Robinson, **Mike Jager** shared information relating to a recent collaborative project he had assisted with and had just completed. He worked with a group of OSU students called the “History Ninjas” on an interactive publication entitled “The Fort Hoskins Walking Tour iBook.” The project was 18 months in the making, and the work was a collaborative effort between Afrana (Alliance for Recreation and Natural Areas), Benton County Natural Areas and Parks, the Benton County Historical Society and Museum, and the History Ninjas. It received financial and logistical support from the Benton County Cultural Coalition. The interactive publication is available as an iBook through iTunes, and is available as a PDF file. He intended to send a link to the commissioners so that they could download it and view it at their own convenience. He also gave them a preview, using his iPad. He invited commissioners to attend any of the upcoming events during which the publication/video would be debuted.

II. HRC TRAINING: QUASI-JUDICIAL LAND USE DECISIONS (VIDEO/DISCUSSION):

The commissioners viewed Part 1 of a 2007 presentation/lecture by Adrienne Brockman, relating to quasi-judicial land use decision-making. The presentation was part of a lecture series sponsored by the Oregon Chapter of the American Planning Association. After viewing the presentation, Deputy City Attorneys Coulombe and Miller provided clarification of how to apply Corvallis’ local codes and statutes to quasi-judicial land use decision-making processes, and where there were differences from information provided in the video. Some of the highlights of the follow-up discussion are as follows:

- If a jurisdiction does not comply with the “120-day rule” for consideration of an application, the applicant can go to Circuit Court and ask a judge to order the jurisdiction to approve the application. Some “conditions of approval” might be able to be added, but not necessarily all that the jurisdiction might have applied if the application had gone through the public hearings process in a timely manner.
- Generally, a local code needs to be followed; but at times a code provision can be interpreted liberally and if that interpretation were to be appealed to LUBA, the appellant would have to demonstrate that there was substantial prejudice in order for the decision to be overturned. It is not as draconian a result as Ms. Brockman might have implied.
- Public meetings law states that a public meeting cannot be held without a quorum. If there is a quorum for the public meeting but someone recuses themselves from taking part in deliberations of a particular application, the evidentiary portion of the public hearing could take place with a continuation set for a later date to deliberate on the application.
- In terms of ex parte contacts, it is important to disclose all facts learned related to any of the application approval criteria, even if you are not relying on a fact as part of your consideration. The touchstone is whether a fact is material – i.e. related to any of the application approval criteria. Even if you are not relying on it, one of the other commissioners might take it into consideration.
- Fairness of the process is one of the foundations of Ms. Brockman’s presentation. If a commissioner is fundamentally opposed or supportive of an application no matter what the facts presented might be, then there would be actual bias which should be declared. Bias needs to be actual. An appearance of, or a potential for, bias does not discredit someone from considering an application. Recent case law shows that the bar is high for proving bias. Corvallis uses Sturgis’ rules of order which strongly discourages a decision-maker from recusal unless there is an actual conflict of interest. Certainly, if there is pecuniary

interest one might either gain or lose through a decision, this would be considered an actual bias. Commissioners should check in with the City Attorney's office if there are any questions about a potential conflict of interest.

- An example that comes up occasionally: An application comes in from OSU, and a member of the hearings body is an OSU employee. The fact that the person is an employee does not mean there is actual bias, or a conflict of interest, by the mere fact of being an OSU employee. However, other circumstances such as that person having direct involvement with the building or project in some way could be viewed as actual bias and a conflict of interest.
- The presentation was based on 2005 Oregon Revised Statute (ORS) language, and the ORS were revised in 2013. One of the changes was to the definition of "family" which now has a broader application.
- As part of the rebuttal procedure, Corvallis employs "sur-rebuttal" by opponents, which is an additional layer of rebuttal. However, the applicant always has the opportunity to submit final written arguments, though they can waive that right.
- Whenever a quorum (five) of commissioners comes together, even if it is for a social event, it could be considered a public meeting subject to public notice requirements. Commissioners should not discuss pending applications or upcoming legislation with others outside of a public meeting. If it occurs, those conversations should be disclosed during a public meeting so that the content can be considered by all and rebutted by anyone who has a different take on it.
- Commissioners should be fact finders, or evaluators of facts, not fact gatherers. If a commissioner has gathered information for public business, such as a link to a helpful or pertinent article, the best means of dissemination is to forward the information to staff who can include it as part of the next public meeting's agenda.
- Commissioners should be cautious about having "serial" meetings, i.e. talking with another commissioner about a legislative concern (such as replacement windows), followed by meetings with other commissioners to discuss the concern. It is better to have those discussions within the context of a public meeting.
- If a commissioner has overlooked making a disclosure in a timely manner, it is better to make a late disclosure than no disclosure, and staff can help with determining how to proceed. One approach during a public meeting would be to ask the Chair to recess the meeting for a few minutes so they can consult with staff on how best to proceed.
- If a commissioner is approached by someone who wishes to lobby for a legislative change and there is a pending application with considerations that relate to the issue, the commissioner should politely end the conversation and suggest that the person attend the next meeting and address the Commission as a whole.

Part 2 of the training video will be scheduled at a later date.

III. MINUTES REVIEW:

A. August 11, 2015:

Commissioner Harris noted that during the public hearing for HPP15-00014 she had not declared a previous site visit to the Berman Rental property, though she had made the declaration at the previous

HRC meeting for which there was no quorum. The minutes reflect this correctly, but she wanted to put the site visit on the record. Commissioner Kerr moved and Commissioner Wells seconded to accept the minutes as drafted; motion passed unanimously.

IV. OTHER BUSINESS/INFORMATION SHARING:

A. Historic Preservation Plan Status Update: Planner Metz stated that it was still going through the internal review process.

B. Planner Metz distributed copies of the annual report for the Community Development department.

V. ADJOURNMENT: The meeting was adjourned at 8:23 p.m.



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

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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

Jasmin Woodside, Chair
September 2, 2015
Page 2

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

Jasmin Woodside, Chair
September 2, 2015
Page 3

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,



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

Attachment B - 6

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.

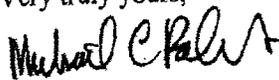
Mr. Kevin Young, Planning Division Manager

July 27, 2015

Page 2

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

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

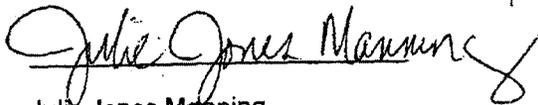
OWNER: Apple Creek I LLC
 PO Box 4460
 Medford, OR 97501

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

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

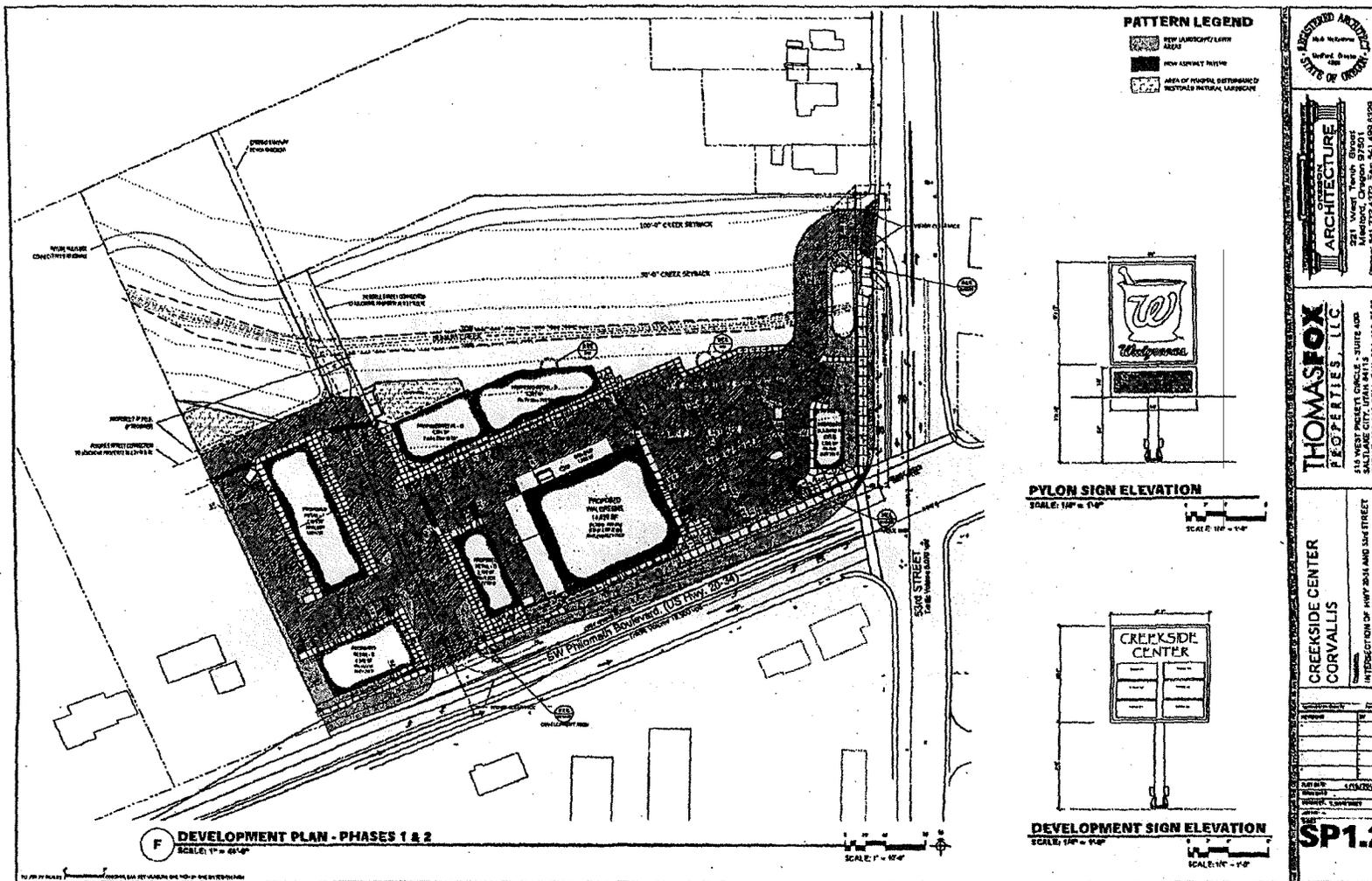
If no appeal is filed by the LUBA appeal deadline, the Tentative Subdivision Plat shall be valid for two (2) years. If the applicant has not submitted a Final Subdivision Plat within the two-year period (with appropriate assurances for improvements, if applicable), or a Tentative Subdivision Plat Modification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



Order 2013-043
City Council Notice of Disposition
ATTACHMENT A (33 of 59)

Attachment B - 13



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 between 12-25' 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=AFQjCNHnThhIfsEINVXjXY-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

Summary Listing of Permitted Zones for Homeless Shelters

Compiled J.Napack 09/15/2015

<u>ZONE CODE, CHAPTER, AND DESCRIPTION</u>		Civic Use Type: Social Service Facility * (P= Permitted Outright)	<u>ZONE CODE, CHAPTER, AND DESCRIPTION</u>		Civic Use Type: Social Service Facility * (P= Permitted Outright)
RESIDENTIAL ZONES			INDUSTRIAL ZONES		
RS-3.5	3.1	Low Density Residential	MUT	3.21	Mixed Use Transitional
		-			-
RS-5	3.2	Low Density Residential	LI-O	3.22	Limited Industrial Office
		-			-
RS-6	3.3	Low Density Residential	LI	3.23	Limited Industrial
		-			-
RS-9	3.4	Medium Density Residential	GI	3.24	General Industrial
		-			-
RS-12	3.6	Medium-High Density Residential	II	3.25	Intensive Industrial
		P			-
RS-20	3.8	High Density Residential	RTC	3.26	Research Technology Center
		P			-
MUR	3.9	Mixed Use Residential	MUE	3.27	Mixed Use Employment
		P			P
RS-1	3.10	Extra-low Density Residential			-
		-			
COMMERCIAL AND OFFICE ZONES			OTHER DESIGNATIONS		
P-AO	3.11	Professional and Administrative Office	OSU	3.36	Oregon State University
		-			-
NC-Major	3.14	Major Neighborhood Center	AG-OS	3.37	AG-OS - Agriculture - Open Space
		-			-
NC-Minor		Minor Neighborhood Center	C-OS	3.38	C-OS - Conservation - Open Space
		-			-
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			
		-			

* 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.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

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:

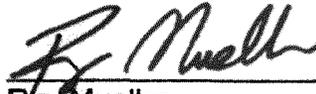
AYES: Carlton, Cline, Keith, Ohtaki, Mueller

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:



Ray Mueller
Mayor

ATTEST:



Pamela Aguilar
City Clerk

From: Ward 2
Sent: Monday, October 05, 2015 4:46 PM
To: Holzworth, Carla
Subject: Fwd: Health and Safety

FYI ----- Forwarded Message -----

From: Jan Napack To: mayor@cityofcorvallis.org, anne.schuster@cityofcorvallis.org Cc: ward1@cityofcorvallis.org, ward2@cityofcorvallis.org
Sent: Mon, 05 Oct 2015 10:41:16 -0700 (PDT)
Subject: Health and Safety

While paying my bill at the Battery Exchange (516 SW 4th Street) this morning, 10/5/15, I asked about the 4-way CCTV monitor in their office. I was told they are aimed at the back of their building because the folks at the shelter next door poop at the base of their wall. I asked if they've contacted the police and they replied yes, but there is nothing they can do unless they catch someone in the act. So, they have installed flood lights, cameras facing north and south, and plan to have a third directed at the back of their building from across the ally. This conversation led to the related topic of the dangers of having to clean up the mess. The Battery Exchange employee told me that an individual who frequents the shelter relayed to him that he knew of four (4) instances where individuals were allowed to enter the shelter without their TB certification. He also heard that at least that many homeless in our city died last year due to TB. Obviously this information is second hand, but surely merits investigation by the County Health Department. Jan Napack

From: Mayor (External Website Publishing)
Sent: Monday, October 05, 2015 4:29 PM
To: Holzworth, Carla
Subject: Fwd: Visitors Propositions October 5, 2015

Can you have copies at councilor's places tonight?
Thanks
Biff

From: "Mike Blair"
To: mayorandcitycouncil@council.corvallisoregon.gov
Cc: "Mike Blair"
Sent: Monday, October 5, 2015 4:22:22 PM
Subject: Visitors Propositions October 5, 2015

Dear Mayor and City Councilors,

I plan to speak at tonight's meeting during visitor propositions, and wanted to give you a copy of my statement.

Thank you for hearing my concerns.

I would like to clarify the conversation around Corvallis Housing First (CHF) and both the current Temporary Men's Winter Shelter they run, as well as their proposed "Mega Shelter" on 4th Street. Opposing the location does not mean being "anti homeless". Everyone can certainly agree that the issue of homelessness is one that we, as a community, need to address. Recent public meetings and letters to the editor have made it appear that those of us who oppose the shelter on 4th Street simply do not care about homelessness in general, or the chronic population which is currently served there during the winter months. I believe this is an unfair assumption. What we oppose is the location.

The Winter Shelter is run as a "damp" program, which means that while no alcohol or drugs is permitted inside the building, entrance is permitted to those who may be drunk or high. The shelter is only open from 7pm until 7am, and once inside you may not leave until the morning. The location is within a half block of a liquor store, a Dari-mart, and a Safeway. As a result, the historic neighborhood and the downtown area become a "party zone" before 7pm, and then, just as children are catching the bus or walking to school in the morning, they are often faced with displays of inappropriate behavior. This would only increase if the Mega Shelter should go in, especially if multiple services are combined in a single location.

While I believe that CHF's intentions to help the chronically homeless are commendable, I strongly believe that the only way this can be successful is in the proper location. If they truly want to help this fragile population, they should want to do that in a way that does not negatively impact the surrounding neighbors. Many other cities have dealt with this issue by making sure that the location of a shelter, especially a "damp" one, is in a light industrial zone, close to services yet away from residential neighborhoods and the downtown. I know that the city of Corvallis has the ability to work with CHF to find an appropriate solution, one that will not only serve those in need but will also keep our neighborhoods and downtown healthy and strong.

Julie Blair

Corvallis

To: Corvallis City Council

October
September 5, 2015

From: Jan Napack

Corvallis, OR 97333

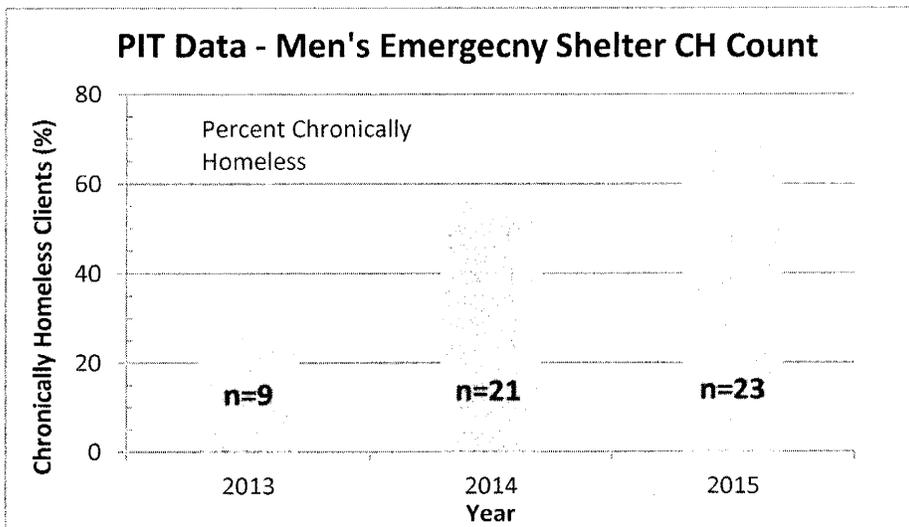
Subject: Evidence Based Policy Decision Making to Reduce Homelessness

Dear Mayor and Council Members,

On my last visit to the council I spoke of my hope that evidence be used to arrive at public policy in regard to reducing homelessness and siting shelters. Further analysis of the same Point-In-Time (PIT) data I presented on 9/8/2015 shows that the Men's Emergency Cold Weather Shelter has seen an increase in chronically homeless counts every year since 2013. Last year these individuals comprised 72% of the census, up from 30% two years prior.

Men's Emergency Cold Weather Shelter Point-In-Time Data ^a

Year	2013	2014	2015
Census	30	37	32
Chronically Homeless (CH)	9	21	23
CH Disabled	9	21	23
% CH	30%	57%	72%
% CH Disabled	100%	100%	100%



Note that 100% of these chronically homeless are designated as disabled, the majority due to substance abuse, mental illness, or both.

It may be reasonable to assume that individuals with untreated addictions or mental illness are prone to unpredictable behaviors. The occurrence of erratic, offensive, and sometimes dangerous behaviors has created concerns and reports by neighborhood residents and business owners. In all fairness however, correlation is not proof and we cannot outright assign blame to the shelter clients. But until it can be proved otherwise we can't logically go forward with plans to build a permanent and larger facility.

The chronically homeless are entrenched in the emergency shelter system. "Housing First" is, at this juncture, the gold standard at reducing homelessness. Corvallis Housing First's 'Partner's Place' is to be commended for its effectiveness. We need more! But increasing the number of chronically homeless for which we need to find supportive housing is simply filling the pipeline.

The interventions needed to "cure" these chronically homeless and disabled folks are expensive, intensive, long-term, and specialized. But it is a false charity to place them in emergency shelters year in and year out. It is a false charity to allow them to destroy themselves. It is a false charity to site a homeless shelter holding recovering alcoholics within a few blocks of a liquor store. It is a false charity to continue to increase the number of these types of shelter beds when our community has no viable long-term solution for dealing with their deeper problems.

Sincerely,

Jan Napack

