



**CORVALLIS
CITY COUNCIL AGENDA**

August 1, 2016

6:30 pm

**Downtown Fire Station
400 NW Harrison Boulevard**

Note: The order of business may be revised at the Mayor's discretion.

COUNCIL ACTION

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. COMMUNITY COMMENTS – 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. Community Comments will continue following any scheduled public hearings, if necessary. **Members of the community wishing to offer comment in advance on topics appearing on any City Council agenda are encouraged to use the public input form at www.corvallisoregon.gov/publicinput.**

V. 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 community member 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 – July 18, 2016
2. City Council Work Session – July 19, 2016
3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Advisory Board – July 5, 2016
 - b. Bicycle and Pedestrian Advisory Board – July 1, 2016
 - c. Downtown Parking Committee – July 5, 2016
 - d. Land Development Hearings Board – July 6, 2016
 - e. Planning Commission – June 15, 22 and July 6, 2016
 - f. Watershed Management Advisory Board – June 22, 2016

- B. Schedule an Executive Session at 5:30 pm on August 15, 2016 under ORS 192.660(2) (h) (status of pending litigation or litigation likely to be filed)
- C. Schedule a public hearing at 7:30 pm on September 6, 2016 to consider the Pastega Property Comprehensive Plan Map Amendment (CPA14-3)

VI. ITEMS REMOVED FROM CONSENT AGENDA

VII. UNFINISHED BUSINESS

- A. Limited public meeting to consider Land Use Board of Appeals remand decision regarding Kings Boulevard Extension (PLD15-00003) and possible adoption of findings [direction]
- B. Adoption of Findings: Lawndale Annexation and Zone Change (ANN16-00001/ZDC16-00001) [direction]

A resolution forwarding the Lawndale Annexation to the voters at the November 8, 2016, election, and directing that notice of the election and publication for the measure to be voted upon be given, **to be read by the City Attorney with a motion by Council**

- C. Marijuana Tax Rate [direction]

A resolution setting the tax rate for marijuana and marijuana-infused products as related to Municipal Code Section 8.15.030 **to be read by the City Attorney with a motion by Council**

VIII. ORDINANCES AND RESOLUTIONS

- A. Second Reading: Corvallis Station Lots 3 and 4 (CPA15-00002) [direction]

A special ordinance relating to a Comprehensive Plan Map Amendment, amending Ordinance 98-53, as amended, **to be read by the City Attorney with no motion by Council**

IX. MAYOR, COUNCILOR, AND CITY MANAGER REPORTS

- A. Mayor's Reports [information]
 - 1. Updates: Housing Opportunities Action Council and men's cold weather shelter
- B. Councilor Reports [information]
 - 1. Task Force Updates *Task Force minutes and meeting materials are available from the Archives link on the City's website.*
 - 2. City Council Three-Month Schedule
 - 3. Other Councilor Reports

C. City Manager Reports [information]

X. ADJOURNMENT

If you need special assistance to participate in this meeting, please contact the City Recorder at (541) 766-6901 (for TTY services, dial 7-1-1). Notification at least two business days prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (In compliance with the Americans with Disabilities Act, 28 CFR 35.102-35.104 ADA Title I and ORS 192.630(5)).

A Community That Honors Diversity

7/27/16

Agenda items and dates are only proposed and likely to change

Yellow = regular meeting

Red = work session

<ul style="list-style-type: none"> ❖ Regular Council Meeting, Monday, August 1 * LUBA remand decision for Kings Boulevard extension: limited public meeting; possible adoption of findings (Comm Dev) * Lawndale Annexation: adoption of findings (Comm Dev) * Marijuana tax rate: resolution (City Manager) * Corvallis Station Lots 3 and 4: second reading of ordinance (Comm Dev) ❖ Council Work Session, Tuesday, August 2, 3:30-5:30 pm, MAMR <ul style="list-style-type: none"> ➢ Airport Advisory Board Annual Report ➢ King Legacy Advisory Board Annual Report ➢ Modification of Street Standards (Public Works) ➢ Transportation System Plan Quarterly Update (Public Works) ❖ Regular Council Meeting, Monday, August 15 * Executive Session: litigation likely to be filed (City Attorney's Office) * Coronado Tract B: limited public hearing (Comm Dev) * Willamette Business Park: adoption of findings (Comm Dev) * OSU Interim Parking Dev Agreement: Center for Advanced Wood Projects; New Peavy Hall (Comm Dev) ❖ Council Work Session, Tuesday, August 16, 3:30-5:30 pm, MAMR <ul style="list-style-type: none"> ➢ Urbanization Study (incl. Buildable Lands Inventory Update) (Comm Dev) ➢ Imagine Corvallis 2040 Draft Vision (Comm Dev) 	<table border="1"> <tr> <th colspan="7">August 2016</th> </tr> <tr> <td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td> </tr> <tr> <td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td> </tr> <tr> <td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td> </tr> <tr> <td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td> </tr> <tr> <td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td> </tr> </table>	August 2016								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			
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<ul style="list-style-type: none"> ❖ Regular Council Meeting, Tuesday, September 6 * Executive Session: Municipal Judge and City Attorney evaluations * Pastega Property Comprehensive Plan Amendment: public hearing (Comm Dev) ❖ Council Work Session, Wednesday, September 7, 3:30-5:30 pm, MAMR <ul style="list-style-type: none"> ➢ Arts and Culture Advisory Board Annual Report ➢ Visit Corvallis Fourth Quarter Report (City Manager's Office) ➢ Downtown Corvallis Association Fourth Quarter Report (Comm Dev) ➢ Housing Development Task Force: review recommendations (Comm Dev) ❖ Regular Council Meeting, Monday, September 19 * Executive Session: Municipal Judge and City Attorney evaluations, continued ❖ Council Work Session, Tuesday, September 20, 3:30-5:30 pm, MAMR <ul style="list-style-type: none"> ➢ Downtown Advisory Board Annual Report ➢ OSU-Related Comprehensive Plan Amendments: review Planning Cmsn recommendations (Comm Dev) 	<table border="1"> <tr> <th colspan="7">September 2016</th> </tr> <tr> <td></td><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td> </tr> <tr> <td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td> </tr> <tr> <td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td> </tr> <tr> <td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td> </tr> <tr> <td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td></td> </tr> </table> <p>* Sept 5 - Labor Day holiday</p>	September 2016											1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
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<ul style="list-style-type: none"> ❖ Regular Council Meeting, Monday, October 3 ❖ Council Work Session, Tuesday, October 4, 3:30-5:30 pm, MAMR <ul style="list-style-type: none"> ➢ Housing and Community Development Advisory Board Annual Report ➢ Comprehensive Review of Council Policies (City Manager) ➢ Work Session operational check-in (City Manager) ❖ Regular Council Meeting, Monday, October 17 * Executive Session: City Manager evaluation * OSU-Related Comp Plan Amendment: public hearing (Comm Dev) * Adoption of Housing Development Task Force recommendations (Comm Dev) ❖ Council Work Session, Tuesday, October 18, 3:30-5:30 pm, MAMR <ul style="list-style-type: none"> ➢ Watershed Management Advisory Board Annual Report ➢ Sustainable Budget Task Force: review timeline and strategy (Finance) ➢ Imagine Corvallis 2040: review final materials for Vision/Action Plan (Comm Dev) ➢ Financial Policies Update (Finance) 	<table border="1"> <tr> <th colspan="7">October 2016</th> </tr> <tr> <td>30</td><td>31</td><td></td><td></td><td></td><td></td><td>1</td> </tr> <tr> <td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td> </tr> <tr> <td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td> </tr> <tr> <td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td> </tr> <tr> <td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td> </tr> </table>	October 2016							30	31					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
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<p><u>PENDING ITEMS TO BE SCHEDULED</u></p> <ul style="list-style-type: none"> * Smoking Ordinance update (City Attorney's Office/Police) * Land Use Process Improvements (Community Development) * Advisory Board/Commission Annual Report Template and Process Review (City Manager) * Community Relations Advisory Group Annual Report (Police) 																																											

**Regular Council Meetings: Fire Station, 400 NW Harrison Blvd.
 Work Sessions: MAMR (Madison Avenue Meeting Room), 500 SW Madison Ave.**

TO: City Council for August 1, 2016
FROM: Paul Bilotta, AICP, Community Development Director *PB*
DATE: July 26, 2016
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Scheduling a Public Hearing for consideration of a
Comprehensive Plan Amendment (CPA14-3)



Action Requested:

Staff recommends the City Council schedule a public hearing on September 6, 2016, to consider the Comprehensive Plan Amendment request associated with the Pastega application.

Discussion:

The City Council is charged with deciding Comprehensive Plan Amendments, following a review and recommendation from the Planning Commission.

On July 6, 2016, the Planning Commission held a public hearing to consider a request for a Comprehensive Plan Amendment for a project known as "Pastega" (CPA14-3), which would change the Comprehensive Plan Map designation affecting 5.14 acres from General Industrial to Low Density Residential. The Planning Commission deliberated and decided to recommend that the City Council approve the request.

Budget Impact:

None.

TO: City Council for August 1, 2016
FROM: Paul Bilotta, Community Development Director *PJB*
DATE: July 26, 2016
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Limited Public Meeting for the Kings Boulevard Extension (PLD15-3)



Action Requested:

Staff recommends the City Council adopt Remand Findings on the Kings Boulevard Extension denial decision to satisfy the City's obligations, as articulated in LUBA's remand.

Discussion:

On June 15, 2016, the Oregon Land Use Board of Appeals (LUBA) issued a Final Opinion and Order remanding the City Council's denial of the Kings Boulevard Extension application. This decision was attached to a memo included in Council's July 18, 2016 meeting materials. The remand related specifically to the third assignment of error, beginning on page 21 of the decision. The LUBA decision included the following language:

"The 2000 CDP is a final land use decision that is binding on the city. Given that prior decision, the city is obligated to give petitioner a better idea of how the city council would go about approving a road in the location shown in the 2000 CDP, either by choosing the road location from one of the alternatives proposed to the city engineer prior to the 2014 Dedication, by advising petitioner which protected natural features the city believes are most important and should be avoided, or by some other method. The city council may not simply conclude that petitioner's proposed alignment does not satisfy the applicable approval criteria, without providing better guidance to petitioner about an alignment that is both consistent with the 2000 CDP, and that would satisfy the applicable detailed development plan approval criteria."

To satisfy to the City's obligations articulated by LUBA above, Staff has drafted Findings (Attachment A) to provide the additional guidance LUBA directed. Staff note that LUBA upheld the City Council's denial decision on the first and second substantive issues raised by GPA1, LLC (appellant) in its Petition for review. No party appealed the issues resolved by LUBA and those issues are not subject to this remand proceeding. The issue before the City Council in this remand proceeding is to provide additional guidance to the appellant. Staff offers the attached findings for Council's consideration and adoption to guide appellant to the steps necessary to obtain approval. The additional guidance includes:

- Provide consistent testimony and argument.
- Utilize the priority of encroachments into natural features that is established in LDC § 4.11.50.04 (Attachment B) to demonstrate that the proposed alignment complies with CPP 13.13.32, minimizing negative impacts to natural features to the maximum extent practicable when compared to alternative alignments.
- Provide sufficient information to demonstrate how the organization of the uses on the site, including a third level water line and other backbone facilities and infrastructure, will interact with Kings Boulevard while minimizing negative impacts to natural features on the remaining undeveloped portion of Timberhill to the maximum extent practicable.

- Demonstrate that any benefit proposed to compensate for varying from the cut and fill standard, or for any requested variance, will provide protections or public benefits beyond those protections or public benefits afforded by the standard being varied.

Recommendation:

The following motion is recommended to adopt the attached Remand Findings required by LUBA's Final Opinion and Order following its review of the Council's decision denying the Kings Boulevard Extension Major Planned Development Modification and Detailed Development Plan application (PLD15-3):

MOTION: Move to adopt staff's proposed Remand Findings, attached to the July 26, 2016, memorandum from the Community Development Director to the Mayor and City Council, in response to LUBA's remand of the City Council's decision to deny the Kings Boulevard Extension Major Planned Development Modification and Detailed Development Plan Request (PLD15-3).

Budget Impact:

None.

Attachment:

- A. Recommended Remand Findings for the Kings Boulevard Extension Major Planned Development Modification and Detailed Development Plan Request (PLD15-00003) denial.
- B. LDC § 4.11.50.04 – Priority of Encroachments into Protected Natural Resource and Natural Hazard Areas

**BEFORE THE CITY COUNCIL
OF THE CITY CORVALLIS**

**REMAND FINDINGS – KINGS BOULEVARD EXTENSION MAJOR PLANNED DEVELOPMENT
MODIFICATION AND DETAILED DEVELOPMENT PLAN**

**In the matter of a remand of the City Council denial)
of a Major Planned Development Modification) PLD15-00003
and Detailed Development Plan Application) (LUBA No. 2016-013)**

PREAMBLE

This matter comes before the Corvallis City Council following an appeal of the Council’s denial of an application for a Major Planned Development Modification and Detailed Development Plan appealed to the Land Use Board of Appeals (“LUBA”). Pursuant to LUBA’s Final Opinion and Order (LUBA No. 2016-013) dated June 15, 2016, this matter is remanded to the Council for the adoption of findings adequate to inform GPA1, LLC (“appellant”) of the steps necessary to obtain approval. No party appealed LUBA’s Final Opinion and Order. Accordingly, all issues affirmed by LUBA are beyond review in this remand proceeding. This proceeding is limited to the sole issue of providing additional guidance as LUBA directed.

LUBA’s Decision

Appellant raised several issues in its Petition before LUBA. Those issues were organized into three assignments of error. LUBA affirmed the City Council on the two substantive issues appellant assigned as error. The issues, and corresponding subparts, are final and not subject to review. LUBA remanded the issue raised in the third assignment of error. Each of the three assignments of error, with its corresponding LUBA decision, is summarized below.

Assignment of Error 1.

LUBA summarized the central issue in this assignment of error as “the effect of the 2014 Dedication on the location of Kings Boulevard through the property.” Slip Opinion at 7. This assignment of error has seven (7) subparts. Each is summarized below. In affirming the Council’s decision, LUBA rejected each subpart.

1. In this subpart, LUBA affirmed the City Council’s denial decision when it agreed with the City that appellant had failed to establish that the City is precluded from requiring review of Kings Boulevard for compliance with applicable standards and criteria in the LDC, merely because the City

accepted the 2014 Dedication.

2. In this subpart, LUBA affirmed the City Council's denial decision when it rejected the appellant's argument that the City had no authority to review the application, because it failed to join the application. LUBA held that "the City is not the 'owner' for purposes of LDC 2.5.40.01 and 2.5.50.01 and was not required to join in or file the application." Slip Opinion at 11.

3. In this subpart, LUBA affirmed the City Council's denial decision when it rejected appellant's argument that LDC 2.5.10 does not apply to its proposal to more specifically locate Kings Boulevard, in accordance with a previously approved conceptual development plan. Slip Opinion at 12.

4. In this subpart, LUBA affirmed the City Council's denial decision when it rejected the appellant's argument that the City's acceptance of the 2014 Dedication makes the location of the right-of-way, as depicted in the 2014 Dedication, a "standard[]" within the meaning of ORS 227.178(3)(a)." Slip Opinion at 14.

5. In this subpart, LUBA affirmed the City Council's denial decision when it rejected the appellant's argument that the City's decision determines the "final engineering design" of a transportation facility, and is therefore not a land use decision subject to LUBA's jurisdiction. Slip Opinion at 16.

6. In this subpart, LUBA affirmed the City Council's decision when it rejected appellant's argument that the City's denial of appellant's application for a permit was a moratorium.

7. In this subpart, LUBA affirmed the City Council's decision when it rejected appellant's argument that the City erred in applying various comprehensive plan policies in considering appellant's application. Slip Opinion at 17.

Assignment of Error 2.

In this assignment of error, LUBA affirmed the City Council's denial decision when it rejected appellant's argument that the King's Boulevard extension was a "needed housing" application subject to clear and objective criteria, because it would one day serve residential development or other roads serving residential development. Slip Opinion at 20.

Assignment of Error 3.

In this assignment of error, LUBA rejected appellant's argument that the City Council "does not have discretion to deny the proposed alignment of King's Boulevard in a location that complies with the CTP, the NCAP and the 2000 CDP." Slip Opinion at 25. LUBA did, however, find the City's adopted Formal Findings insufficient to guide appellant to the steps necessary to obtain Council approval, and thus, LUBA remanded the case.

LUBA's Direction on Remand

In remanding this case to the City, LUBA, citing Oregon Court of Appeals (and its own) precedent, stated that “when a local government denies a permit application, a local government’s findings must be sufficient to inform the applicant either what steps are necessary to obtain approval or that it is unlikely that the application will be approved.” Slip Opinion at 21. LUBA noted it reviewed the City’s Findings and determined that they were not “adequate to inform petitioner what is required to obtain approval of the road that has already been given conceptual approval in the CTP, the NACP, and the 2000 CDP.” Slip Opinion at 23.

LUBA's Guidance:

LUBA said the “city is obligated to give petitioner a better idea of how the city council would go about approving a road in the location shown in the 2000 CDP, either by choosing the road location from one of the alternatives proposed to the city engineer prior to the 2014 Dedication, by advising petitioner which protected natural features the city believes are most important and should be avoided, or by some other method. The city council may not simply conclude that petitioner’s proposed alignment does not satisfy the applicable approval criteria, without providing better guidance to petitioner about an alignment that is both consistent with the 2000 CDP, and that would satisfy the applicable detailed development plan approval criteria.” Slip Opinion at 24.

Council's Remand Findings.

The City Council has considered the three options expressed by LUBA in its order. Because the primary factor leading to the Council’s denial was the application’s lack of information sufficient to allow the Council to fully evaluate the proposed alignment and detailed development plan for King’s Boulevard, the Council is unable to choose from among alternative alignments the applicant proposed to the City Engineer prior to 2014. The findings below do not attempt to replace or supplement the Incorporated and Supplemental Findings previously adopted by the Council that demonstrate that the application did not comply with applicable criteria. Rather, as directed by LUBA, these findings are directed to the primary reasons the Council denied the application and are offered to provide guidance to, and steps for, obtaining approval.

A. Detailed Development Plan for the whole site

Although the applicant is not required to do so, to ensure that sufficient information is provided to the Council, it could choose to file a complete Conceptual and Detailed Development Plan application along with sufficient information to demonstrate compliance with all the applicable criteria, including a demonstration of how the King’s Boulevard Extension would interact with all the backbone facilities and residential development on and over the undeveloped portion of the site. Alternatively, the appellant could take the steps identified in Section B. The Conceptual and Detailed Development plan could include a phasing plan that allows for securing the construction of King’s Boulevard through the site, but limits construction to occur consistent with phases of development.

B. Review of Supplemental Findings

1. In Denial Finding A., the Council noted that appellant provided testimony through several agents which “was, at times, inconsistent with or contrary to that of other agents. The Council notes that the Applicant did not communicate to the Council which agent's testimony, evidence or arguments should be preferred or relied upon. Consequently, the Council notes that where inconsistent or contrary evidence, testimony or argument was provided by the Applicant's agents, the weight the Council gave the evidence, testimony or argument was affected, and the City Council found the evidence, testimony or argument less persuasive.”

- Accordingly, the Council finds that the first step necessary for appellant to obtain an approval is to provide consistent testimony and argument.

2. In Denial Finding A. III. 5, the Council identified the Comprehensive Plan Policy (“CPP”) 13.13.32 requirement that “careful consideration shall be given to natural features such as floodplains, riparian areas, and wetlands, minimizing negative impacts to these features to the greatest extent practicable, while continuing to address the facility needs of the area.” Due to the lack of substantial evidence in the record, the Council was not persuaded that the Application demonstrated that the alignment minimized negative impacts to natural features to the greatest extent practicable.

- Accordingly, the Council finds that the next step necessary for appellant to obtain an approval is to make an adequate demonstration of compliance with CPP 13.13.32. The Council acknowledges that there may be more than one way to make an adequate demonstration sufficient to allow the Council to conclude that a proposal complies with CPP 13.13.32. In an effort to provide guidance, the Council notes that the introduction of a natural features inventory for the site, along with an evaluation of the preferred alignment compared to the alternative (or other) alignments, with an evaluation of the negative impacts on natural features in light of the LDC 4.11.50.04 priority of encroachments into protected natural features, could provide an adequate basis for the Council to consider and find that the application satisfies the CPP 13.13.32 criterion.

3. In Denial Finding A. V., the Council concluded that LDC § 2.5.40.04.a.2 - Basic Site Design (the organization of Uses on a site and the Uses' relationships to neighboring properties) was not met. The Council noted the intrinsic relationship of the various Compatibility Review Criteria in LDC § 2.5.40.04. Because the basic site design of the proposed detailed development plan relied upon a variance to cut and fill standards and the placement of certain public utility facilities in or on the site, which will be necessary to connect to the proposed arterial within significant natural features and riparian areas, the Council found it had insufficient information about how the balance between the cut and fill and the placement of facilities in this design (or an alternate design) provided greater protection for natural features, either within the road alignment or in the necessary connections (as future development occurs in neighboring properties) to the proposed arterial. Accordingly, the Council was not persuaded by the evidence in the record that this organization of uses within the site will also be compatible with the protection of natural features on neighboring properties, however they might develop.

- Accordingly, the Council finds that the next step necessary for appellant to obtain an approval requires providing sufficient information to demonstrate how the organization of the uses on the site will interact with King's Boulevard. Included should be information that demonstrates where 29th Street, other collectors, and local streets, water, sewer, storm water and all other backbone facilities and infrastructure will intersect with King's Boulevard, including location or extensions in, over or through protected natural features areas on the site. This information should include an analysis that shows that the arterial alignment and the backbone infrastructure will minimize negative impacts to natural features on the remaining undeveloped portion of the Timberhill Planned Development to the greatest extent practicable, while not creating unbuildable lots.

4. In Denial Finding A. VII, the Council concluded that there was insufficient evidence submitted with the application to evaluate how the proposed alignment and design of NW Kings Boulevard would ultimately interact with and affect future transportation facilities throughout the site. The Council concluded that the "ripple effects" emanating from the establishment of the proposed alignment were not addressed by the information in the record.

- Accordingly, the Council finds that the next step necessary for appellant to obtain an approval requires providing sufficient information concerning grading, location, and associated anticipated impacts to natural features outside of the identified road improvement area, based on the need to connect, and location for connecting, to infrastructure networks and developable areas on the larger site, in light of the LDC 4.11.50.04 priority of encroachments.

5. In Denial Finding A. VIII, the Council noted that the City's Water Distribution System Facility Plan shows a third-level transmission main through the site that connects the third-level water line that is adjacent to the City's North Hills Second Level Reservoir, to the Timberhill Third Level Reservoir. Council noted that the location of this transmission main should be within the alignment of future streets between the existing 20-inch line stubbed at the end of NW 29th Street, adjacent to NW Bunting Drive, and the 16-inch third level line adjacent to the North Hills Second Level Reservoir. The new transmission main will extend along the alignment of NW 29th Street to NW Kings Boulevard, continue south along the NW Kings Boulevard alignment, and then it will extend to the east within future local street alignments and tie into the existing 16-inch, third-level water line located adjacent to the North Hills Second Level Reservoir. This utility infrastructure is required to extend to and through the site. The Council found that there was insufficient evidence submitted with the application to evaluate how these extensions will occur.

- Accordingly, the Council finds that the next step necessary for appellant to obtain an approval requires providing sufficient information demonstrating this utility's location in the proposed alignment, and how this utility infrastructure will extend to and through the site. The appellant could make this demonstration in a single detailed development plan, or in combination with a conditional development plan and detailed development plans showing phased development.

6. In Denial Finding A. IX, the Council considered LDC § 2.5.40.04.a.14 - Preservation and/or Protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards. The Council found that, because of the narrow scope of the application, viewed from the perspective of the Compatibility factors, there was insufficient information to persuade the Council that these natural resources are being protected to the greatest extent practical.

- Accordingly, the Council finds that the next step necessary for appellant to obtain an approval requires providing sufficient information for the Council to conclude that natural features affected by the proposal are being protected to the greatest extent practical. The Council finds that the submission of a natural features inventory for the site, considered with an evaluation of how the preferred alignment (along with its connecting backbone infrastructure) would, in light of the LDC 4.11.50.04 priority of encroachments into protected natural features, protect natural resources to the greatest extent practical.

7. In Denial Finding A. X, the Council found the proposal to be seeking a variance from LDC § 4.14.70.04, Grading Regulations. The Council found that the cut and fill standards established by LDC § 4.14.70.04 are intended to limit impacts to natural features caused by excessive disturbance of topography, and that the appellant's proposal failed to demonstrate a sufficient offsetting benefit related to the requested variance beyond what is otherwise required with the construction of an arterial roadway. The Council concluded that the requested variation does not provide protections equal to or better than the specific standard requested for variation. Similarly, in Finding A. IV, 8, the Council rejected the proposed variance to cut and fill requirements, because the Council was "not convinced that providing any particular development can be a compensating benefit for a variance sought to allow that development."

- Accordingly, the Council finds that the next step necessary for appellant to obtain an approval requires the appellant to demonstrate that any benefit proposed to compensate for varying from the cut and fill standard, or for any requested variance, provide protections beyond those protections afforded by the grading regulation. The Council notes that there may be a near infinite number of proposals that could establish a compensating benefit for a requested variance. The appellant could make this demonstration by showing, for example, that the cut and fill disturbance and related impacts for its preferred alignment provides greater pedestrian, bicycle or vehicular safety, as well as a reduction in negative impacts to natural resources beyond what is required by municipal code. Similarly, the appellant could make this demonstration by showing that other significant natural features on the site are afforded more protection by this proposal than if the application met the standard, or the appellant could demonstrate some other public benefit that compensates for this or any other requested variance. Alternatively, the appellant

could demonstrate that its proposal provides greater natural features protection, in the aggregate (or in limiting encroachment into higher valued natural features) when viewed in light of LDC 4.11.50.04 encroachment priority.

SUMMARY AND CONCLUSION

As the body charged with review of this case on remand, the City Council, having reviewed the record associated with this proposed Major Planned Development Modification and proposed Detailed Development application, and having considered LUBA’s Final Opinion and Order, for the reasons expressed in these findings, affirms the Council’s denial of the proposed Kings Boulevard Extension Major Planned Development Modification and the proposed Detailed Development Plan application (case PLD15-00003) and provides these additional findings to guide appellant to the steps necessary to obtain approval.

Dated: _____

Biff Traber, Mayor

4.11.50.04 – Priority of Encroachments into Protected Natural Resource and Natural Hazard Areas

- a. Encroachments shall be allowed only to the minimum extent necessary to achieve the MADA.
- b. All unconstrained lands shall be used before encroachments can occur, with the exception of areas described in Section 4.11.50.01.b.
- c. Order of Encroachments - Encroachments shall occur sequentially into the areas of protected Natural Resources and Protected Natural Hazards based upon the priorities presented below, with encroachments into areas identified in Section 4.11.50.04.c.1 first, and Section 4.11.50.04.c.2.I last. Encroachments into areas described in each subsection shall also occur in the order presented, starting from the top of each list.
 1. **Access Encroachments** - Encroachments are allowed to provide access to areas that do not contain Natural Resources and Natural Hazards as defined in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, where such areas cannot be accessed and/or served with public utilities without encroaching into or crossing over the protected Natural Resources and Natural Hazards. Such access encroachments shall meet the following standards:
 - a) The access encroachment area shall be less than 25 percent of the non-constrained area being accessed via the access encroachment, unless "b," below applies;
 - b) The access encroachment area for an access driveway/roadway may be increased to 35 percent of the non-constrained area being accessed, if necessary to meet the maximum slope standards listed in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;
 - c) Access roadways/driveways shall provide shared access to the lots/parcels being developed; and
 - d) The access roadway serving four or more residential lots/parcels, six or more dwelling units, and/or any nonresidential sites shall use the minimum allowed street width with sidewalks on both sides, no landscape strips, and no on-street parking.
 2. **Development Encroachments** -
 - a) Partially Protected Significant Vegetation, in addition to that already allowed in Chapter 4.12 - Significant Vegetation Protection Provisions;
 - b) Highly Protected Significant Vegetation;
 - c) Highly Protected 100-yr. Floodway Fringe areas. However, all such development shall comply with Section 4.5.100 - Standards in Partial Protection Floodway Fringe Areas. See Sections 4.5.20.03, 4.5.90.05, and 4.5.100.03;
 - d) Proximate Wetlands - Jurisdictional Wetlands associated with Riparian Corridors, including Wetlands not determined to be Locally Significant;
 - e) Protected Locally Significant Wetlands;
 - f) Protected Locally Significant Wetlands of Special Concern;

- g) Riparian Corridors of the Marys River and the Willamette River;**
 - h) Riparian Corridors of local Streams with a corridor width of 100 ft. from Top-of-bank on each side of the stream, as shown on the Riparian Corridors and Wetlands Map;**
 - i) Riparian Corridors of local Streams with a corridor width of 75 ft. from Top-of-bank on each side of the stream, as shown on the Riparian Corridors and Wetlands Map;**
 - j) Riparian Corridors of local Streams with a corridor width of 50 ft. from Top-of-bank on each side of the stream, as shown on the Riparian Corridors and Wetlands Map;**
 - k) The 25-ft. setback/buffer within Partially Protected Riparian Corridors shown on the Riparian Corridors and Wetlands Map, but not in a manner that conflicts with Section 4.11.50.05.c; and then**
 - l) Areas with existing landslides, consistent with the development standards contained in Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.**
- 3. Allowance under these provisions for development to encroach into otherwise protected Natural Resources and Natural Hazards does not remove the necessity that development shall comply with all other standards of this Code.**

TO: City Council for August 1, 2016
 FROM: Paul Bilotta, Community Development Director 
 DATE: July 25, 2016
 THROUGH: Mark W. Shepard, P.E., City Manager 
 SUBJECT: Lawndale Annexation and Zone Change (ANN16-1 / ZDC16-1)



Action Requested:

Two actions are requested of the City Council. First, staff recommend the City Council consider the attached materials related to the Lawndale Annexation and Zone Change appeal (ANN16-1 and ZDC16-1), adopt Formal Findings, and a make a final decision in support of the City Council's tentative decision to approve the request.

Second, staff recommend the City Council review and approve the ballot title, voter pamphlet explanatory statement, and Gazette Times display ad, all associated with the annexation request.

Discussion:

On July 18, 2016, the City Council held a public hearing and deliberated on the above-referenced case and reached a tentative decision to approve the annexation request, and to deny the appeal of the Planning Commission's decision to approve the zone change request, subject to adoption of Formal Findings and Conclusions.

Enclosed with this memorandum are draft versions of Formal Findings and Conclusions, a City Council Notice of Disposition, resolution for annexation, and election documents associated with the annexation request.

Recommendation:

The following motion is recommended to adopt the enclosed Formal Findings and Conclusions for the Lawndale Annexation and Zone Change (ANN16-1 and ZDC16-1):

MOTION: Move to adopt the Formal Findings and Conclusions, as described in Attachment 1, in support of the City Council's decision to approve the Lawndale Annexation and to deny the appeal of the Planning Commission's decision regarding the associated Zone Change (ANN16-1 and ZDC16-1).

The City Attorney will read the resolution as described in Attachment 2, to place the annexation measure on the November 8, 2016 ballot.

The following motion is recommended to approve the ballot title, voter pamphlet explanatory statement, and Gazette Times display ad associated with the Lawndale Annexation request:

MOTION: Move to approve the ballot title as described in Attachment 2, and the voter pamphlet explanatory statement and Gazette Times display ad, as described in Attachment 3.

Budget Impact:

If approved by the voters, the annexed properties will be incorporated into the Corvallis city limits. This will result in additional general fund revenue due to the addition of property taxes received. The city will incur expenses as the properties are connected to urban services such as public water and sanitary sewer. The expenses will be partially offset by revenues received through utility bills.

Attachments:

- Attachment 1. Notice of Disposition (draft)
 - Exhibit A – Formal Findings and Conclusions
 - Exhibit B – Proposed Zone Map
- Attachment 2. Resolution (draft)
 - Exhibit A – legal description
 - Exhibit B – ballot title
- Attachment 3. Supplemental Election Materials (draft)
 - Voter Pamphlet Explanatory Statement
 - Gazette Times display advertisement



Community Development
 Planning Division
 501 SW Madison Avenue
 PO Box 1083
 Corvallis, OR 97339-1083
 (541) 766-6908
 planning@corvallisoregon.gov

CITY COUNCIL NOTICE OF DISPOSITION

CASES: **LAWNDALE ANNEXATION** **ORDER NO. 2016-041**
 and ZONE CHANGE
 (ANN16-00001 / ZDC16-00001)

REQUEST: To place a measure on the November 8, 2016 ballot to annex 2.41 acres of privately-owned land and public rights-of-way into the City limits, and to zone the property PD(MUE) upon annexation.

APPLICANT/OWNER: Michael and Patricia Galpin (Tax Lot 1700)
 7906 NE 131st Street
 Kirkland, WA 98034

ADDITIONAL OWNERS:

Tax lot 1800 STOVALL GEORGE F 825 NE LAWNDALE PL CORVALLIS OR 97330	Tax lot 1900 TRUEBLOOD EDWARD A 815 NE LAWNDALE PL CORVALLIS OR 97330
Tax lot 2000 IXTLAHUAC JAVIER & EVA 810 NE LAWNDALE PL CORVALLIS OR 97330	Tax lot 2100 DESAULNIERS LARRY M & THERESA 830 NE LAWNDALE PL CORVALLIS OR 97330

LOCATION: The site is located in northeast Corvallis, approximately 1,000 feet east of Highway 99W, and approximately 175 feet north of NE Circle Boulevard. It is shown on the Benton County Assessor’s Map 11-5-25 BB as Tax Lots 1700, 1800, 1900, 2000, and 2100. The site also includes the abutting public rights-of-way for NE Lawndale Place and NE Belvue Street.

DECISION: The Corvallis City Council conducted a public hearing on July 18, 2016, closed the public hearing, deliberated, and voted preliminarily to place the annexation measure on the November 8, 2016 ballot.

On August 1, 2016, the City Council adopted Resolution 2016-____ to submit the question of the 2.41-acre annexation to the voters.

Additionally, during the July 18, 2016 meeting, the City Council held a de-novo public hearing to consider an appeal of the Planning Commission's decision to approve the associated Zone Change. The Council closed the public hearing, deliberated and decided to deny the appeal, and to uphold the Planning Commission's decision to approve the PD(MUE) Zone, contingent upon voter approval of the annexation.

In support of that decision, the City Council adopted the findings which support placing the measure on the ballot and which support the zone change to PD(MUE) upon annexation. Findings are attached as Exhibit A. The Zone Change Map, contingent upon annexation, is attached as Exhibit B.

APPEALS:

The proposal, staff reports, hearing minutes, Formal Findings, and Ordinance may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

If you are an affected party and wish to appeal the City Council's decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the mailing of the decision regarding the Comprehensive Plan Amendment. Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day.

Biff Traber, Mayor
City of Corvallis

Signed this ____ day of July, 2016

Development Related Concerns**(Lawndale Annexation ANN16-00001 / ZDC16-00001):**

- A. With future development, installation of sewer lines shall be consistent with LDC 4.0 and the City's Waste Water Utility Master Plan. An 8-inch sewer main line (approximately 300 feet) and 4-inch service laterals in Lawndale will be needed to provide sewer service for the individual properties. Installation of sewer improvements could be accomplished through the Public Improvement by Private Contract (PIPC) process or as a City project with the property owners being required to reimburse the City for the costs of construction. If annexed, the City would not be able to begin work on a City project until the next budget year FY 17-18.
- B. With future development, installation of water lines shall be consistent with LDC 4.0 and the City's Water Master Plan.
- C. Future development will be required to install storm drainage facilities consistent with LDC 4.0 and the Stormwater Master Plan. This includes water quality and detention facilities in accordance with LDC 4.0.130 and City of Corvallis Stormwater Design Standards.
- D. Future development of the site will require the installation of a City standard street light system in accordance with LDC 4.0.60.r.
- E. Per LDC section 4.0.90 and 4.0.100.b, future development of the site will trigger the need for franchise utility improvements including 7-foot Utility Easements (UE) adjacent to all street ROW's.
- F. With future development of the site, public street improvements for the site will be required per LDC 4.0 - Improvements Required With Development and be consistent with the City's Master Plans. Dedication of additional Right of Way may be required.
- G. Future development on the site will be required to complete a TIA in accordance with 4.0.60.a. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA shall be submitted for review to the City Engineer. The proposed TIA shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. The applicant shall complete the evaluation and present the results with an overall site development proposal.
- H. With future development, a minimum of one fire hydrant will be required, to be located at the east side of the intersection of Lawndale Avenue and Belvue

Street.

- I. Existing single family residential land uses are permitted outright in the proposed MUE Zone, and single detached residential building types are permitted when existing prior to adoption of the current Land Development Code. The proposed MUE Zone is an Industrial Zone that requires a minimum level of industrial development (see LDC Section 3.27.40.01). These provisions would apply with redevelopment.

ATTACHMENTS

Exhibit A:	Formal Findings and Conclusions
Exhibit B:	Approved Zone Change Map Showing Change Contingent Upon Voter Approval of the Annexation

Attachment 1

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**BEFORE THE CITY COUNCIL
OF THE CITY CORVALLIS**

FINDINGS – LAWNSDALE ANNEXATION AND ZONE CHANGE

In the matter of a City Council decision to) **ANN16-00001 / ZDC16-00001**
approve a Major Annexation; and to place the)
annexation request on the November 8, 2016,)
ballot for voter consideration; and to **deny an**)
appeal of a Zone Change

PREAMBLE

This matter before the Corvallis City Council is a decision regarding approval of a Major Annexation and Zone Change. The subject land use applications were received by the City on March 18, 2016.

The subject 2.41-acre property is located in northeast Corvallis, approximately 1,000 feet east of Highway 99W, and approximately 175 feet north of NE Circle Blvd. It is shown on the Benton County Assessor's Map 11-5-25 BB as Tax Lots 1700, 1800, 1900, 2000 and 2100. The site also includes the abutting public rights-of-way for NE Lawndale Pl. and NE Belvue St. The site is currently developed, and contains five single family residences. The applicants and current property owners are Michael and Patricia Galpin, George Stovall, Edward Trueblood, Javier and Eva Ixtlahuac, and Larry and Theresa Desaulniers.

The Corvallis Planning Commission conducted a hearing on the above-referenced Major Annexation and Zone Change on June 1, 2016, deliberated, and decided to forward the annexation request to the City Council, with a recommendation to place the annexation measure on the November 8, 2016, ballot. The Planning Commission also deliberated on the Zone Change, decided to approve the request, and to apply a PD(MUE) Zone to the subject property, contingent upon Council placing the annexation on the November ballot, and contingent upon voter approval of the measure. A notice of decision was signed on June 2, 2016 (Order # 2016-025). An appeal was filed by the applicants, regarding the Planning Commission's decision to approve the Zone Change.

The City Council held a duly advertised *de novo* public hearing on the application on July 18, 2016. The public hearing was closed, the City Council deliberated and reached a tentative decision on the annexation and appeal. At its July 18, 2016 meeting and after consideration of all the testimony and evidence, the City Council voted to tentatively approve the request to place the annexation measure on the November 8, 2016, ballot, and to deny the appeal of the Planning Commissions' decision regarding the associated Zone Change, subject to adoption of these formal findings.

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the public notices for the June 1, 2016, and July 18, 2016 public hearings; the Staff Report to the Planning Commission, dated June

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1, 2016; the minutes of the Planning Commission hearing and deliberations held on June 1, 2016; the staff memorandum to the City Council dated July 11, 2016, and the minutes of the City Council public hearing and deliberations dated July 18, 2016. The cited Corvallis Comprehensive Plan (“CCP”) policies are fully implemented by the LDC. Where LDC provisions are ambiguous, CCP policies have been utilized to provide context and to clarify the purpose of ambiguous language.

FINDINGS AND CONCLUSIONS RELATED TO THE APPROVAL OF THE LAWNDALE ANNEXATION REQUEST (ANN16-00001)

1. The City Council accepts and adopts those findings made in the Staff Report to the Planning Commission, dated June 1, 2016, that support approval of the Major Annexation. The City Council adopts as findings those portions of the Minutes of the Planning Commission meeting, dated June 1, 2016, that demonstrate support for approving the Major Annexation. The City Council accepts and adopts those findings made in the July 11, 2016, staff memorandum to the City Council, that support approving the Major Annexation. The City Council also adopts as findings, those portions of the Minutes of the City Council meeting dated July 18, 2016, that demonstrate support for approving the Major Annexation. The City Council specifically accepts and adopts as findings the rationale given during deliberations in the July 18, 2016, meeting by Council Members expressing their support for approving the Major Annexation. All of the above-referenced documents shall be referred to in these findings as the “Incorporated Findings”. The findings below, (the “supplemental findings”), supplement and elaborate the findings contained in the materials noted above, all of which are incorporated herein, by reference. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail.
2. The City Council notes that the record contains all information needed to evaluate the Major Annexation application for compliance with the relevant criteria.

The Incorporated Findings list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings. These supplemental findings, like the Incorporated Findings, are grouped into five categories which facilitate a comprehensive and cohesive review of the applicable Annexation review criteria. The categories include Public Need, Advantages and Disadvantages of Annexation, Urban Services and Facilities, Compatibility, and Annexation Procedures. The issue categories are identified with a Roman numeral, issue subcategories, if necessary, are identified by a letter, and findings are assigned chronological numbers.

I. Public NeedApplicable Criteria**2.6.30.06 - Review Criteria**

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Requests for Annexations shall be reviewed to ensure consistency with applicable policies of the Comprehensive Plan, particularly Article 14, and other applicable policies and standards adopted by the City Council and State of Oregon.

Annexations can only be referred to the voters when the proposed Annexation site is within the City's Urban Growth Boundary (UGB), and where the findings below are made. The criteria are highlighted in bold type.

- a. **The applicant has demonstrated a public need for the Annexation -**
 2. **Major Annexations - Factors to be considered in evaluating public need for Major Annexations shall include, but are not limited to:**
 - a) **The five-year supply of serviceable land of the Annexation's land use category (single-family, multi-family, Commercial, or Industrial). Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria;**
 - b) **Availability of sufficient land of this type (single-family, multi-family, Commercial, or Industrial) to ensure choices in the market place. Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria; and**
 - c) **Compliance with adopted community-wide livability indicators and benchmarks relative to Major Annexations, as identified in Section 2.6.30.07.c.**

The City shall provide annually updated Citywide data for the applicant to use in calculating supply and demand for the major land use categories (single-family residential, multi-family residential, Commercial, and Industrial). Residential land supply and demand data shall be calculated using housing units. Commercial and Industrial land supply and demand data shall be calculated using acres.

The required data sources and methodologies for use in determining land supply and demand for Major Annexations, and the requirements for addressing community-wide benchmarks, are outlined below in Section 2.6.30.07.

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 125 and Pages 127 through 129 of the July 11, 2016, staff memorandum to Council.

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2. The City Council notes that the subject site is designated on the Corvallis Comprehensive Map for General Industrial development, as shown on Page 171 of the July 11, 2016, staff memorandum to Council. The Council also notes that the site is proposed to be zoned Mixed Use Employment (MUE) consistent with the Comprehensive Plan Map Designation for the site, as noted on Page 114 of the July 11, 2016, staff memorandum to Council.
3. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 6 of the July 11, 2016, staff memorandum to Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions on Page 6 of the July 11, 2016, staff memorandum to the City Council.
4. As discussed in the Incorporated Findings and the supplemental findings the Council has considered the applicable factors identified in LDC 2.6.30.06.a.2, including an evaluation of the five-year supply of serviceable industrial land, noting that the subject annexation will provide additional choices in the market place, and that the proposed annexation complies with several applicable livability indicators and benchmarks. The City Council finds that after considering these factors, there is a public need for the annexation.

II. Advantages and Disadvantages of AnnexationApplicable Criteria**LDC Section 2.6.30.06**

- b. The Annexation provides more advantages to the community than disadvantages - To provide guidance to applicants, examples of topics to address for the advantages versus disadvantages discussion are highlighted in Section 2.6.30.07.**

- 2. Major Annexations - Major Annexation proposals shall include a discussion of advantages and disadvantages in terms of the methodologies outlined in Section 2.6.30.07. Applicants are required to document the methodologies and criteria used. The Director will review the applicant's arguments, but will not conduct independent research to verify or justify them.**

1. The City Council notes that the applicant responded to the applicable criteria cited above as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 126 and Pages 129 through 132 of the July 11, 2016, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 6 of the July 11, 2016, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016, staff memorandum to the City Council, the portions of the minutes from the

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June 1, 2016, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016, City Council deliberations that demonstrate support for the proposal. The City Council notes that the Incorporated Findings are supplemented by Finding II.3, below.

3. The City Council notes that the applicant provided arguments for why the annexation provides more advantages than disadvantages to the community. The Council was persuaded by those arguments, finding that the advantages exceed the disadvantages because there is an identified public need to ensure the subject site is adequately served with safe and sanitary sewer and water services, that the annexation complies with many of the community's adopted livability indicators and benchmarks, and that annexation of the subject site will increase the diversity of industrial lands within City limits, providing additional choices in the market place in terms of property size, ownership, location, and access to urban facilities.

3. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the proposal is consistent with the applicable criteria related to the Advantages and Disadvantages category cited above, and that the proposed Annexation has advantages for the community that outweigh the disadvantages.

III. Urban Services and Facilities

Applicable Criteria

LDC 2.6.30.06.c

- c. **The site is capable of being served by urban services and facilities required with development - The developer is required to provide urban services and facilities to and through the site. At minimum, both Minor and Major Annexations shall include consideration of the following:**
 1. **Sanitary sewer facilities consistent with the City's Sanitary Sewer Master Plan and Chapter 4.0 - Improvements Required with Development;**
 2. **Water facilities consistent with the City's Water Master Plan, Chapter 4.0 - Improvements Required with Development, and fire flow and hydrant placement;**
 3. **Storm drainage facilities and drainageway corridors consistent with the City's Stormwater Master Plan, Chapter 2.11 – Floodplain Development Permit, Chapter 4.0 - Improvements Required with Development, Chapter 4.5 – Floodplain Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 – Landslide Hazard and Hillside Development Provisions;**
 4. **Transportation facilities consistent with the City's Transportation Plan and Chapter 4.0 - Improvements Required with Development; and**
 5. **Park facilities consistent with the City's Parks Master Plan.**

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A. Sanitary Sewer Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 120, 132 and 133 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 6 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Finding III.A.4, below. The Council finds that the proposal is consistent with the applicable criteria cited above.
4. Findings IV.J.1 through IV.J.2 are incorporated here by reference as findings under the Sanitary Sewer Facilities subcategory.
5. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Sanitary Sewer subcategory.

B. Water Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 120, 121, 133, and 134 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 6 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Findings III.B.3 - III.B.4, below. The Council finds that the proposal is consistent with the applicable criteria cited above.
3. Findings IV.J.1 through IV.J.2 are incorporated here by reference as findings under the Water Facilities subcategory.

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4. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Water Facilities subcategory.

C. Storm Drainage Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 121, 122, 134, and 135 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 6 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016, City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Findings III.C.3 - III.C.4, below. The Council finds that the proposal is consistent with the applicable criteria cited above.
3. Findings IV.J.1 through IV.J.2 are incorporated here by reference as findings under the Storm Drainage subcategory.
4. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Storm Drainage subcategory.

D. Transportation Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 124 and 136 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 6 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Findings III.D.3 - III.D.4, below.

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3. Findings IV.H.1 through IV.H.2 are incorporated here by reference as findings under the Transportation Facilities subcategory.
4. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Transportation Facilities subcategory.

E. Park Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 123 and 136 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 6 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable Park Facilities criteria cited above.

IV. CompatibilityApplicable Criteria**LDC Section 2.6.30.06(e)**

- e. **Compatibility - The application shall demonstrate compatibility in the following areas, as applicable:**
 1. **Basic site design - the organization of Uses on a site and its relationship to neighboring properties;**
 2. **Visual Elements (scale, structural design and form, materials, etc.);**
 3. **Noise attenuation;**
 4. **Odors and emissions;**
 5. **Lighting;**

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6. **Signage;**
7. **Landscaping for buffering and screening;**
8. **Transportation facilities;**
9. **Traffic and off-site parking impacts;**
10. **Utility infrastructure;**
11. **Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);**
12. **Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;**
13. **Preservation and/or protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 – Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 – Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.**

A. Basic Site Design

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 136 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 80 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

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B. Visual Elements

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 136 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 80 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

C. Noise Attenuation

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 137 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Pages 80 and 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

D. Odors and Emissions

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 137 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Pages 80 and 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that

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demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

E. Lighting

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 138 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

F. Signage

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 138 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

G. Landscaping for Buffering and Screening

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 138 of the July 11, 2016 staff memorandum to Council.

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2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that-the proposal is consistent with the applicable criteria cited above.

H. Transportation Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 138 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that-the proposal is consistent with the applicable criteria cited above.

I. Traffic and Off-site Parking Impacts

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 138 through 139 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that-the proposal is consistent with the applicable criteria cited above.

J. Utility Infrastructure

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1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 139 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

K. Effects on Air and Water Quality

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 139 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

L. Pedestrian Oriented Design Standards

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 139 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council

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deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

M. Natural Resources and Natural Hazards

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 140 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 81 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

V. Annexation Procedures

1. The City Council notes that the applicant filed an application for a Major Annexation on March 18, 2016, consistent with the procedures outlined in Land Development Code (LDC) Section 2.6.30.
2. The City Council notes that, consistent with the City Charter of the City of Corvallis and LDC Chapter 2.6, a Major Annexation requires a prior majority vote of the electorate of Corvallis in order for the subject property to be incorporated into the City limits of Corvallis.
3. The City Council notes that LDC Section 2.6.30.12 requires that Council shall only set an Annexation for an election when it finds that the request is consistent with the review criteria in LDC Sections 2.6.30.06 and 2.6.30.07. The Council finds that the proposal is consistent with all applicable criteria in LDC Sections 2.6.30.06 and 2.6.30.07 and may, therefore, be submitted to the electorate.
4. The City Council notes that, in 2016 the Oregon Legislature passed an emergency law (Senate Bill 1573) directing that annexation decisions must be made by the governing body of cities, and may not be made by the voters.
5. The City Council notes that at its May 2, 2016 meeting, it adopted Resolution 2016-14, which directs staff to process all proposals for annexation without regard for Senate Bill 1573, and that this Major Annexation request is intended to be referred to the voters as required by the City Charter, Comprehensive Plan and Land Development Code.

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FINDINGS AND CONCLUSIONS RELATED TO THE DENIAL OF THE APPEAL OF THE RELATED ZONE CHANGE REQUEST (ZDC16-00001)

1. The City Council accepts and adopts those findings made in the Staff Report to the Planning Commission, dated June 1, 2016, that support approval of the Zone Change. The City Council adopts as findings those portions of the Minutes of the Planning Commission meeting, dated June 1, 2016 that demonstrate support for approving the Zone Change. The City Council accepts and adopts those findings made in the July 11, 2016 staff memorandum to the City Council, that support denying the appeal of the Planning Commission’s decision regarding the Zone Change. The City Council also adopts as findings, those portions of the Minutes of the City Council meeting dated July 18, 2016, that demonstrate support for denying the appeal of the Planning Commission’s decision regarding approving the Zone Change. The City Council specifically accepts and adopts as findings the rationale given during deliberations in the July 18, 2016 meeting by Council Members expressing their support for denying the appeal of the Planning Commission’s decision regarding the Zone Change. All of the above-referenced documents shall be referred to in these findings as the “Incorporated Findings”. The findings below, (the “supplemental findings”), supplement and elaborate the findings contained in the materials noted above, all of which are incorporated herein, by reference. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail.
2. The City Council notes that the record contains all information needed to evaluate the Zone Change for compliance with the relevant criteria.

The Incorporated Findings list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings. These supplemental findings, like the Incorporated Findings, are grouped into two categories which facilitate a comprehensive and cohesive review of the applicable Zone Change review criteria. The categories include Compatibility and Issues Raised on Appeal. The issue categories are identified with a Roman numeral, issue subcategories, if necessary, are identified by a letter, and findings are assigned chronological numbers.

I. Compatibility

Applicable Criteria

LDC Section 2.2.40.05

- a. **Review Criteria for Zone Changes, Except Those Requesting to Apply or Remove a Historic Preservation Overlay Quasi-judicial Zone Changes shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:**

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1. **Basic site design (e.g., the organization of uses on a site and the uses' relationships to neighboring properties);**
2. **Visual Elements (scale, structural design and form, materials, etc.);**
3. **Noise attenuation;**
4. **Odors and emissions;**
5. **Lighting;**
6. **Signage;**
7. **Landscaping for buffering and screening;**
8. **Transportation facilities;**
9. **Traffic and off-site parking impacts;**
10. **Utility infrastructure;**
11. **Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);**
12. **Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;**
13. **Preservation and/or protection of Significant Natural Features, consistent with Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.**

A. Basic Site Design

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1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 165 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

B. Visual Elements

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 165 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

C. Noise Attenuation

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 166 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council

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deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

D. Odors and Emissions

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 166 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

E. Lighting

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 166 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

F. Signage

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 167 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council

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adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

G. Landscaping for Buffering and Screening

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 167 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

H. Transportation Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 167 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

I. Traffic and Off-site Parking Impacts

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's

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responses to the applicable criteria cited above are found on Pages 167 and 168 of the July 11, 2016 staff memorandum to Council.

2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

J. Utility Infrastructure

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 168 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

K. Effects on Air and Water Quality

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 168 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

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L. Pedestrian Oriented Design Standards

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 168 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

M. Natural Resources and Natural Hazards

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Zone Change. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 168 of the July 11, 2016 staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 7 of the July 11, 2016 staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 11, 2016 staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 1, 2016 Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the July 18, 2016 City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

II. Issues Raised by Appellant

- A. The Council notes that as part of making its decision concerning the Zone Change request, the Planning Commission initiated a Planned Development Overlay on the subject properties consistent with LDC Sections 3.27.20.b.2 and 3.32.30.
- B. The applicant filed an appeal of the Planning Commission's decision to initiate the Planned Development Overlay on the subject site, consistent with the procedures in LDC Section 2.19.30.

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- C. The appellant raised the issue that the Planning Commission erred in its decision to initiate the Planned Development Overlay, by improper application of the provisions in LDC Section 3.27.20.b.2. The appellants contend that the purpose of the provisions in LDC Section 3.27.20.b.2 is to ensure that development on one parcel does not preclude development on the adjacent parcels within the mixed use area, and that the Planned Development Overlay should only be initiated when multiple properties are developed or redeveloped as one project. The Council has reviewed the appellant's arguments. However, the Council was not persuaded by those arguments, and finds that because the Zone Change request involves multiple parcels, the Planning Commission's decision to initiate the Planned Development Overlay as part of approving the Zone Change request is consistent with the plain language of LDC Section 3.27.20.b.2.
- D. The Council notes that as part of making its decision concerning the Zone Change request, the Planning Commission considered the compatibility criteria in LDC Section 2.2.40.05.a. The Council notes that the subject properties are designated General Industrial on the Comprehensive Plan, and the properties are presently developed and contain single family residences. Additionally, the Council notes that adjacent properties both inside and outside the City limits are developed with residential uses.
- E. The Council notes that as part of making its decision concerning the Zone Change request, the Planning Commission considered the plain language of LDC Section 3.27.20.b.2, which states that a Planned Development Overlay shall be applied to MUE Zone that involve multiple parcels. During its deliberations, the Council considered that parcel is defined by the Land Development Code as a unit of land created from a Partition, and that a Lot is a unit of land created by a Subdivision, and that "Land, Parcel of" is also defined ambiguously as pertaining to both parcel and lot. The Council also considered that the term parcel is used interchangeably with the term Lot throughout the Land Development Code, is described as a common word in LDC Section 1.6.20.g, and depending on the context, the term Parcel may be associated with and equivalent to the term Lot. Based on these considerations, the Council finds that LDC 3.27.20.b.2 does not require that the Planned Development Overlay be initiated only on lands subject to a prior Partition, and is therefore persuaded that the multiple lots associated with the Zone Change are also subject to the MUE Zone establishment criteria.
- F. The Council notes that the Mixed Use Employment Zone, approved by the Planning Commission and contingently applied to the subject site if the annexation is approved by the voters, allows for development of industrial and commercial uses that are potentially incompatible with the existing residential uses. The Council finds that a Planned Development Overlay, applied in conjunction with the MUE Zone, provides a mechanism to address compatibility conflicts between existing residential uses and non-residential uses that the MUE Zone allows for, and is consistent with the purposes of LDC Section 3.27.20.b.2 and 3.32.30.

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- G. The Council notes that upon annexation, the properties would be subject to the MUE Zone and other Land Development Code standards, which would be invoked at the time that development or redevelopment occurs on any portion of the subject site. The Council finds that implementation of the Planned Development Overlay Zone is required by the Land Development Code. The Council notes that the Planned Development Overlay Zone is not needed until such time that development or redevelopment occurs, if that development or redevelopment involves a change in the primary use(s) of the properties to something other than the current single family residential use, or if any of the five lots are consolidated. The Council notes that the Planned Development Overlay Zone can be implemented at a later date if irrevocable petitions are signed by each of the five property owners to impose the Planned Development Overlay Zone at the time of redevelopment or consolidation. The Council finds that this delay in imposing the Planned Development Overlay Zone will satisfy the requirements in the MUE Zone, so long as the irrevocable petitions are recorded against each lot, within 30 days following approval of the annexation of the property by the voters.
- H. The Council finds that the criteria for establishment of a Mixed Use Employment zone and corresponding Planned Development Overlay, as outlined in LDC 3.27.20.b.2 are satisfied, that the concerns raised on appeal have been sufficiently addressed, and that compatibility criteria associated with the Zone Change are satisfied.

SUMMARY AND CONCLUSION

No written or oral testimony in opposition to the request was received during the City Council proceedings. As the body charged with approving requests to place annexations on the ballot for voter approval, the City Council, having reviewed the record associated with the annexation application, considered evidence supporting and opposing the application and finds that the proposal adequately addresses the review criteria of Land Development Code Sections 2.6.30.06 and 2.6.30.07, and is found to be consistent with the City's Comprehensive Plan and other applicable approval criteria. Therefore, the Lawndale Annexation application (case ANN16-00001) is approved, and the City Council submits the annexation to the electorate.

As the body charged with reviewing and deciding on appeals of decisions made by the Planning Commission, the City Council, having reviewed the record associated with the zone change application, considered evidence supporting and opposing the application and finds that the proposal adequately addresses the review criteria of Land Development Code Section 2.2.40.05, and is found to be consistent with the City's Comprehensive Plan and other applicable approval criteria. Therefore, the appeal is denied, the decision of the Planning Commission is upheld, and the Lawndale Zone Change application (case ZDC16-00001) is approved.

Dated: _____

Biff Traber, MAYOR

RESOLUTION 2016-_____**A RESOLUTION FORWARDING THE LAWNSDALE ANNEXATION TO THE VOTERS AT THE NOVEMBER 8, 2016, ELECTION, AND DIRECTING THAT NOTICE OF THE ELECTION AND PUBLICATION FOR THE MEASURE TO BE VOTED UPON BE GIVEN.**

Minutes of the _____, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, the Corvallis Planning Commission held a duly-advertised public hearing on June 1, 2016, regarding the Lawnsdale Annexation; and

WHEREAS, the Planning Commission deliberated on June 1, 2016, and voted to unanimously recommend that the City Council place the Lawnsdale Annexation on the November 8, 2016, ballot; and

WHEREAS, the Corvallis City Council held a duly-advertised public hearing on July 18, 2016, regarding the Lawnsdale Annexation; and

WHEREAS, the City Council held deliberations regarding the Lawnsdale Annexation on July 18, 2016; and

WHEREAS, the City Council found that the Lawnsdale Annexation complies with all applicable decision criteria of Land Development Code Sections 2.6.30.06 and 2.6.30.07, as evidenced in the findings contained in Attachment 1 of the July 25, 2016, memorandum from the Community Development Director to the Mayor and City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that a general municipal election shall be held on November 8, 2016. The election shall be conducted and votes thereafter counted, canvassed, and returned by the Benton County Elections Office.; and

BE IT FURTHER RESOLVED that the findings contained in Attachment 1 of the July 25, 2016, memorandum from the Community Development Director to the Mayor and City Council, are hereby adopted.; and

BE IT FURTHER RESOLVED that the Lawnsdale Annexation (EXHIBIT A), which would annex 2.41 acres of land generally located in northeast Corvallis, approximately 1,000 feet east of Highway 99W, and approximately 175 feet north of NE Circle Boulevard, to be zoned PD(MUE) (Mixed Use Employment with a Planned Development Overlay), is to be submitted to the legal voters of Corvallis, Oregon (EXHIBIT B), for their approval or rejection pursuant to Corvallis City Charter Section 53 at an election to be held on November 8, 2016. This election will be conducted by mail-in ballots, with ballot information being sent to voters two to three weeks prior to the election. Citizens may vote by mailing in ballots or dropping off ballots in a drop zone any time prior to 8 pm on November 8, 2016.

EXHIBIT A: LEGAL DESCRIPTION OF THE LAWNSDALE ANNEXATION SITE

The following described real property, all located in Benton County, Oregon, shall be annexed to the City of Corvallis upon obtaining a favorable majority vote of the people:

EXHIBIT A
LAWNSDALE ANNEXATION BOUNDARY DESCRIPTION

Annexation Boundary
Legal Description

Beginning at the Southeast corner of Lot 4 of Block 2 of "Whitson Acres", a Subdivision of record located in the Northwest Quarter of Section 25 of Township 11 South, Range 5 West of the Willamette Meridian, City of Corvallis, Benton County, Oregon; thence along the south line of said Lot 4 South 88°38'17" West 90.08 feet to a 1/2 inch iron rod at the Southeast corner of Lot 3 of Block 2 of said "Whitson Acres"; thence along the east line of said Lot 3 North 00°18'24" West 145.00 feet to the Northeast corner of said Lot 3; thence along the north lines of Lots 3, 2, and 1 of Block 2 of said "Whitson Acres" South 88°38'19" West 271.16 feet to the Northwest corner of said Lot 1; thence along the extension of said north line South 88°38'19" West 50.00 feet to the west right of way line of NE Belvue Street; thence along said west right of way line South 00°22'20" East 485.00 feet to the intersection of said west right of way line and the north right of way line of Circle Boulevard; thence along said north right of way line North 88°37'54" East 50.00 feet to the Southwest corner of Lot 1 of Block 1 of said "Whitson Acres"; thence along the west line of said Lot 1 North 00°22'20" West 160.00 feet to the Southwest corner of Lot 4 of Block 1 of said "Whitson Acres"; thence along the south line of said Lot 4 and the south line of Lot 5 of Block 1 of said "Whitson Acres" North 88°38'16" East 180.95 feet to the Southeast corner of said Lot 5; thence along the east line of said Lot 5 North 00°20'39" West 129.98 feet to a 1/2 inch iron rod at the Northeast corner of said Lot 5; thence along the north lines of Lot 6 and 7 of Block 1 of said "Whitson Acres" North 88°38'17" East 180.02 feet to a 5/8 inch iron rod at the Northeast corner of said Lot 7; thence along the east line of said "Whitson Acres" North 00°19'08" West 50.00 feet to the point of beginning.

The above described boundary contains 2.41 acres of land, more or less. The basis of bearing for the above described boundary is from Benton County Survey No. 10259.

BE IT FURTHER RESOLVED that the ballot title of the measure and the form in which it shall be printed on the official ballot is as follows:

Attachment 2

EXHIBIT B: BALLOT TITLE

The following shall be the ballot title of the measure to be submitted to the city's voters:

CAPTION: 2- _____ PROPOSED ANNEXATION OF THE LAWNDALE SITE

QUESTION: Shall the 2.41-acre Lawndale Annexation site be annexed?

SUMMARY: Approval of this measure would annex approximately 2.41 acres into the City of Corvallis, including 1.44 acres of private property associated with Benton County Assessor's Map 11-5-25 BB (Tax Lots 1700, 1800, 1900, 2000, and 2100), and 0.97 acres of public right-of-way, associated with NE Lawndale Place and NE Belvue Street. The site to be annexed is located in northeast Corvallis, approximately 1,000 feet east of Highway 99W, and approximately 175 feet north of NE Circle Boulevard. The site would be zoned PD(MUE) (Mixed Use Employment with a Planned Development Overlay), if the annexation is approved.

The City Recorder is authorized and directed to give notice of the submission of this question to the voters, including a true copy of the complete text and the ballot title for the measure in the form which it shall be printed on the official ballot and any other information required by law to be published. That notice shall be published in not less than two successive and consecutive weekly issues of the Corvallis Gazette Times.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

EXPLANATORY STATEMENT FOR BENTON COUNTY VOTER' PAMPHLET
LAWNDALE ANNEXATION
Ballot Measure 2-_____

The 2.41-acre area proposed for annexation is located in northeast Corvallis, approximately 1,000 feet east of Highway 99W, and approximately 175 feet north of NE Circle Boulevard. The area includes 1.44 acres of private property associated with Benton County Assessor's Map 11-5-25 BB (Tax Lots 1700, 1800, 1900, 2000, and 2100), and 0.97 acres of public right-of-way, associated with NE Lawndale Place and NE Belvue Street. The Comprehensive Plan Map designation for the property is General Industrial. If annexed, the property would be zoned PD(MUE) (Mixed Use Employment with a Planned Development Overlay). The proposed zone is consistent with the Comprehensive Plan Map designation.

The annexation site is currently developed with single family residences. Any future development or re-development on the property would have to be consistent with Land Development Code requirements regarding uses, setbacks, vehicle parking, open space, and other applicable development standards.

This project was analyzed for compatibility impacts and public service impacts, including potential traffic and utility impacts. Analysis found consistency with the City's compatibility criteria and the City's adopted Master Plans for items such as transportation, parks, trails, sewer, water, and storm drainage.

This land was identified for eventual annexation and development in 1980 when the urban growth boundary was adopted. This was reaffirmed with the acknowledgment of the City's 1998 Comprehensive Plan update. Water, sewer, and storm drainage services are available near the site, and are adequately sized to serve potential development on the site. Some additional public facility and service improvements would need to be constructed with future development of this site to satisfy Land Development Code Chapter 4.0 criteria. City ordinances specify that developers will be responsible for on-site and off-site costs associated with street and utility improvements needed for land development projects.

The City Council found the annexation request to be consistent with the policies of the Comprehensive Plan, Corvallis Land Development Code, 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 report and Planning Commission and City Council hearing minutes are available at the Corvallis-Benton County Public Library (645 Monroe Avenue).

INFORMATION SUBMITTED BY THE CITY OF CORVALLIS

LAWNDALE ANNEXATION

Area:	2.41 acres
Location:	The Lawndale Annexation site is located in northeast Corvallis, approximately 1,000 feet east of Highway 99W, and approximately 175 feet north of NE Circle Boulevard. The area includes 1.44 acres of private property associated with Benton County Assessor’s Map 11-5-25 BB (Tax Lots 1700, 1800, 1900, 2000, and 2100), and 0.97 acres of public right-of-way, associated with NE Lawndale Place and NE Belvue Street.
Current Use:	Single family residences
Comprehensive Plan Designation:	GI (General Industrial)
Zone Upon Annexation:	PD(MUE) (Mixed Use Employment with a Planned Development Overlay)

APPLICANT / OWNER:

Michael and Patricia Galpin (Tax Lot 1700)
 7906 NE 131st Street
 Kirkland, WA 98034

ADDITIONAL OWNERS:

Tax lot 1800 STOVALL GEORGE F 825 NE LAWNDALE PL CORVALLIS OR 97330	Tax lot 1900 TRUEBLOOD EDWARD A 815 NE LAWNDALE PL CORVALLIS OR 97330
Tax lot 2000 IXTLAHUAC JAVIER & EVA 810 NE LAWNDALE PL CORVALLIS OR 97330	Tax lot 2100 DESAULNIERS LARRY M & THERESA 830 NE LAWNDALE PL CORVALLIS OR 97330

Future Development and Land Use: If annexed, future re-development on the Lawndale properties would occur consistent with the standards of the Mixed Use Employment zone.

Provision of Facilities and Services: The following provisions are associated with development of the site. On-site water, sewer, street, and drainage system improvements will be the responsibility of the developer/property owners. Requested utilities will need to be extended at the expense of the adjacent property owners which will pay when connected to City Services. Under current City codes, development of this property must be provided with public services and facilities. The developer will be responsible for his/her share of the development's off-site costs associated with street and utility improvements. System development charges toward transportation and other public facility improvements will be paid if any of the properties are

connected to City services. Costs for extra-capacity street and utility systems may be eligible to be funded by System Development Charge revenues, which are collected from development City-wide. Also, if adjacent properties are annexed in the future, the respective property owners benefitting from these improvements, may be required to provide reimbursement for their fair share of these improvements upon development and/or intensification of their properties.

Transportation: Existing access to the site is provided from NE Circle Boulevard and NE Belvue Street. In conjunction with re-development on the site, the applicant would be required to construct transportation improvements consistent with City of Corvallis standards. Generally, these include paved streets and bike lanes, curbs, gutters, and sidewalks.

Water: The annexation site lies within the First-Level water service area. The site can be adequately served by the City's water system located in Jack London Street and Belvue Street. Waterline extensions are needed to provide service to the site.

Sewer: The annexation site is located within the City's Northeast sewer basin. Sanitary sewer service is available to the subject site via an existing sewer line located in NE Belvue Street. The site can be adequately served by the City's sanitary sewer system, subject to improvements required in conjunction with development. Sewer line extensions are needed to provide service to the site.

Storm Drainage: The annexation site lies within the Sequoia Creek drainage basin. Storm water quality and quantity measures, consistent with City Land Development Code standards and the City's storm water master plan would be required with development. The site can be adequately served by the City's storm drainage system, subject to improvements required in conjunction with development.

Solid Waste, Power, Gas, Communications: Franchise services are available near the site and are capable of accommodating anticipated development of the subject properties.

Safety Services: Fire protection needs for industrial development on the site can be provided through the addition of a fire hydrant installed at the developer's expense. Public Safety Services are currently provided by the County Sheriff and the Corvallis Fire Department. Annexation approval will bring these lands under the jurisdiction of the Corvallis Police Department. Both fire protection and police protection can be adequately provided to the site.

IMPACTS OF ANNEXING THE LAWNDALE PROPERTY

Annexation will permit future urbanization of the site. This land was identified for annexation and development in 1980, when the Urban Growth Boundary was adopted, and was reaffirmed

Attachment 3

in 2005, with State acknowledgment of the City's 1998 Comprehensive Plan update. The proposed Mixed Use Employment (MUE) zone development standards have been used to evaluate impacts of development.

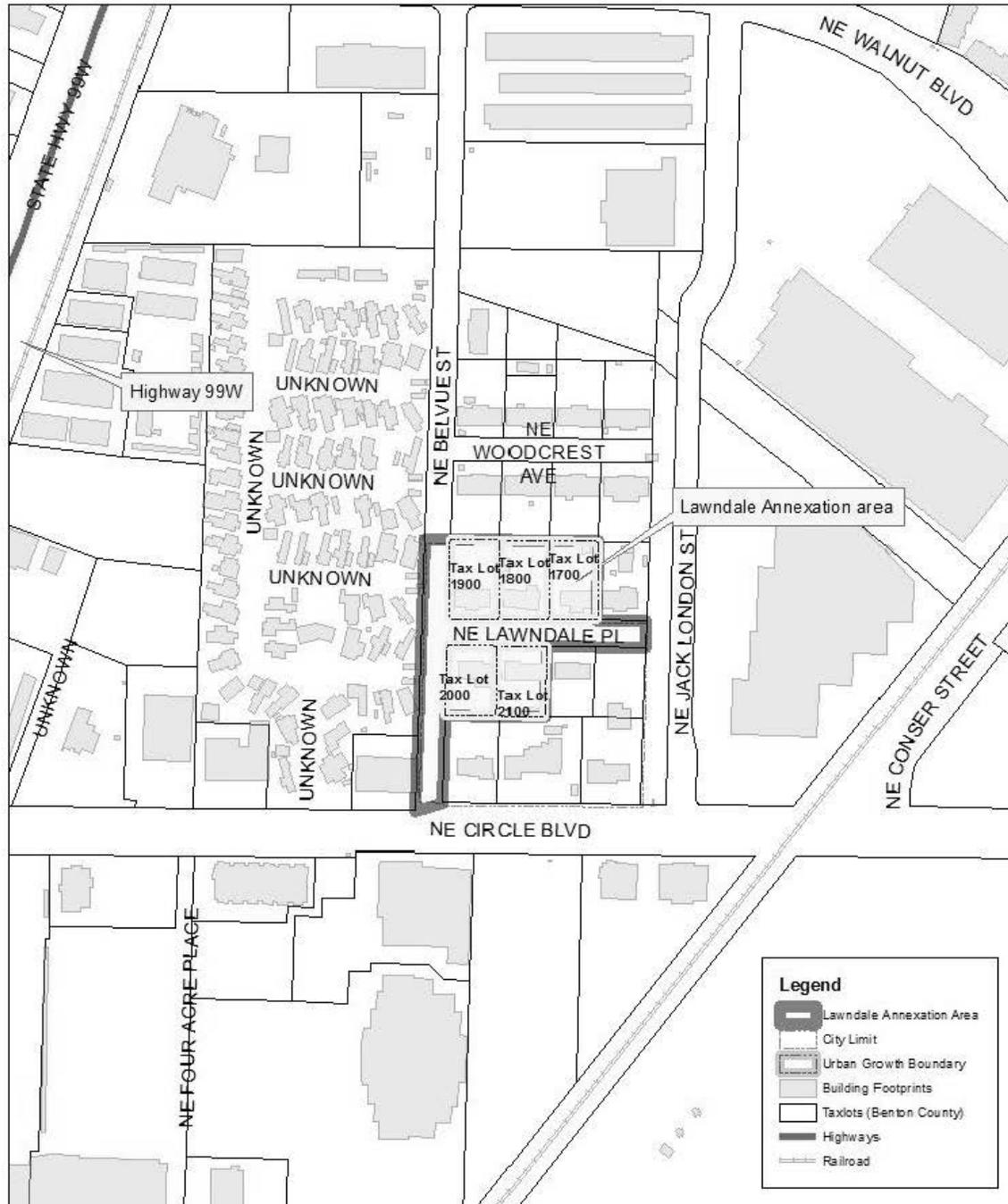
This analysis found that the most significant positive impacts of annexation include providing City services to a location with a failing septic system and known health concerns, incorporation of additional land within the City limits, which will provide diversity in the type, location, and size of industrial land, ensuring choices in the market and ensuring an adequate five-year supply of industrial lands. The most significant negative impacts of annexation were related to the Mixed Use Employment zone and its potential impacts on adjacent, existing residential uses.

Summary

Access to the site is provided from NE Circle Boulevard and NE Belvue Street. Upon annexation, existing single-family residences would be considered permitted uses according to the MUE zone, and re-development of uses on the Lawndale property that are consistent with MUE zone development standards can occur, subject to review and approval through the Planned Development process. Improvements to transportation, water, sanitary sewer, and storm drainage systems will be required of the developer per Land Development Code and other City standards upon re-development. Safety and emergency services would be provided by the City.

The City Council has found that the annexation is consistent with the policies of the Comprehensive Plan, applicable Land Development Code criteria, and other City and State policies and standards.

Vicinity Map



Lawndale Annexation
ANN16-00001 / ZDC16-00001

0 100 200 400 Feet

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
Planning@CorvallisOregon.gov

TO: City Council for August 1, 2016
FROM: Mark W. Shepard, P.E., City Manager *MWS*
DATE: July 26, 2016
SUBJECT: Setting a Local Marijuana Tax Rate at Three Percent (3%)



Action Requested:

Staff recommends Council adopt the attached Resolution setting the tax on the sale of recreational marijuana at the maximum allowable rate of three percent (3%), pending voter approval of the taxing ballot measure that will be before Corvallis voters on November 8, 2016.

Discussion:

At its July 18, 2016 meeting, Council adopted Resolution 2016-26 referring the question of levying a local tax on the sale of recreational marijuana to the November 8, 2016 ballot. Public testimony at the meeting encouraged the Council to set the tax rate prior to the election. There are advantages to setting the tax rate at this time:

1. Voters will be fully informed of the intent of the City when they cast their ballots in November. Clarity and information are always helpful for people when they are exercising their right to vote.
2. Action before the taxation question is filed with the County will eliminate concerns about potential elections law violations by staff. There is the potential that someone could file an election complaint against staff if staff were to work to set a rate after the question has been filed with the County. While a complaint is unlikely, it would be prudent to set the rate now.

Budget Impact:

It is a challenge to provide an accurate estimate of revenue anticipated from taxation of the sale of recreational marijuana because the State of Oregon has not released information regarding sales by geographic location. However, staff estimates that a three percent (3%) tax will likely generate \$95,000 annually.

Revenue from a local recreational marijuana sales tax can be used for any purpose. It is anticipated at this time that revenues will be included in the General Fund.

Attachment:

Resolution

RESOLUTION 2016-_____

A RESOLUTION SETTING THE TAX RATE FOR MARIJUANA AND MARIJUANA-INFUSED PRODUCTS AS RELATED TO MUNICIPAL CODE SECTION 8.15.030.

Minutes of the August 1, 2016, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, Ordinance 2016-12 amended Chapter 8.15 of the Corvallis Municipal Code; and

WHEREAS Chapter 8.15.030 requires that the City Council establish by resolution the amount of tax to be levied on the retail sale of marijuana and marijuana-infused products; and

WHEREAS, Chapter 8.15.030 provides that the amount of the tax levied not exceed the rate allowed under state law; and

WHEREAS, Oregon law provides that the rate of tax on marijuana items may not exceed three percent.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the rate of taxation under Corvallis Municipal Code Section 8.15.030.B shall be three percent.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

TO: City Council for August 1, 2016
FROM: Carla Holzworth, City Recorder *CH*
DATE: July 26, 2016
THROUGH: Mark W. Shepard, P.E., City Manager *MWS*
SUBJECT: Second Reading of Special Ordinance related to Corvallis Station Lots 3 and 4



Action Requested:

Per Municipal Code Section 1.19.030.030, staff recommends Council hold a second reading of a special ordinance related to Corvallis Station Lots 3 and 4.

Discussion:

A special ordinance for a Comprehensive Plan Map Amendment related to Corvallis Station was considered by Council at its July 18, 2016 meeting. The ordinance passed six to one; however, since the vote was not unanimous, the City's Municipal Code requires a second reading at the next official Council meeting.

Budget Impact:

None

Attachment

Special ordinance relating to Corvallis Station Lots 3 and 4

ORDINANCE 2016-___

A SPECIAL ORDINANCE RELATING TO A COMPREHENSIVE PLAN MAP AMENDMENT, AMENDING ORDINANCE 98-53, AS AMENDED.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Findings. The findings in Exhibit A attached to this Ordinance are incorporated by this reference.

Section 2. The Comprehensive Plan Map is amended and Lots 3 and 4 of Corvallis Station are designated Mixed Use Commercial, as demonstrate in Exhibit B to this Ordinance, which is attached and incorporated as part of this ordinance.

Section 3. No other provision in the Comprehensive Plan is amended by this ordinance.

PASSED by the City Council this 1st day of August, 2016

APPROVED by the Mayor this 1st day of August, 2016

EFFECTIVE this 10th day of August, 2016

Mayor

ATTEST:

City Recorder

ORDINANCE 2016-___

EXHIBIT A

**BEFORE THE CITY COUNCIL
OF THE CITY CORVALLIS**

**FINDINGS – CORVALLIS STATION LOTS 3 AND 4
COMPREHENSIVE PLAN AMENDMENT**

In the matter of a City Council decision to)
approve a Comprehensive Plan Amendment)
) **CPA15-00002**
)
)

PREAMBLE

This matter before the Corvallis City Council is a decision regarding a Comprehensive Plan Amendment that re-designates Lots 3 and 4 of Corvallis Station from General Industrial to Mixed Use Commercial. Adoption of the Comprehensive Plan Amendment affects the concurrent rezoning of the subject lots from General Industrial with a Planned Development Overlay (PD(GI)) to Mixed Use Community Shopping with a Planned Development Overlay (PD(MUCS)). However, only the findings presented below are made solely in support of the City Council’s decision on the subject Comprehensive Plan Amendment.

Lots 3 and 4 of Corvallis Station have a combined area of approximately 4.5-acres and are located near the south terminus of NE Four Acre Place, a private street developed consistent with City of Corvallis standards for a public street. Both lots are currently vacant. Development within the immediate proximity of Lots 3 and 4 includes several commercial retail uses, a drive-thru restaurant, a large commercial grocery store, and a multiplex theater. The properties are noted as Tax Lots 700 and 800 on Benton County Assessor’s Map 11-5-26A.

The Corvallis Planning Commission conducted a hearing on the above-referenced Comprehensive Plan Amendment on April 4, 2016. At that public hearing, the Planning Commission deliberated and voted to recommend that the City Council approve the Comprehensive Plan Amendment. A notice of decision was signed on May 5, 2016, (Order # 2016-019). No appeals were received by the City of Corvallis during the subsequent 12-day appeal period, which ended on May 17, 2016.

The City Council held a duly advertised *de novo* public hearing on the Comprehensive Plan Amendment application on June 20, 2016. The public hearing was closed; and the applicant waived their right to provide a final written argument. The City Council deliberated on the subject application at the June 20, 2016 hearing, and, after consideration of all the testimony and evidence in the record, the City Council voted to approve the subject Comprehensive Plan Amendment.

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the public notices for the April 13, 2016, and June 20, 2016, public hearings; the Staff Report to the Planning Commission, dated May 4, 2016; the minutes of the Planning Commission hearing and deliberations dated May 4, 2016; the

staff memo to the City Council dated June 14, 2016, and the minutes of the City Council hearing and deliberations dated June 20, 2016.

FINDINGS AND CONCLUSIONS RELATED TO THE CORVALLIS STATION LOTS 3 AND 4 COMPREHENSIVE PLAN AMENDMENT (CPA15-00002)

1. The City Council accepts and adopts those findings made in the Staff Report to the Planning Commission, dated May 4, 2016, that support approval of the Comprehensive Plan Amendment. The City Council adopts as findings those portions of the Minutes of the Planning Commission meetings, dated May 4, 2016, that demonstrate support for approving the Comprehensive Plan Amendment. The City Council accepts and adopts those findings made in the June 14, 2016, staff memorandum to the City Council, that support approving the Comprehensive Plan Amendment. The City Council also adopts as findings, those portions of the Minutes of the City Council meeting dated June 20, 2016, that demonstrate support for approving the Comprehensive Plan Amendment. The City Council specifically accepts and adopts as findings the rationale given during deliberations in the June 20, 2016, meeting by Council Members expressing their support for approving the Comprehensive Plan Amendment. All of the above-referenced documents shall be referred to in these findings as the “Incorporated Findings”. The findings below, (the “supplemental findings”), supplement and elaborate the findings contained in the materials noted above, all of which are incorporated herein, by reference. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail.
2. The City Council notes that the record contains all information needed to evaluate the Comprehensive Plan Amendment decision for compliance with the relevant criteria.
3. To approve a Comprehensive Plan Amendment, LDC Section 2.1.30.06 requires that the proposal be consistent with the applicable provisions of the Corvallis Comprehensive Plans (“CCP”), LDC, and other policies and standards adopted by the City Council. The Incorporated Findings list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings. These supplemental findings, like the Incorporated Findings, are grouped into eight categories, which facilitate a comprehensive and cohesive review of the applicable criteria. The categories include Public Need, Advantages and Disadvantages, Desirability, Land Use and Compatibility, Natural Resources and Natural Hazards, Circulation, Public Facilities and Services, and Oregon Administrative Rule (“OAR”) 660-009. The issue categories are identified with Roman numeral and findings are assigned chronological numbers.

I. Consistency with Comprehensive Plan Policies and Map

Applicable Criteria: CCP 1.2.5, 3.2.1, 3.2.7, 4.2.2, 7.2.6, 8.2.1, 8.2.2, 8.2.4, 8.9.1, 8.9.3, 8.10.2, 8.10.4, 9.2.2, 9.2.5, 9.3.3, 10.2.9, 11.2.1, 11.2.2, 11.3.4, 11.3.9, 11.3.10, 11.8.3, 14.3.1, 14.3.6

1. The City Council notes that findings in response to the applicable Comprehensive Plan Policies are presented on pages 10 through 14 of the May 4, 2016, Planning Commission staff report, as presented to the City Council with the June 14 staff memorandum to Council as Exhibit CC-C. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the June 14, 2016, staff memorandum to the City Council presented on pages 10 through 14 of the May 4, 2016, Planning Commission staff report. The Council finds that the Council is persuaded by the subject findings because, in part, the findings demonstrate how the proposal is consistent with the applicable Comprehensive Plan Policies.

2. The City Council notes that, at the time the application was submitted, the subject properties were designated as General Industrial on the Comprehensive Plan Map and General Industrial with a Planned Development Overlay on the Zoning Map, as shown on Exhibits PC A-144 and PC A-146 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council.
3. The City Council notes that the applicant requested re-designation of the subject properties from General Industrial to Mixed Use Commercial on the Corvallis Comprehensive Plan Map. The Council notes that the Mixed Use Commercial Comprehensive Plan designation can be implemented by four different zones; including Major Neighborhood Center, Minor Neighborhood Center, Mixed Use Community Shopping, and Mixed Use General Commercial. The Council notes that the applicant proposed to apply the Mixed Use Community Shopping zone to the subject properties through a concurrent Zone Change application. The Council notes that the Corvallis Planning Commission voted to approve the subject Zone Change, contingent upon approval by the Council of the subject Comprehensive Plan Amendment.

II. Public Need

Applicable Criteria: CCP 1.2.5, 3.2.1, 3.2.7, 4.2.2, 7.2.6, 8.2.1, 8.2.2, 8.2.4, 8.9.1, 8.9.3, 8.10.2, 8.10.4, 9.2.2, 9.2.5, 9.3.3, 10.2.9, 11.2.1, 11.2.2, 11.3.4, 11.3.9, 11.3.10, 11.8.3, 14.3.1, 14.3.6; LDC Section 2.1.30.03.b.1

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Comprehensive Plan Amendment. The Council notes that the applicant's responses to the applicable criteria are found on Exhibits PC A-11 through PC A-18 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council.
2. The City Council notes that the need for developable land within the City Limits between 1998 and 2020 is projected by the 1998 Buildable Lands Inventory.
3. The City Council notes that the available supply of vacant developable land within the City Limits is informally tracked by city staff and described in the Corvallis Land Development Information Report (LDIR), the most recent edition of which was published in 2014.
4. The City Council notes that, on Exhibits PC A-13 through PC A-18 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C, the applicant presented a detailed analysis of the projected need for and available supply of vacant General Industrial and Mixed Use Commercial land using the 1998 Corvallis Buildable Lands Inventory and 2014 Land Development Information Report.
5. The City Council notes that the 1998 Buildable Lands Inventory projected a need for 44 acres of vacant industrial land within the City Limits between 1998 and 2020. The Council notes that the analysis presented by the applicant showed that 491 acres of vacant General Industrial land were available within the City Limits based on data contained in the 2014 Corvallis Land Development Information Report. The Council finds that the existing

supply of General Industrial land is more than sufficient to provide industrial development within the City Limits up to at least 2020.

6. The City Council notes that the 1998 Buildable Lands Inventory identifies deficits for Professional and Administrative Office (127-acre deficit), Medium-high Density Residential (64-acre deficit), and High Density Residential (12-acre deficit) land. The Council notes that the Mixed Use Community Shopping zone that was approved by the Planning Commission through the concurrent Zone Change application allows Professional and Administrative Office uses, as defined in the LDC. The Council also notes that the Mixed Use Community Shopping zone allows residential development to occur at densities that are consistent with those required from Medium-high Density and High Density Residential land. The Council finds that by designating the subject properties to Mixed Use Commercial, which will enable implementation of the Mixed Use Community Shopping zone, the subject Comprehensive Plan Amendment will provide an opportunity for Professional and Administrative Office, Medium-high Density Residential, and High Density Residential uses within the City Limits.
7. The City Council notes that, in comparison to the GI zone, the existing supply of vacant MUCS land within the City Limits is extremely limited. The Council notes that since the MUCS zone was implemented at the end of 2006, a total of 11.5 acres have been developed or approved for development based on data from corresponding LDIR. Given these considerations, the Council finds that increasing the supply of vacant MUCS land by rezoning the subject lots provides efficiencies that are less likely to result through an annexation. Hence, the Council finds that the subject Comprehensive Plan Amendment is consistent with Comprehensive Policies 3.2.1 and 14.3.1, which support meeting the community's need for developable land in this manner.
8. Based on the Supplemental Findings I.3 through I.10, the City Council finds that approving the subject Comprehensive Plan Amendment will help meet the public need for additional vacant land in the MUCS zone.
9. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the Council is persuaded by the subject findings because the findings, in part, demonstrate how the proposal, is consistent with the applicable Comprehensive Plan Policies and LDC criteria identified in the May 4, 2016, Planning Commission staff report, and the June 14, memorandum to the City Council.

III. Advantages and Disadvantages

Applicable Criteria: CCP 1.2.5, 3.2.1, 3.2.7, 4.2.2, 7.2.6, 8.2.1, 8.2.2, 8.2.4, 8.9.1, 8.9.3, 8.10.2, 8.10.4, 9.2.2, 9.2.5, 9.3.3, 10.2.9, 11.2.1, 11.2.2, 11.3.4, 11.3.9, 11.3.10, 11.8.3, 14.3.1, 14.3.6; LDC Section 2.1.30.03.b.2

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Comprehensive Plan Amendment. The Council notes that the applicant's responses to the applicable criteria are found on Exhibits PC A-18 through PC A-20 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council.

2. The City Council notes that findings in response to the applicable LDC Sections are presented on page 16 of the May 4, 2016, Planning Commission staff report, as presented to the City Council with the June 14 staff memorandum to Council as Exhibit CC-C. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the June 14, 2016, staff memorandum to the City Council presented on page 16 of the May 4, 2016, Planning Commission staff report. The Council finds that the Council is persuaded by the subject findings because, in part, the findings demonstrate how the proposal is consistent with the applicable LDC criteria.
3. The City Council notes that the subject lots are part of the Corvallis Station/Corvallis Business Park Planned Development. The Council notes that since the original Planned Development approval for Corvallis Business Park was granted in the early 1990s, roughly half of the 32-acre site has been rezoned from a general industrial zone to a commercial zone. The Council notes that, in total, 19 of the approximately 46 acres of land located east of State Highway 99W, south of NW Circle Boulevard, and west of the Willamette & Pacific Rail Road are zoned for industrial use, while the other 27 acres are zoned MUCS and developed with commercial uses. The Council notes that thirteen of the 19 acres that are zoned PD(GI) are currently developed with commercial uses allowed in the MUCS zone. The Council notes that, in total, 40 of the 46 acres are currently developed with commercial uses. Hence, the Council finds that the overall pattern of development within Corvallis Business Park, Corvallis Station, and the immediately adjacent properties is more commercial than industrial in nature.
4. The City Council notes that the spectrum of commercial uses allowed in the MUCS zone would be better able to capitalize on the developable area of the subject lots, as well as the limited opportunities for site access due to existing improvements within Corvallis Business Park/Corvallis Station than would likely occur with the introduction of industrial uses.
5. The Council notes that, in comparison to industrial uses, which would largely be employment-based uses that generate their own unique vehicle trips, additional commercial uses developed on Lots 3 and 4 could facilitate shared trips due to the potential for motorists to patronize multiple businesses at the center during one trip. The Council notes that it is possible to access Lots 3 and 4 by bicycle, using transit, and/or walking. The Council notes that the multi-modal efficiencies gained by an area with concentrated, diverse commercial uses is of even greater benefit. The Council finds that Comprehensive Plan Policies 3.2.1, 8.10.2, and 8.10.4 support the Comprehensive Plan Amendment for these reasons. The Council also finds that the limitations discussed above with respect to typical industrial uses also demonstrate that rezoning the lots to PD(MUCS) does not directly conflict with Policy 8.9.1, as it is unlikely either lot could be developed to meet a portion of the demand for industrial uses.
6. The City Council notes that a potential disadvantage of re-designating the subject lots for mixed use commercial development may be reduced employment opportunities associated with industrial development in this portion of Corvallis. However, the Council notes that several regional employers are already located within one mile of the site, as noted above. Among these, the Hewlett Packard campus has experienced significant change in the last decade, resulting in several new business entities occupying buildings once used by Hewlett Packard. The Council also notes that 84 acres of vacant General Industrial land, which was annexed in 2011, is located just south of the Hewlett Packard campus. The Council notes that this property has frontage along State Highway 20, and is ideally located

to absorb development potential that might be displaced as a result of rezoning the site. Thus, the Council finds the proposal does not conflict with Comprehensive Plan Policy 8.9.1, as sufficient industrial land would remain available in this portion of the community.

7. Based on the Supplemental Findings II.3 through II.8, the City Council finds that the potential advantages of approving the subject Comprehensive Plan Amendment outweigh the potential disadvantages.
8. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the Council is persuaded by the subject findings because the findings, in part, demonstrate how the proposal, is consistent with the applicable Comprehensive Plan Policies and criteria from LDC Section 2.1.30.03.b.2, as identified in the May 4, 2016, Planning Commission staff report, and the June 14, memorandum to the City Council.

IV. Desirability

Applicable Criteria: CCP 1.2.5, 3.2.1, 3.2.7, 4.2.2, 7.2.6, 8.2.1, 8.2.2, 8.2.4, 8.9.1, 8.9.3, 8.10.2, 8.10.4, 9.2.2, 9.2.5, 9.3.3, 10.2.9, 11.2.1, 11.2.2, 11.3.4, 11.3.9, 11.3.10, 11.8.3, 14.3.1, 14.3.6; LDC Section 2.1.30.03.b.3

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Comprehensive Plan Amendment. The Council notes that the applicant's responses to the applicable criteria cited above are found on Exhibits PC A-20 through PC A-21 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable Comprehensive Plan Policies are presented on page 17 of the May 4, 2016, Planning Commission staff report, as presented to the City Council with the June 14 staff memorandum to Council as Exhibit CC-C. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the June 14, 2016, staff memorandum to the City Council presented on page 17 of the May 4, 2016, Planning Commission staff report. The Council finds that the Council is persuaded by the subject findings because, in part, the findings demonstrate how the proposal is consistent with the applicable Comprehensive Plan Policies and LDC criteria.
3. The Council notes that the spectrum of commercial uses already established at Corvallis Business Park/Corvallis Station creates beneficial efficiencies between commercial uses. The Council notes that the MUCS zone also presents the added advantage of potentially establishing higher density residential uses in close proximity to major retail services (e.g., grocery stores like Safeway) and regional employers, such as Hewlett Packard and other technology sector business that now occupy the nearby campus.
4. The City Council notes that compatibility conflicts between the MUC and GI designations are not anticipated given existing development and previous decisions to rezone other portions of Corvallis Business Park in the same manner. The Council notes that the development standards of the proposed MUCS zone align better with the established patterns of building mass, site planning, architectural design, and pedestrian connectivity within Corvallis Business Park and Corvallis Station. The City Council finds that applying those standards to the subject lots will likely result in compatible development that meets

or exceeds the aesthetics and architecture of development already present within Corvallis Business Park/Corvallis Station.

5. The City Council notes that the subject lots are a part of a larger development project that partially falls within the quarter-mile boundary of a designated Major Neighborhood Center. The Council notes that Comprehensive Plan Policies 9.2.2 and 9.2.5 encourage development of these areas to provide essential community services in close proximity to transit, and at distances that are walkable from nearby residential neighborhoods. The Council finds that, with respect to the subject lots and Corvallis Business Park/Corvallis Station as a whole, the MUC designation is better suited to achieve these goals than the GI designation for the reasons discussed above.
6. Based on the Supplemental Findings III.3 through III.5, the City Council finds that the subject Comprehensive Plan Amendment is a desirable means of meeting the need of meeting the public need.
7. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the Council is persuaded by the subject findings because the findings, in part, demonstrate how the proposal, is consistent with the applicable criteria from LDC Section 2.1.30.06.b.3 and Comprehensive Plan Policies identified in the May 4, 2016, Planning Commission staff report, and the June 14, memorandum to the City Council.

V. Land Use and Compatibility

Applicable Criteria: CCP 3.2.4 and 3.2.7; LDC 2.1.30.06.c, 2.2.10, Table 2.2-1

1. The City Council notes that findings in response to the applicable LDC Sections are presented on pages 14, 17 through 26 of the May 4, 2016, Planning Commission staff report, as presented to the City Council with the June 14 staff memorandum to Council as Exhibit CC-C. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the June 14, 2016, staff memorandum to the City Council presented on pages 14 and 17 through 26 of the May 4, 2016, Planning Commission staff report. The Council finds that the Council is persuaded by the subject findings because, in part, the findings demonstrate how the proposal is consistent with the applicable LDC criteria.
2. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Comprehensive Plan Amendment. The Council notes that the applicant's responses to the applicable criteria cited above are found on Exhibits PC A-21 through PC A-25 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council.
3. The City Council notes that the lots are bordered by properties zoned GI and/or MUCS. The Council notes that compatibility conflicts would not likely occur between the subject lots and other properties Corvallis Business Park/Corvallis Station that are already zoned MUCS because the same uses would be allowed and the same development standards would apply to development occurring on Lots 3 and 4 as to adjacent properties that are also zoned MUCS. The Council notes that a majority of the commercial uses allowed in the GI zone are also allowed in the MUCS zone. The Council notes that residential uses are allowed in the MUCS zone, but not in the GI zone, while the reverse is true with respect

to industrial uses. The Council notes that 12 of the 26 commercial uses allowed in the MUCS zone are also allowed in the GI zone. Characteristics of the remaining commercial uses allowed in the MUCS zone are oriented toward day-to-day service and retail needs of the general community as opposed to providing support for particular industry sectors. Despite these differences, the Council finds that compatibility conflicts related to the factors listed in Comprehensive Plan Policy 3.2.7 are not expected between the two zones based on the permitted civic and commercial uses, because the sets of civic and commercial uses allowed in each zone are comparable in terms of type and the spectrum of services they provide.

4. The City Council notes that the uses allowed in the GI and MUCS zones are expected to support development occurring in each zone. The Council also notes that the spectrum of uses allowed in each zone is sufficiently similar in terms of operational intensity. Commercial uses in each zone are expected to generate comparable levels of traffic due to customers, deliveries, and employees. Similar amounts of outdoor lighting for security, signage, and aesthetics would also be anticipated in the GI and MUCS zones. For these reasons and those described above, the Council finds that the GI and MUCS zones are generally compatible in terms of the factors listed in Comprehensive Plan Policy 3.2.7.
5. Based on the Supplemental Findings III.3 through III.4, the City Council finds that the subject Comprehensive Plan Amendment is consistent with the compatibility criteria listed in Comprehensive Plan Policies 3.2.4 and 3.2.7.
6. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the Council is persuaded by the subject findings because the findings, in part, demonstrate how the proposal, is consistent with the applicable criteria from LDC Sections 2.1.30.06.c, 2.2.10, and Comprehensive Plan Policies identified in the May 4, 2016, Planning Commission staff report, and the June 14, memorandum to the City Council.

VI. Natural Resources and Natural Hazards

Applicable Criteria: CCP 3.2.7, 4.2.2, 4.11.1, 4.11.8; LDC 2.1.30.06.c

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Comprehensive Plan Amendment. The Council notes that the applicant's responses to the applicable criteria cited above are found on Exhibits PC A-25 through PC A-26 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the June 14, 2016, staff memorandum to the City Council presented on Exhibits PC A-25 through PC A-26 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council. The Council finds that the Council is persuaded by the subject findings because, in part, the findings demonstrate how the proposal is consistent with the applicable LDC criteria.
2. The City Council notes that an area of High Protection Significant Vegetation (HPSV) is the only mapped natural resource or natural hazard regulated by the LDC located within the boundary of either lot, as shown on Exhibit PC A-148 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council. The Council notes that this area is immediately north and west of the existing stormwater detention pond within Lot 4. When Lot 4 is developed, the

ability to encroach into the HPSV area would be considered; however, it is highly unlikely given the square-footage of the lot that is unconstrained by any natural resources or natural hazards. The Council also notes that the Minimum Assured Development Area ratio for the Mixed Use Community Shopping zone is less than the ratio for the General Industrial zone, as noted in LDC Section 4.11.50.02. As a result, the Council notes that were encroachment into the HPSV area permitted through the development process, the area of encroachment will be less as a result of applying the Mixed Use Community Shopping zone standards to the subject lots.

3. Based on the Supplemental Finding IV.3, the City Council finds that the subject Comprehensive Plan Amendment is consistent with the applicable compatibility criteria listed in Comprehensive Plan Policy 3.2.7 that address preservation and protection of significant natural features.
4. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the Council is persuaded by the subject findings because the findings, in part, demonstrate how the proposal, is consistent with the applicable criteria from LDC Sections 2.1.30.06.c and Comprehensive Plan Policies identified in the May 4, 2016, Planning Commission staff report, and the June 14, memorandum to the City Council.

VII. Circulation

Applicable Criteria: CCP 3.2.7, 11.2.1, 11.2.2; LDC 2.1.30.06.c; OAR 660-012-0060 (Transportation Planning Rule)

1. The City Council notes that findings in response to the applicable LDC Sections are presented on pages 19 through 22 of the May 4, 2016, Planning Commission staff report, as presented to the City Council with the June 14 staff memorandum to Council as Exhibit CC-C. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the June 14, 2016, staff memorandum to the City Council presented on pages 19 through 22 of the May 4, 2016, Planning Commission staff report. The Council finds that the Council is persuaded by the subject findings because, in part, the findings demonstrate how the proposal is consistent with the applicable Comprehensive Plan Policies and LDC criteria.
2. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Comprehensive Plan Amendment. The Council notes that the applicant's responses to the applicable criteria cited above are found on Exhibits PC A-26 through PC A-29, PC A-154 through PC A-158, and PC A-258, as well as Exhibit PC-C of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council.
3. The City Council notes that developing the subject lots consistent with the MUCS zone would not require extension of new public streets into Corvallis Business Park/Corvallis Station. The project is subject to an approved Conceptual Development Plan and several active Detailed Development Plans that required construction of certain vehicular and pedestrian facilities, which currently provide access to the subject lots. Per these existing Planned Development approvals, no additional public transportation system improvements are necessary, unless the traffic generated by a particular development proposal provides otherwise. Hence, the City Council finds that the subject Comprehensive Plan Amendment

is consistent with the applicable Comprehensive Plan Policies and LDC criteria cited above.

4. The City Council notes that the applicant proposed a Condition of Approval through the concurrent Major Conceptual Development Plan Modification in order to address potential “significant effects”, as defined by the Transportation Planning Rule. The Condition of Approval has the effect of limiting trips generated under the MUCS zone to the “reasonable worse case” scenario under the existing GI Zone that was determined with the prior Zone Change in Order 2005-092 (ZDC03-00019, Corvallis Station, including Home Depot). The reasonable worse case for that land use case was a net of 258 PM peak hour trips (Scenario “O”) for the entire Corvallis Station site (4 lots). The Council notes that Lot 1 has since been developed with a Home Depot (the “Home Depot site”) and Lot 2 has been developed with a government office building and associated fleet storage lot (the “Forest Service site”).

The Council notes that determination of the appropriate “trip cap” is based on the trip estimates for the prior zone change (258 trips) minus the trips estimates for the development on Lot 1 (144 trips) and Lot 2 (5 trips). The Council notes that in an email dated April 18, 2016 (Exhibit PC-C of the June 14, 2016, staff memorandum to Council) the applicant’s traffic engineer estimated the trips for the Home Depot site based on ITE Standards (9th Edition) for a 131,602 square foot home improvement superstore. The estimated PM peak hour trips were 144 net trips. Lot 2 PM peak hour trip estimates for the Forest Service site were 6 trips (PLD11-00001) with the applicant applying a 10% internal capture reduction to 5 trips.

The Council notes that the proposed Condition on the Major Conceptual Development Plan Modification (**Condition of Approval 8**) sufficiently limits the potential for the Comprehensive Plan Amendment and Zone Change to cause “significant effects” on the transportation system. The Condition imposing a trip cap at 109 pm peak hour trips ($258 - 144 - 5 = 109$) for Lots 3 and 4 of Corvallis Station, is equivalent to the “reasonable worse case” trip estimate scenario for the existing GI zone. Hence, the City Council finds that the Condition imposing the “trip cap” addresses Section (1) (C) of the Transportation Planning Rule.

5. Based on the Supplemental Findings VI.3 through VI.4, the City Council finds that the subject Comprehensive Plan Amendment is consistent with the applicable compatibility criteria listed in Comprehensive Plan Policies 3.2.7, 11.2.1 and 11.2.2, as well as the Transportation Planning Rule.
6. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the Council is persuaded by the subject findings because the findings, in part, demonstrate how the proposal, is consistent with the applicable criteria from LDC Sections 2.1.30.06.c, Comprehensive Plan Policies, and the Transportation Planning Rule identified in the May 4, 2016, Planning Commission staff report, and the June 14, memorandum to the City Council.

VIII. Public Facilities and Services

Applicable Criteria: CCP 3.2.7, 10.2.9, 10.2.11, 10.2.12; LDC 2.1.30.06.c

1. The City Council notes that findings in response to the applicable LDC Sections are presented on pages 22 through 25 of the May 4, 2016, Planning Commission staff report, as presented to the City Council with the June 14 staff memorandum to Council as Exhibit CC-C. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the June 14, 2016, staff memorandum to the City Council presented on pages 22 through 25 of the May 4, 2016, Planning Commission staff report. The Council finds that the Council is persuaded by the subject findings because, in part, the findings demonstrate how the proposal is consistent with the applicable Comprehensive Plan Policies and LDC criteria.
2. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Comprehensive Plan Amendment. The Council notes that the applicant's responses to the applicable criteria cited above are found on Exhibits PC A-26 through PC A-27, and PC A-159 through PC A-188 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council.
3. The City Council notes that public sanitary sewer, water, and storm sewer lines are currently located within immediate proximity of the site, as shown on Exhibit PC A-149 of the May 4, 2016, Planning Commission staff report, and included with Exhibit CC-C of the June 14, 2016, staff memorandum to Council. The Council notes that public and private utility system improvements identified through the Corvallis Wastewater Utilities Master Plan, Corvallis Stormwater Master Plan, and Corvallis Water System Distribution Facilities Master Plan will be required through development of Lots 3 and 4 once the specified thresholds are reached. Therefore, the Council finds that the subject Comprehensive Plan Amendment is consistent with the applicable Comprehensive Plan Policies and LDC criteria cited above.
4. Based on the Supplemental Finding VII.3, the City Council finds that the subject Comprehensive Plan Amendment is consistent with the applicable compatibility criteria listed in Comprehensive Plan Policies 3.2.7, 10.2.11, and 10.2.12.
5. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the Council is persuaded by the subject findings because the findings, in part, demonstrate how the proposal, is consistent with the applicable criteria from LDC Sections 2.1.30.06.c and Comprehensive Plan Policies identified in the May 4, 2016, Planning Commission staff report, and the June 14, memorandum to the City Council.

IX. Oregon Administrative Rule (“OAR”) 660-009-0010(4)

Applicable Criteria: OAR 660-009-0010(4)

1. The City Council notes that findings in response to the applicable Comprehensive Plan Policies are presented on pages 26 through 27 of the May 4, 2016, Planning Commission staff report, as presented to the City Council with the June 14 staff memorandum to Council as Exhibit CC-C. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the June 14, 2016, staff memorandum to the City Council presented on pages 26 through 27 of the May 4, 2016, Planning Commission staff report. The Council finds that the Council is persuaded by the subject findings because, in

part, the findings demonstrate how the proposal is consistent with the applicable Comprehensive Plan Policies.

2. The City Council notes that the 1998 Corvallis Buildable Land Inventory (“BLI”) represents the City’s most recent economic opportunities analysis. Comprehensive Plan Map amendments made in 1998 implemented changes to meet the projected land use needs identified in the BLI. The Council notes that the BLI considered four Comprehensive Plan Map designations to be industrial: General Industrial, Intensive Industrial, Light Industrial, and Research Technology Center. The BLI indicated that 152 gross acres of land with these designations would be needed to accommodate development within the City limits through 2020. The Council notes that the most recent Land Development Inventory Report (“LDIR”) indicates that there are currently approximately 572 acres of vacant land within City limits among these four designations. Most of this vacant industrial land (491 acres) is designated for General Industrial. The Council notes that approval of the subject Comprehensive Plan Amendment would remove 4.5 acres of General Industrial land from the citywide inventory and leave approximately 567.5 vacant acres of industrial land. These totals are well in excess of the 152 acres the BLI projected would be necessary through 2020. Therefore, the City Council finds that the subject Comprehensive Plan Amendment is consistent with OAR 660-009-0010(4).

3. Based on the Supplemental Finding VIII.2, the City Council finds that the subject Comprehensive Plan Amendment is consistent with the applicable criteria from OAR 660-009-0010(4).

4. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the Council is persuaded by the subject findings because the findings, in part, demonstrate how the proposal, is consistent with the applicable criteria from OAR 660-009-0010(4) identified in the May 4, 2016, Planning Commission staff report, and the June 14, memorandum to the City Council.

SUMMARY CONCLUSION

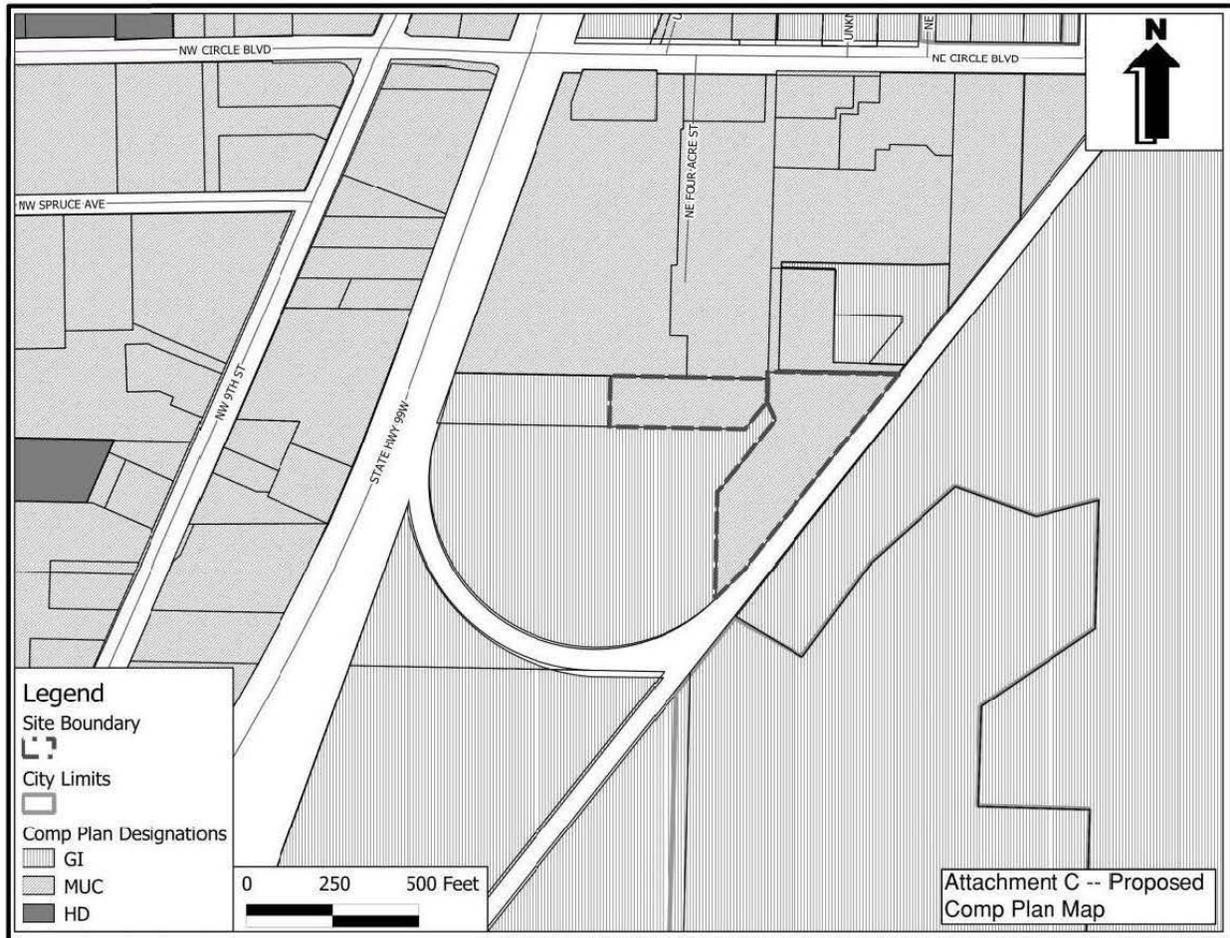
As the body charged with making a final decision on Comprehensive Plan Amendments, the City Council, having reviewed the record associated with the Comprehensive Plan Amendment application, considered evidence supporting and opposing the application and finds that the proposal, adequately addresses the review criteria and is found to be consistent with the City’s Comprehensive Plan, applicable sections of the Land Development Code, and other applicable approval criteria. Therefore, the Comprehensive Plan Amendment (CPA15-00002) is APPROVED.

Dated: _____

Biff Traber, MAYOR

ORDINANCE 2016-___

EXHIBIT B



**CITY OF CORVALLIS
COUNCIL ACTION MINUTES
July 18, 2016**

SUMMARY OF DISCUSSION

Agenda Item	Outcome
<p>Community Comments</p> <p>1. Marijuana tax rate (Goudriaan) 2. Commute rates (Hess) Page 218</p>	<ul style="list-style-type: none"> • FIO • FIO
<p>Consent Agenda Pages 218-219</p>	<ul style="list-style-type: none"> • Amended Consent Agenda <u>passed U</u>
<p>Items Removed from Consent Agenda</p> <p>1. City Council Minutes – July 5, 2016 Page 219</p>	<ul style="list-style-type: none"> • Approved minutes as corrected <u>passed U</u>
<p>Unfinished Business</p> <p>1. Willamette Business Park Comprehensive Plan Amendment 2. Marijuana Tax Explanatory Statement and Ballot title 3. Corvallis Station Lots 3 and 4 Findings of Fact 4. Kings Boulevard Extension Remand: Schedule limited public meeting/hearing Pages 219-222</p>	<ul style="list-style-type: none"> • Approved Comprehensive Plan Amendment subject to findings <u>passed 6-1</u> • ORDINANCE 2016-12 <u>passed U</u> RESOLUTION 2016-26 <u>passed U</u> • Adopted findings <u>passed 6-1</u>; ordinance <u>passed 6-1</u> with second reading 8/1/16 • Scheduled limited public meeting 8/1/16 <u>passed U</u>
<p>Public Hearing</p> <p>1. Lawndale Annexation and Appeal of Zone Change (ANN16-00001 /ZDC16-00001) Pages 223-225</p>	<ul style="list-style-type: none"> • Approved placing annexation on the ballot <u>passed U</u> • Denied appeal of zone change and imposed Planned Development Overlay via irrevocable petition to the City, signed by property owners, to impose the Planned Development zone effective upon any intensification of use beyond single family use or consolidation of parcels among the five parcels <u>passed U</u>
<p>Ordinances and Resolutions</p> <p>1. Resolution accepting and appropriating \$5,000 donation for Bald Hill Natural Area improvements Page 226</p>	<ul style="list-style-type: none"> • RESOLUTION 2016-27 <u>passed U</u>
<p>New Business</p> <p>1. Natural Hazards Mitigation Plan Adoption Page 226</p>	<ul style="list-style-type: none"> • RESOLUTION 2016-28 <u>passed U</u>
<p>Mayor’s Reports</p> <p>1. League of Oregon Cities Legislative Priorities Pages 226-227</p>	<ul style="list-style-type: none"> • Directed the City Manager to forward priorities to the League of Oregon Cities: Property Tax Reform – Market Value/Local Control; Nonprofit Property Tax Exemption (to include governmental agencies); Restore Recreational Immunity; and Comprehensive, and Multi-modal Transportation Funding and Policy Package <u>passed 6-1</u>
<p>Councilor Reports</p> <p>1. Baker (Climate Action Task Force Update)</p>	<ul style="list-style-type: none"> • FIO

<p>Councilor Reports, continued</p> <p>2. York (Councilor Hann Planning Commission liaison, Community Involvement and Diversity Advisory Board starting soon, Corvallis Knights baseball games)</p> <p>3. Bull (peaceful protests, learning about Corvallis through Pokémon Go game)</p> <p>4. Hann (new art in Library and Corvallis Arts Walk; Pastors for Peace fundraiser)</p> <p>Page 227</p>	<ul style="list-style-type: none"> • FIO • FIO • FIO
<p>City Manager Reports</p> <p>1. City Manager’s Report – June 2016</p> <p>2. Council Goals Status – Fourth Quarter FY 15-16</p> <p>3. City prevails in homeless camp clean up lawsuit</p> <p>Page 228</p>	<ul style="list-style-type: none"> • FIO • FIO • FIO

Glossary of Terms

- FIO For information only
- U Unanimous

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES
July 18, 2016**

I. CALL TO ORDER

The regular meeting of the City Council of the City of Corvallis, Oregon was called to order at 6:30 pm on July 18, 2016, 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, Brauner, Bull, Glassmire, Hann, Hogg, York

ABSENT: Councilors Beilstein, Hirsch

Mayor Traber talked about the recent string of tragic shooting deaths in Louisiana, Minnesota, and Texas. He asked everyone to reflect on the impact to the victims' families, friends, and communities, as well as the country. He cited the peaceful protest held at the Benton County Courthouse and the National Association for the Advancement of Colored People's (NAACP) community meeting as positive examples for Corvallis. He also recognized the Corvallis Police Department for effectively working with the community and their efforts to keep residents safe.

IV. COMMUNITY COMMENTS

Neil Goudriaan asked the Council to establish a rate for the marijuana tax so it could be reflected in the resolution being considered tonight by the Council. He said not setting it now could then become a matter of interpretation, negotiation, influence pedaling, and potentially corruption, although he did not believe it was the Council's or the City staff's desire that such would occur. He also said it was time to reflect on the black lives lost in America. In response to Councilor Baker's inquiry, Mr. Goudriaan suggested setting the marijuana tax rate at two percent.

Jeff Hess cited a recent *Corvallis Gazette-Times* article concerning commute rates in Corvallis, which indicated that Corvallis was in the normal range for university communities. He was concerned that such a ranking might be deemed acceptable for planning purposes. He observed that prior to Oregon State University's growth spurt, Corvallis' commute rate was significantly lower. He hoped a public conversation could occur about why the ranking had changed and how the new Imagine Corvallis 2040 Vision could play a role. Councilor Bull said the Buildable Lands Inventory update was underway and encouraged Mr. Hess to provide input.

V. CONSENT AGENDA

Mayor Traber requested removal of the July 5, 2016, City Council meeting minutes, based on an observation from Councilor Glassmire (Item A.1.).

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

- A. Reading of Minutes
 - 2. City Council Work Session – July 6, 2016
 - 3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Housing and Community Development Advisory Board – June 15, 2016
 - b. King Legacy Advisory Board – June 28, 2016
- B. Schedule a limited public hearing at 7:30 pm on August 15, 2016 concerning Coronado Tract B
- C. Acknowledgement of Council Liaison Appointments to Planning Commission and Community Involvement and Diversity Advisory Board (York, Hann)

The motion passed unanimously.

VI. ITEMS REMOVED FROM CONSENT AGENDA

- A. Reading of Minutes
 - 1. City Council Meeting – July 5, 2016

Councilor Glassmire noted at the bottom of page 396 in the electronic packet, related to the 15th Street: Washington Way – Jefferson Avenue resolution, the draft minutes contained the following incomplete sentence: *Mr. Brewer read the resolution and clarified it was.* The sentence was corrected to read *Mr. Brewer read the resolution and clarified it was for a reimbursement.*

Councilors Glassmire and Baker, respectively, moved and seconded to approve the July 5, 2016 Council minutes as corrected. The motion passed unanimously.

VII. UNFINISHED BUSINESS

- A. Deliberations: Comprehensive Plan Amendment related to Willamette Business Park (CPA14-00002)

New Conflicts of interest – None

New *ex parte* contacts – None

New site visits – None

Rebuttal of disclosures – None

Councilors Brauner and York, respectively, moved and seconded to tentatively approve the proposed Comprehensive Plan Amendment (CPA14-00002), based on the recommendation from the Planning Commission and staff, and based upon findings presented by the City Council during their deliberations, subject to the adoption of formal findings at a subsequent City Council meeting.

Councilor Hogg supported the motion and hoped that when development ultimately occurred, a bike path would be added to the area.

Councilor Baker said the decision was difficult for him. The community spent a lot of time and energy to develop the South Corvallis Area Refinement Plan (SCARP) and passage of the motion would result in a change to that plan. He believed such changes should be made judiciously. While the SCARP contemplated rezoning Comprehensive Plan designations if build-out was sufficient, he did not believe that point had been reached. He said that regardless of the decision, the SCARP needed to be reviewed again. He believed passage of the motion would put developers in control, rather than residents.

Councilor Hann shared some of Councilor Baker's concerns; however, he believed that if the Comprehensive Plan amendment was approved, the public would view the change as creating housing opportunities in Corvallis. He said, in the short term, adding more housing would place pressure on available services in the area. He hoped more people would purchase homes, rather than renting, to better stabilize South Corvallis.

Councilor Bull believed it was her responsibility to support the City's plans as much as possible and vary from them conservatively; however, she acknowledged that many of them were out-of-date. In this instance, she believed the Comprehensive Plan Amendment represented a better way of building out South Corvallis. Residential development, rather than industrial, would be placed closer to a town center that was anticipated in the SCARP.

Councilor York viewed the change, on balance, as providing additional housing for the community. She also acknowledged that the data and existing plans were outdated, and noted that through development of Imagine Corvallis 2040 and other efforts, progress was being made toward updating planning documents.

Councilor Brauner agreed with Councilor York's comments. He recognized that South Corvallis residents wanted more commercial development and he believed that increasing residential development in that area would help bring more businesses to South Corvallis.

Councilor Glassmire agreed the subject site was better suited for residential development; however, he wished the City could more directly address affordable housing issues.

The motion passed 6 to 1, with Councilor Baker opposing.

The decision was subject to formal findings for Council adoption at a future meeting.

B. Marijuana Tax Explanatory Statement and Ballot Title

Mayor Traber noted that an updated version of the Explanatory Statement was at Councilors' places (Attachment A). The word "recreational" was added as an adjective to the word "marijuana" in three places.

City Attorney Brewer read an ordinance relating to marijuana taxation, amending Municipal Code Section 8.05, "Taxation of Marijuana and Marijuana Infused Products"

Councilors Glassmire and Hann, respectively, moved and seconded to make amend the text of the ordinance in the following four areas:

1. Section 8.15.020.C: "Marijuana" means all parts of the plant of the Cannabis family ~~Moraceae~~ **Cannabaceae**
2. Section 8.15.050.B: Every seller shall pay taxes collected for each period ~~at~~ **by** the time and date determined by the Finance Director.
3. Section 8.15.060.F. Notwithstanding any other provision of this code to the contrary, all sums collected pursuant to the penalty provisions in paragraphs ~~A and C~~ **A, B and C** of this section shall be distributed to the City of Corvallis General Fund to offset the costs of auditing and enforcement of this tax.
4. Section 8.15.070: *Delete last five lines in this section - ~~Such seller may make an appeal of such determination to the City Manager or the City Manager's designee. The written appeal of the decision of the City Manager or City Manager's designee must be made and delivered to the City Recorder within 14 days, and the Appeal shall be to the City Council, as provided in Corvallis Municipal Code Section 1.11. If no appeal is filed, the lower determination is final and the amount thereby is immediately due and payable.~~*

Mr. Brewer said the definition of marijuana contained in the proposed ordinance matched State law. He believed it would be prudent to first check with the State of Oregon to determine whether the law had described marijuana incorrectly.

City Manager Shepard suggested moving forward with the ordinance language as originally proposed. If the tax was approved by the voters in November, Council could update the ordinance at that time. If the tax did not pass, the changes would be moot.

Councilors Glassmire and Hann withdrew the motion.

Mr. Shepard confirmed that revenues received would go to the General Fund; no other designation had yet been made.

ORDINANCE 2016-12 passed unanimously.

Mr. Brewer read resolution approving referral to the electors of the City of Corvallis the question of imposing a tax on the sale of marijuana items by a marijuana retailer within the city.

Councilors York and Hann, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2016-26 passed unanimously.

Councilors affirmed Mr. Brewer's statement that the resolution the Council passed was intended to reflect the replacement language specified in the amended Explanatory Statement (Attachment A).

- C. Adoption of Findings of Fact: Comprehensive Plan Amendment related to Corvallis Station Lots 3 and 4 (CPA15-00002)

New Conflicts of interest – None

New *ex parte* contacts – None

New site visits – None

Rebuttal of disclosures – None

Councilors Hann and Baker, respectively, moved and seconded to adopt the Formal Findings and Conclusions, from the July 12, 2016, memorandum from the Community Development Director to the Mayor and City Council, in support of the City Council's decision to approve Corvallis Station Lots 3 and 4 Comprehensive Plan Amendment (CPA15-00002).

Councilor Bull remained opposed to residential uses on the subject site.

The motion passed 6 to 1, with Councilor Bull opposing.

Mr. Brewer read a special ordinance relating to a Comprehensive Plan Map Amendment, amending Ordinance 98-53.

The ordinance passed 6 to 1, with Councilor Bull opposing. The ordinance will return to Council for a second reading at the August 1, 2016, meeting.

- D. Schedule a limited public meeting or hearing for consideration of the Land Use Board of Appeals' decision regarding the Kings Boulevard Extension (PLD 15-00003)

Mr. Shepard said Council's earlier denial of the application for the Kings Boulevard extension was appealed to the Land Use Board of Appeals (LUBA). The applicant appealed in several areas, but only one of them was remanded to the Council. The remand directs the Council to either provide a location for the Kings Boulevard extension, or to provide a clear process for determining the extension. Staff proposes drafting a process to determine the most appropriate alignment, based on specific criteria the City had used in the past for protecting natural features, which was a key issue in the alignment. If Council approved the process, the applicant could then provide a proposal for the alignment based on that criteria. As part of developing the proposed process, staff considerations will include Goal 5 work, Minimum Assured Development Area provisions, and prioritization of natural features.

Staff had spoken to both the applicant and the attorney for the opposing neighbors. Both agreed there was no value in re-opening the record for further testimony.

Mr. Brewer said the Council would need to provide guidance to the applicant on what compensating benefit might be appropriate, depending upon the type of variance being requested.

Councilors Glassmire and Baker, respectively, moved and seconded to schedule a limited public meeting at the August 1, 2016 Council meeting. The motion passed unanimously.

Mayor Traber emphasized that since the land use case was still active, the prohibition of *ex parte* communication remained in effect; if such communication occurred, it would need to be disclosed at the August 1 meeting.

Mayor Traber recessed the meeting from 7:29 to 7:35 pm.

XI. PUBLIC HEARING

A. Lawndale: Annexation and Appeal of Zone Change

Mayor Traber read the order of proceedings and opened the public hearing at 7:38 pm.

Conflicts of interest – Councilor Baker recused himself. He was employed by the League of Oregon Cities and was assigned to work on the court case challenging the State’s annexation law. There were no objections from Councilors. Councilor Baker left the Council Chambers for the remainder of the Lawndale Annexation and Appeal of Zone Change discussion. No other conflicts of interest were declared.

Ex parte contacts – None

Site visits – Councilors Hann and York, and Mayor Traber declared making site visits. Councilors York and Hann observed the width and condition of NE Lawndale Place and how it varied from street standards. Councilor Hann also looked at where the road continued to and the land beyond it. Mayor Traber said he regularly drove past the road and due to the number of Councilors present, a tie was possible and he could be required to vote. Neither Councilor nor the Mayor believed the site visits impacted their ability to reach a fair and impartial decision.

Rebuttal of disclosures – None

Objections on jurisdictional grounds – None

Staff Report

Senior Planner Yaich provided the staff report (Attachment B). In response to Councilors’ inquiries, Mr. Yaich showed on a map which parcels of land would remain in Benton County and which parcels are currently in the City. A copy of the map was included in Attachment B.

Mr. Brewer reminded the applicant and others who wished to testify that their comments should be directed toward the applicable criteria of the case or other criteria in the Municipal Code, Land Development Code, or Comprehensive Plan they believed to apply to the decision. Failure to raise an issue, accompanied by statements or evidence sufficient to afford the City or other parties the opportunity to respond to the issue, precluded appeals to the State Land Use Board of Appeals based on that issue. The failure of the applicant to raise any Constitutional issues at this time sufficient to allow the local government to respond precluded an action for damages in Circuit Court.

Applicant’s Presentation

Applicants Michael Galpin and Tuesday Desaulniers spoke from prepared testimony (Attachment C). They were accompanied by their consultant, David Dodson from Willamette Valley Planning.

Questions of applicant

In response to Councilor Hann's inquiry, Mr. Dodson said the criteria presented was what was included when the Mixed Use Employment Zone (MUE) was established, which he estimated to be in 2006. The MUE Zone allows for some residential uses in addition to industrial uses. Due to the General Industrial Comprehensive Plan designation along Lawndale Place, MUE was the only reasonable zone that could be applied for the annexation request. Otherwise, the structures would become non-conforming uses. He noted that when the City first applied the MUE zone, it was applied to a number of locations that were predominantly existing industrial type uses, such as Korvis Automation. It was also applied in South Corvallis along Cummings Avenue where there were a number of existing residential uses. In these cases, a Planned Development Overlay (PDO) was not imposed. Based on these circumstances, the applicant believed a precedent had been set. The applicant, who was a resident and not a developer, did not want to be burdened by a PDO when he wished to make minor changes to his home. Mr. Dodson said a number of the subject property owners had already signed deed restrictions, which would be provided to the City as required for properties in an MUE Zone. If the properties were annexed, the deed restrictions would go with the property to ensure future buyers were aware of the restrictions.

Ms. Desaulniers opined that within ten years, the septic systems for all of the properties in that area would fail.

Testimony in Favor – None

Testimony in Opposition – None

Neutral Testimony – None

There were no requests for continuances or to hold the record open for an additional seven days.

Questions of staff

In response to Councilors' inquiries, Mr. Yaich said the City adopted the MUE Zone in 1998. Mr. Yaich believed a precedent had been set, noting staff reviewed staff reports from what were, at the time, health hazard annexations. One was Whitson Acres II, which was annexed in 2003; there was no mention of a PDO in that staff report. Staff did not find, due to time limits, any related information from the health hazard annexation of the street to the north, so Mr. Yaich was not able to confirm if there was discussion about a PDO in that instance. The Woodcrest annexation, which occurred around 1999, was for multiple residences. The comparisons for adding a covered patio as cited in the applicant's presentation (Attachment C) were accurate.

Councilor Brauner inquired about whether a PDO could be placed on the properties, with the review process only being triggered if there was a change of use to a property, or a lot consolidation of properties. Mr. Brewer said an effective date could possibly be placed for the PDO itself, through either deed restriction or an irrevocable petition.

Councilor Bull expressed concern that properties could apply for annexation individually. Mr. Brewer said addressing such a concern might be accomplished if the Council interpreted LDC Section 3.27.20.b.2 to mean that a parcel did not mean a lot, and considered only the private property that was being annexed and not the public right-of-way portion of the property. Mr. Brewer noted that Code definition language existed to support such an interpretation. This interpretation would not affect the application before the Council, as all of the properties combined totaled less than five acres. Mayor Traber noted the discussion was applicable to considering the appeal, not whether to place the annexation on the ballot.

In response to Councilor Hann's inquiry, Mr. Young said Benton County staff was responsible for reviewing failed septic systems and citing for non-compliance. Their staff investigates site conditions and considers the feasibility of repairing the system. City staff have met with the County's sanitarian to review the subject site and others in the area, as well as soil conditions and lot sizes. It was not believed that a suitable repair to the septic systems was possible. Street improvements and other changes to meet City standards that are typical with a new development were not anticipated in this case; the properties would only be connected to the City's sewer system.

In response to Councilor Glassmire's inquiry, Mr. Brewer said a Planned Development was a zone, which remained in place until it was removed. On properties designated as residential in the Comprehensive Plan, the applicant could request removal. However, the subject property being considered was in an industrial designation area, so the MUE Zone was being requested as a mechanism to allow the residences to remain.

Councilors Brauner and Hann, respectively, moved and seconded to approve placement of the Lawndale Annexation (ANN16-00001) on the November 8, 2016 ballot.

The motion passed unanimously.

Mayor Traber recessed the meeting from 7:45 to 7:55 pm so Mr. Brewer, staff, and the applicant could discuss Councilor Brauner's earlier suggestion to place a PDO on the properties, but delay implementation to when a re-development was proposed to occur. Prior to the recess, Councilor Brauner made clear that his suggestion was that *any* use change from single family, including multi-family, would trigger the PDO requirement.

Councilors Brauner and Hann, respectively, moved and seconded to deny the appeal of a zone change and impose a Planned Development Overlay as required by the Land Development Code, which could be accomplished by an irrevocable petition to the City, signed by the property owners, to impose the Planned Development zone effective upon any intensification of use beyond single family use or consolidation of parcels among the five parcels.

In response to Councilor Bull's inquiry, Mr. Brewer said accessory dwellings for a family member, such as an in-law, would likely be allowed as a single family use.

The motion passed unanimously.

The applicant waived its right to an additional seven days to present additional written argument. Staff will provide findings for consideration at the August 1, 2016 Council meeting.

VII. ORDINANCES AND RESOLUTIONS

A resolution accepting and appropriating a \$5,000 donation for the purpose of Bald Hill Natural Area improvements

Mr. Brewer read the resolution.

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

RESOLUTION 2016-27 passed unanimously.

IX. NEW BUSINESS

A. Natural Hazards Mitigation Plan Adoption

Mr. Shepard said Council was asked to adopt the Natural Hazards Mitigation Plan via a resolution. Doing so helps with reductions in flood insurance rates and demonstrates to the Federal Emergency Management Agency that policy makers are informed about the City's emergency planning efforts.

In response to Councilor Baker's inquiry, Mr. Shepard said projects outlined in the Plan are those identified through a risk assessment. Some projects will become part of the City's Capital Improvement Program Plan, and others will wait until other funding sources can be secured.

In response to Councilor Hann's disclosure that his business was within the flood plain and his inquiry about whether he should recuse himself from voting, Mr. Brewer said Councilor Hann was a member of a class in the community that was so broad, it would be difficult to find someone who did not have a conflict of interest in the matter and it was okay for him to vote.

Mr. Brewer read a resolution adopting the City of Corvallis' Representation in the Updates to the Benton County Multi-Jurisdictional Natural Hazards Mitigation Plan

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

RESOLUTION 2016-28 passed unanimously.

X. MAYOR, COUNCILOR, AND CITY MANAGER REPORTS

A. Mayor's Reports

1. League of Oregon Cities Legislative Priorities

Mayor Traber said City Legislative Committee met today, July 18, to review Councilor and staff input to legislative priorities for 2017. The following four were selected as being the most important: Property Tax Reform – Market Value/Local Control; Nonprofit Property Tax Exemption (to include governmental agencies);

Restore Recreational Immunity; and Comprehensive, and Multi-modal Transportation Funding and Policy Package.

Councilors Glassmire and Brauner, respectively, moved and seconded to direct the City Manager to forward the four selected priorities to the League of Oregon Cities: Property Tax Reform – Market Value/Local Control; Nonprofit Property Tax Exemption (to include governmental agencies); Restore Recreational Immunity; and Comprehensive, and Multi-modal Transportation Funding and Policy Package.

Councilor Baker recused himself from voting due to his employment at the League of Oregon Cities.

Councilor Brauner said the City Legislative Committee found many of the items on the list to be important, but only four could be forwarded to the League of Oregon Cities. The Committee intends to continue tracking the other items.

The motion passed 6 to 1, with Councilor Baker abstaining.

B. Councilor Reports

1. Task Force Updates

Councilor Baker reported that the next Climate Action Task Force would be held on July 21. The public outreach plan and initial rankings would be discussed. The item was for information only.

2. City Council Three-Month Schedule

The item was for information only.

3. Other Councilor Reports

Councilor York thanked Councilor Hann for taking over as liaison to the Planning Commission, said the Community Involvement and Diversity Advisory Board would be formed soon, and talked about the community value of Corvallis Knights baseball games.

Councilor Bull appreciated the *Corvallis Gazette-Times*' coverage of the peaceful protest outside of the Benton County Courthouse and the NAACP meeting. She noted the people gathered were not doing so out of specific concerns about police in Corvallis. She related how her children were learning more about the City through the new Pokémon Go game.

Councilor Hann referred the person installing the art project at the Library to Mr. Hess to coordinate with Corvallis Arts Walk and thanked Library Director Rawles for her part in coordinating the installation. He attended the recent Pastors for Peace fundraising event and was impressed with the food and the presenters.

A. City Manager Reports

- 1. City Manager's Report – June 2016

The item was for information only.

- 2. Council Goals Status – Fourth Quarter FY 15-16

The item was for information only.

- 3. Other

Mr. Shepard said the City prevailed in a lawsuit associated with cleaning up homeless camps and reported on process improvements related to the clean-ups. The item was for information only.

XII. ADJOURNMENT

The meeting adjourned at 8:35 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

EXHIBIT 2

Meeting Handout
7/18/16 Council

EXPLANATORY STATEMENT

Approval of this measure would impose a tax on the sale of marijuana items by a recreational marijuana retailer within the city. If approved, the revenues from this tax are estimated to be \$95,000. There are no restrictions on how the city may use the revenues generated by this tax.

Under Measure 91, adopted by Oregon voters in November 2014 and amended by the Legislature in 2015, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. The 2015 Legislation provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of recreational marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The City of Corvallis city council has adopted ordinance 2016-__ imposing a tax on the sale of recreational marijuana items by a retail licensee in the city, and, as a result, has referred this measure to the voters.

Under state law, a city that adopts an ordinance that prohibits the establishment in the area subject to the jurisdiction of the city of a medical marijuana processor, medical marijuana dispensary, or recreational marijuana producer, processor, wholesaler, or retailer may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. As a result, if the City later adopts a prohibition ordinance, either by act of City Council or act of the voters, this tax will no longer be operative.

ATTACHMENT A

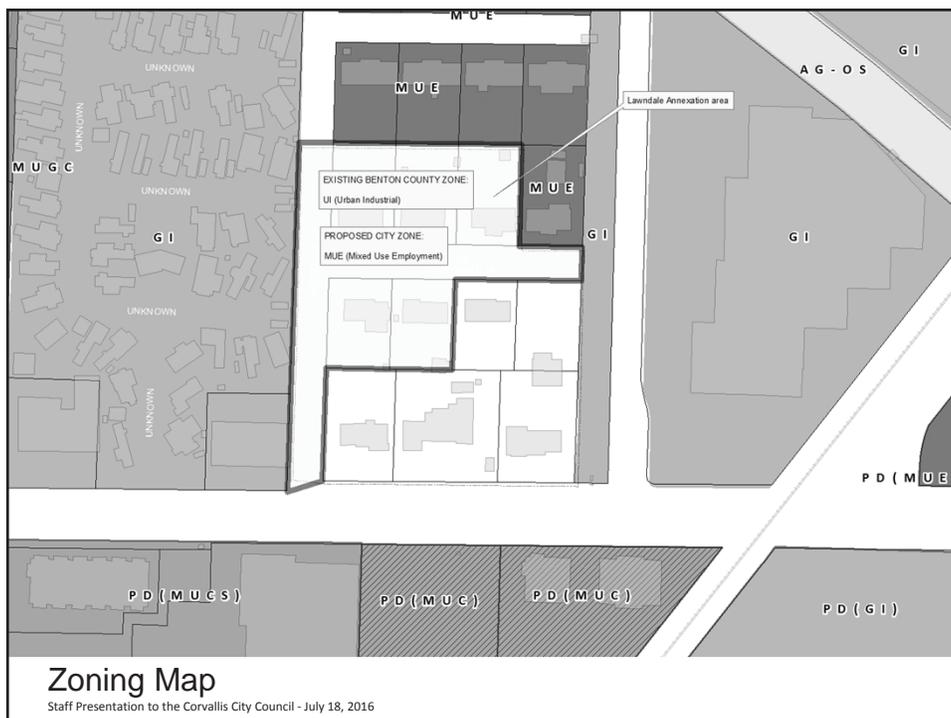
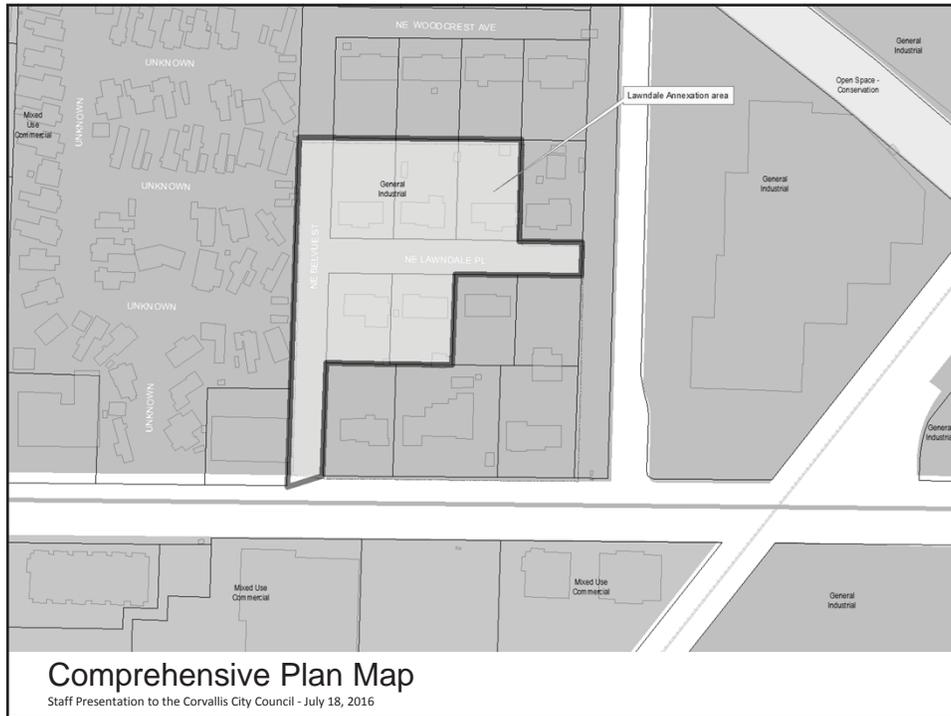
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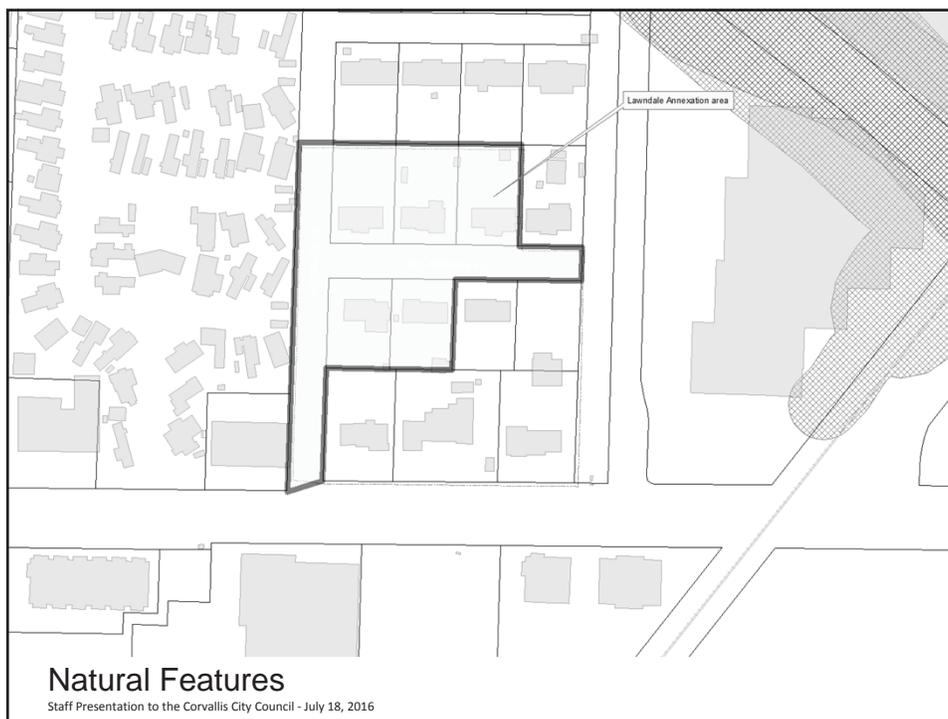


Annexation Site

- 2.41 acres
- 5 existing subdivision lots
- Includes rights-of-way for NE Lawndale Place and NE Belvue St

Staff Presentation to the Corvallis City Council - July 18, 2016





Land Use Approval Requests:

- Annexation of 2.41 acres into City limits
 - Request to forward to City Council to consider placing on November 2016 ballot for voter approval
- Zone map change upon Annexation: MUE
 - Contingent upon approval of ANN
 - Appeal is related to Planning Commission's decision to apply a Planned Development (PD) Overlay to MUE Zone

Staff Presentation to the Corvallis City Council - July 18, 2016

Applicable LDC Criteria:

- Annexation : § 2.6.30.06
- Zone map change : § 2.2.40.05.a
- additional applicable LDC standards
 - (primarily LDC Chapters 3.27 (MUE Zone), 3.32 (Non-residential PD Overlay), 4.0, 4.1, 4.2

Staff Presentation to the Corvallis City Council - July 18, 2016

Land Use Approval Requests:

- Annexation of 2.41 acres into City limits
 - ↓
 - Request is for Council to place on November 2016 ballot for voter consideration
- Zone map change upon Annexation: MUE
 - Appeal of Planned Development Overlay
 - Appeal hearings are *de novo*
 - *Considered as a new public hearing – City Council to review entirety of Zone Change request considering all review criteria*

Staff Presentation to the Corvallis City Council - July 18, 2016

Annexation Type ? (LDC 2.6.30.01)

- Does not meet thresholds for Minor Annexation
- Site specific circumstances and State rules leave public authorities with no ability to declare a “health hazard”
- Senate Bill 1573 & Council Resolution 2016-14
(see pg. 89 of Council Packet PDF (Attachment to PC report))
- Request is Major Annexation
 - Per LDC 2.6.30.01.b

Staff Presentation to the Corvallis City Council - July 18, 2016

Major Annexation Review Criteria (LDC 2.6.30.06)

- Demonstrated public need
- Provides more advantages to community than disadvantages
- Site is capable of being served by urban services and facilities
- Compatibility

Staff Presentation to the Corvallis City Council - July 18, 2016

Public Need (LDC 2.6.30.06.a)

- Factors to consider related to public need:
 - Five Year Supply of Serviceable Land
 - Availability of MUE lands to ensure choices in the marketplace
 - Compliance with adopted community-wide livability indicators & benchmarks
- City data
 - 1998 Buildable Land Inventory (need through 2020)
 - 2014 Land Development Information Report
- Other factors / policies
 - Comprehensive Plan Policies that support alternative analyses

Staff Presentation to the Corvallis City Council - July 18, 2016

Public Need (LDC 2.6.30.06.a)

5 Year Supply of Serviceable Land

- Comprehensive Plan policies:
 - 14.2.1:
 - The City shall coordinate the existing elements of the growth management system and publish an annual Land Development Information Report, which includes a brief discussion of growth management.
 - 14.2.4:
 - Upon annexation, all lands shall be districted in a manner consistent with Comprehensive Plan designations.

Staff Presentation to the Corvallis City Council - July 18, 2016

Public Need (LDC 2.6.30.06.a)

5 Year Supply of Serviceable Land

- Demand according to City data derived solely from 1998 BLI
 - BLI Anticipates sufficient supply of industrial land through 2020
 - 17.19 acre surplus (MUE) in City limits (2014 LDIR)
 - Existing lands may have development constraints
 - Subject property designated GI (comp plan) and is part of supply within the UGB considered by BLI
- Applicant's stated need:
 - "mitigate existing and anticipated health hazards due to failed septic systems"
 - Existing land use meets need for residential opportunities

Staff Presentation to the Corvallis City Council - July 18, 2016

Public Need (LDC 2.6.30.06.a)

Availability of this type of land to ensure choices in the market place

- Existing supply:
 - 17.19 acres of MUE zoned land
- Lawndale site:
 - + 2.41 acres
 - Existing public infrastructure and access nearby
 - Short Term: since property is developed with SF residences, no immediate impact on supply
 - Long Term: Adds to diversity in supply in terms of location, size, ownership and serviceability (choices in the market)

- LDC § 2.6.30.07.b: *"The City does not independently review and verify documentation of this nature...The hearing authority shall determine the validity of the arguments based on the information provided by the applicant and on public comments during the public hearing process."*

Staff Presentation to the Corvallis City Council - July 18, 2016

Public Need (LDC 2.6.30.06.a)

Availability of this type of land to ensure choices in the market place

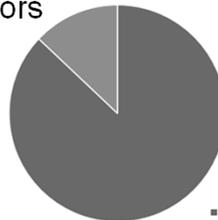
- Comprehensive Plan Policies
 - 8.2.1: “The City and County shall support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.”
 - 8.9.1: “The City shall designate appropriate and sufficient land in a variety of different parcel sizes and locations to fulfill the community’s industrial needs.”

Staff Presentation to the Corvallis City Council - July 18, 2016

Public Need (LDC 2.6.30.06.a)

**LDC § 2.6.30.07.c:
Compliance with adopted livability indicators and benchmarks**

- 20 applicable livability indicators
- 16 full compliance



Staff Presentation to the Corvallis City Council - July 18, 2016

Public Need
(LDC 2.6.30.06.a)

Indicators and benchmarks – examples of compliance:

Benchmark:	How ANN complies:
Development on land within UGB does not preclude urban-level development	County UI and City MUE zones allow similar industrial uses (see County zone standards Attachment B)
Advantage if >50% of perimeter of site enclosed within City limits	Perimeter of subject site is enclosed by 64%
0.5-mile to bike lane 0.25-mile to sidewalk 0.5-mile to multi-use path	Site has ready access to bike lanes and sidewalks along Circle Blvd. multi-use path within 0.5 mile (Conser St)
Site is within 0.5 mile of neighborhood shopping	Site is across street from Corvallis Business Park / Corvallis Station shopping center

Staff Presentation to the Corvallis City Council - July 18, 2016

- Public Need
(LDC 2.6.30.06.a)
-
- Other Comprehensive Plan policies:
 - 14.3.2:
 - **Conversion of urbanizable land to urban uses shall be based on orderly, economic provision of public utilities, facilities, and services.**
 - 14.3.4:
 - **Urbanization shall be contained within the Urban Growth Boundary, and shall occur incrementally through the annexation process. Limited interim development, consistent with Benton County clustering regulations, may be permissible.**
- Staff Presentation to the Corvallis City Council - July 18, 2016

**Provides More Advantages to
Community Than Disadvantages
(LDC 2.6.30.06.b)**

- Applicant's discussion related to five-year supply of serviceable land, choices in the marketplace, and compliance with livability indicators and benchmarks forms the bulk of the argument that suggests the annexation provides more advantages to the community than disadvantages

Staff Presentation to the Corvallis City Council - July 18, 2016

**Site is Capable of Being Served by
Urban Services & Facilities
(LDC 2.6.30.06.c)**

- Site is capable of being served by urban services and facilities
 - Public Transportation Infrastructure
 - Public Utilities
 - Water, sewer, storm water

Staff Presentation to the Corvallis City Council - July 18, 2016

**Site is Capable of Being Served by
Urban Services & Facilities
(LDC 2.6.30.06.c)**

- Utilities
 - Water:
 - First level water service area
 - Existing 8-in. water in Jack London and vicinity
 - Existing 12-in. water in Circle Blvd
 - Extension required to serve Lawndale properties
 - Sewer:
 - Existing 8-in. pipe in Belvue St
 - WWMP – no extra capacity needs in immediate area
 - Extension required to serve Lawndale properties

Staff Presentation to the Corvallis City Council - July 18, 2016

**Site is Capable of Being Served by
Urban Services & Facilities
(LDC 2.6.30.06.c)**

The diagram is a site plan showing a grid of streets and utility lines. A central rectangular area is outlined in a thicker line, representing the site. To the left, a residential street is shown with house footprints. A 'Sewer Man' (manhole) is located on this street. To the right, a 'Water Man' (manhole) is shown. A 'Lawndale Association area' is indicated by a shaded region. At the bottom, a 'Storm Pipe' is shown running horizontally. The utility lines are represented by solid and dashed lines connecting the manholes and other points.

Staff Presentation to the Corvallis City Council - July 18, 2016

Site is Capable of Being Served by Urban Services & Facilities (LDC 2.6.30.06.c)

- **Transportation Planning Rule**
 - Proposed MUE zone is consistent with underlying Comprehensive Plan designation of GI
 - Zone Change? - ODOT has jurisdiction, Oregon's Transportation Planning Rule considered

```

    graph LR
      A((Annexation requested)) --> B((Change from County to City zone (UI to MUE)))
      B --> C{{Development per ZDC causes "significant effect" on ODOT facilities?}}
      C --> D(Improvements to trans system required)
    
```

Staff Presentation to the Corvallis City Council - July 18, 2016

Site is Capable of Being Served by Urban Services & Facilities (LDC 2.6.30.06.c)

- **Transportation Impact Analysis**
 - Scope considered impacts based on full build out immediately upon annexation
 - MUE Zone – industrial uses
 - Net increase of 39 (PM trips)
 - Net increase of 23 (AM trips)
 - Existing residential uses
 - 5 PM trips – below threshold for further study
 - Future Redevelopment
 - TIA required per LDC standards

Staff Presentation to the Corvallis City Council - July 18, 2016

Compatibility (LDC 2.6.30.06.e)

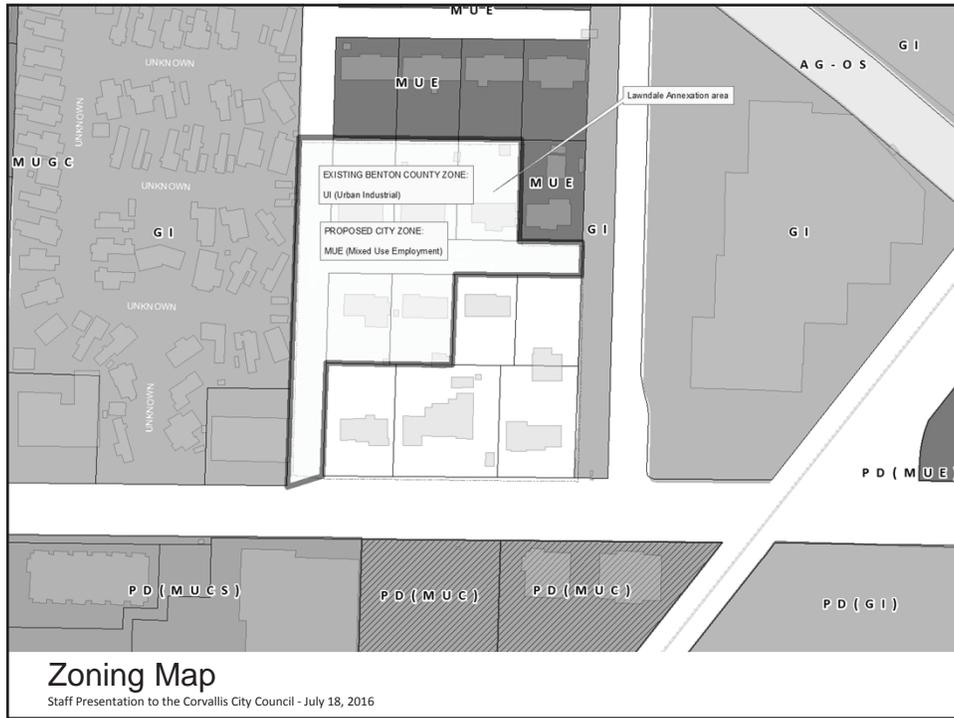
- **e. Compatibility** - The application shall demonstrate compatibility in the following areas, as applicable:
 1. Basic site design - the organization of Uses on a site and its relationship to neighboring properties;
 2. Visual elements (scale, structural design and form, materials, etc.);
 3. Noise attenuation;
 4. Odors and emissions;
 5. Lighting;
 6. Signage;
 7. Landscaping for buffering and screening;
 8. Transportation facilities;
 9. Traffic and off-site parking impacts;
 10. Utility infrastructure;
 11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
 12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;
 13. Preservation and/or protection of Significant Natural Features,... Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

Staff Presentation to the Corvallis City Council - July 18, 2016

Zone Change

- **Mixed Use Employment (MUE) Zone**
 - Planned Development Overlay
- **Contingent upon voter approval of Annexation request**
 - November 2016 ballot measure

Staff Presentation to the Corvallis City Council - July 18, 2016



Zone Change – Base Zone

- **Mixed Use Employment (MUE) Zone**
 - Consistent with underlying Comprehensive Plan designation of GI (*LDC Table 2.2-1*)
 - MUE Zone allows existing single family residences to remain as permitted outright

TABLE 2.2-1 COMPREHENSIVE PLAN AND CORRESPONDING ZONING MAP DESIGNATIONS (not including zone overlays)	
General	RTC Research Technology Center
	MUE Mixed Use Employment
	GI General Industrial
	C-OS Conservation - Open Space

Staff Presentation to the Corvallis City Council - July 18, 2016

Zone Change – Base Zone

2.2.40.05.a - Review Criteria

... shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the purposes of this Chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

1. Basic site design (e.g., the organization of uses on a site and the uses' relationships to neighboring properties);
2. Visual elements (scale, structural design and form, materials, etc.);
3. Noise attenuation;
4. Odors and emissions;
5. Lighting;
6. Signage;
7. Landscaping for buffering and screening;
8. Transportation facilities;
9. Traffic and off-site parking impacts;
10. Utility infrastructure;
11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
12. Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;
13. Preservation and/or protection of Significant Natural Features, Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

Staff Presentation to the Corvallis City Council - July 18, 2016

Appeal Issue: Zone Change – Planned Development Overlay

Section 3.27.20 - GENERAL PROVISIONS - Establishment of the MUE Zone

The MUE Zone shall be applied to properties with industrial designations on the Comprehensive Plan Map or to lands designated through a quasi-judicial or legislative process. When the Zone is applied to parcels via the quasi-judicial Zone Change process, the proposal shall meet the Zone Change criteria of Section 2.2.40 in Chapter 2.2 - Zone Changes, and the following criteria for MUE Zone location, dimensions, and size.

b. Zone Size and Dimensions -

1. The Zone shall have a minimum size of .50 block or one acre. It may be composed of smaller parcels when the total area of the Zone is equal to or greater than one acre. Public street rights-of-way shall not count toward the total area of a Zone.

2. A Planned Development zoning Overlay shall be applied to MUE Zones that exceed five acres or involve multiple parcels. If all parcels within the Zone are not concurrently developed, the Planned Development review in Chapter 2.5 - Planned Development shall focus on the developing parcel and ensure that the proposed development does not preclude development of the adjacent parcels within the mixed use area.

3. The Zone shall have a minimum of 50 ft. of frontage onto an existing or planned public street.

Staff Presentation to the Corvallis City Council - July 18, 2016

Appeal Issue: Zone Change – Planned Development Overlay

Section 3.32.40 - INITIATION

A Nonresidential PD Overlay may be initiated in any of the following ways:

a. An application filed by a property owner on property(ies) with a nonresidential land use designation, in conjunction with an Annexation, Comprehensive Plan Map Amendment, or Zone Map Change; and under circumstances when the property owner states and the hearing authority finds the applicable underlying zone standards are not adequate to do address the following concerns:

1. Circulation or other common facilities issues;
2. Resolution of issues related to an unusual site configuration, steep topography, or Significant Natural Feature;
3. Assurance of comprehensive planning and coordinated development where the property is large and/or has mixed uses; or
4. Compatibility issues where it is desirable to locate more intensive land uses next to less intensive residential land uses.

b. By the hearing authority, on property(ies) with a nonresidential land use designations(s), in conjunction with an Annexation, Comprehensive Plan Map Amendment, or Zone Map Change when the hearing authority finds the applicable underlying zone standards are not adequate to address any of the concerns in Section 3.32.40.a.1-4, above.

Staff Presentation to the Corvallis City Council - July 18, 2016

Appeal Issue: Zone Change – Planned Development Overlay

Planning Commission Findings:

- Plain language of LDC requires PD Overlay because site involves multiple parcels
 - LDC terms for “Parcel”, “Lot” irrelevant – refer to term for “Land, Parcel of”
- PD Overlay provides mechanism to address potential compatibility issues that might arise if properties re-develop with commercial / industrial uses permitted in the new MUE Zone.

Staff Presentation to the Corvallis City Council - July 18, 2016

Recommended Motions

- Forward Annexation request to City Council with recommendation to forward for voter consideration (Nov 2016 ballot measure)
- Approve Zone Change to PD(MUE), contingent upon voter approval of Annexation
 - Result: denial of appeal

Staff Presentation to the Corvallis City Council - July 18, 2016

Lawndale Annexation City Council Presentation Outline

July 18, 2016

Michael Galpin:

(Slide 1)

I am Michael Galpin, the primary property owner associated with this annexation.

With me tonight is Tuesday Desaulniers, another property owner along Lawndale and our planning consultant, David Dodson of Willamette Valley Planning.

(Slide 2)

My wife and I purchased our home on Lawndale in 1997.

When we purchased the home we didn't realize septic drain fields last about 40 to 50 years.

Several years ago we had effluent burbling to the surface and our yard smelled.

The County declared a health hazard last year and in April of this year we did a temporary repair of the drain field. There is insufficient separation between our drain field and nearby wells to allow permanent replacement of the failed system.

Historically, health hazards went through an expedited annexation process, however that option is not available for us. The state does not allow for repair or replacement of a septic system if a public sewer is within 300-feet of the site. The city encouraged us to reach out to the nearby property owners to see if others along Lawndale were also interested in annexing. Four others elected to participate in this annexation with us.

We concur with the Planning Commission and staff's recommendation to forward the annexation to the voters with one exception, the PD overlay. That is what we intend to focus on tonight.

(Slide 3)

ATTACHMENT C

The lands to the east, west, and north have an underlying Comp Plan designation of General Industrial.

(Slide 4)

The mobile home park to the west has a zoning designation of General Industrial.

When I approached the Corvallis Planning Division about annexing my property to rectify the health hazard, they encouraged me to contact the remaining property owners who are still in the County to see if they may be interested in participating in this annexation. I was successful in encouraging all the property owners with the exception of one, who owns the remaining parcel on Lawndale and several along Circle Boulevard.

I was informed after our initial submission that if I had gone this alone that a PD overlay would not be imposed. Yet because I followed staff's guidance at having multiple property owners along Lawndale participate, we are all being penalized with a Planned Development overlay. City staff have been great to work with however this PD overlay poses a significant financial burden on all five property owners, several who are retired and on a fixed income.

(Slide 5)

I provided you with an example of this burden in my appeal letter. If my wife and I want to add a \$6,000 covered back patio, it will be subject to a detailed development plan that is reviewed and approved by the Planning Commission. The land use application fee is \$7,800, the building permit fee is \$272, plus the \$5,500 cost of hiring a consultant to assist with preparation of the necessary exhibits and address the applicable criteria.

The PD overlay results in an additional cost of \$13,300 or 68% above what it costs when there isn't a PD. Had each of us submitted a separate annexation application, the PD overlay would not be imposed. This hardly seems reasonable or necessary, given the fact that none of the property owners are developers. We simply want the assurance that we can be annexed into the city to avoid future health hazards associated with failed septic systems. What is the city trying to accomplish by imposing a PD overlay on our existing homes?

I'd like to turn the microphone over to my neighbor Tuesday.

Tuesday Desaulniers:

Good evening and thank you for listening to our concerns tonight.

(Slide 6)

When the residential lands along Woodcrest to the north were annexed in 2001 and zoned MUE due to a similar health hazard, the city didn't impose a PD overlay at that time. Therefore, there is precedent of not applying a PD overlay when multiple parcels are zoned MUE.

(Slide 7)

There are other examples throughout Corvallis where the City hasn't imposed a PD overlay on multiple residential parcels when they were initially rezoned to MUE by the City.

(Slide 8)

The purpose of the PD in this Section 3.27.20 is to ensure that development on one parcel does not preclude development of the adjacent parcels within the mixed use area. Each of the 5 lots are already developed and when they eventually redevelop, they all have frontage on a public street and will not preclude development of adjacent parcels.

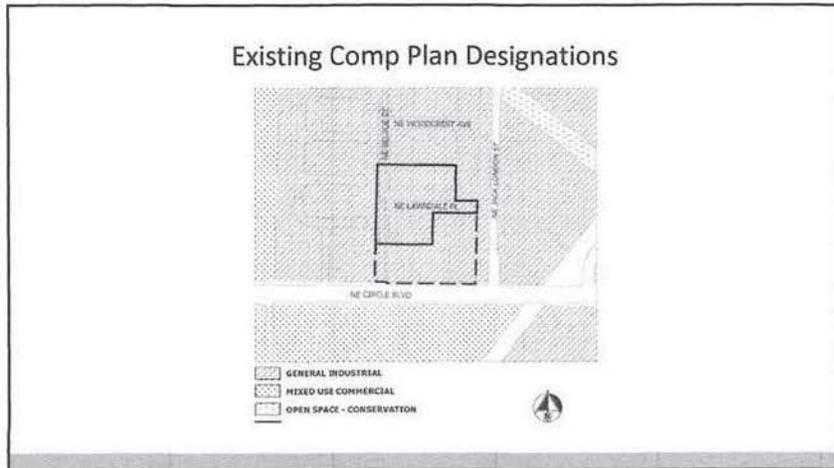
We find that this code provision only applies to large parcels of 5 acres or more or when multiple properties are developed or redeveloped as one project with MUE zoning, in which case a PD overlay would be applied. However for existing parcels under separate ownership that are already developed, there does not appear to be any precedent for applying a PD overlay when the MUE zone is established.

In conclusion, we support staff's recommendation to forward the annexation to the voters in November and establish zoning on the 5 lots as MUE without a PD overlay. This is consistent with how the lands to the north along Woodcrest were zoned when they were annexed in 2001.

That concludes our presentation. We would be happy to answer any questions.

Lawndale Annexation

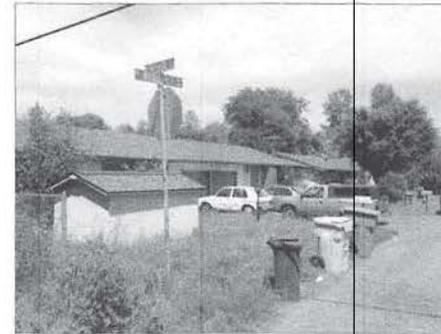
CITY COUNCIL HEARING
JULY 18, 2016



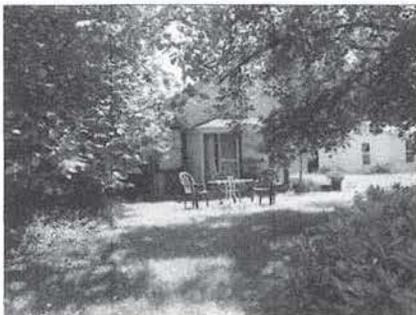
COST OF A COVERED PATIO WITH A PD AND WITHOUT

<u>ITEM</u>	<u>WITHOUT A PD OVERLAY</u>	<u>WITH A PD OVERLAY</u>
Building permit	\$ 272	\$ 272
Materials & Labor	\$6,000	\$6,000
Consultant fees	\$ 0	\$5,500
DDP application fees	\$ 0	\$7,800
Total	\$6,272	\$19,572

Homes Along Woodcrest to the North



Homes Along Cummings Avenue
Zoned MUE by the City



3.27.20 - GENERAL PROVISIONS - Establishment of the MUE Zone

2. A Planned Development zoning Overlay shall be applied to MUE Zones that exceed five acres or involve multiple parcels. If all parcels within the Zone are not concurrently developed, the Planned Development review in Chapter 2.5 – Planned Development shall focus on the developing parcel and ensure that the proposed development does not preclude development of the adjacent parcels within the mixed use area.

**CITY OF CORVALLIS
COUNCIL WORK SESSION MINUTES
July 19, 2016**

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 3:30 pm on July 19, 2016 in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon, with Mayor Traber presiding.

I. CALL TO ORDER

Present: Mayor Traber; Councilors Baker (3:33 pm), Bull, Glassmire, Hann, Hogg, York

Absent: Councilors Beilstein, Brauner and Hirsch

II. COUNCIL GOALS UPDATE

City Manager Shepard reviewed the staff report. He and Councilors discussed how the Council goals will come together by the end of the calendar year and acknowledged that some would flow into the next Council term. For example, the Climate Action Plan is expected to dovetail into the Imagine Corvallis 2040 (IC 2040) Community Plan. Final vetting of the Community Plan is not expected to occur until 2017.

Councilors discussed the future of existing Council Goals Task Forces. Possibilities included some disbanding, with their work transitioning to an existing advisory board, or to a new steering committee or advisory board. For example, the work of the Housing Development Task Force seemed to be a good fit with the Housing and Community Development Advisory Board. Councilors supported asking the Task Force members to make recommendations about where they believed their work might fit and agreed that other community groups might take on some pieces of ongoing work.

Councilors clarified terminology related to the IC 2040 Community Plan versus Action Plan. The adopted Council goal used the term Action Plan; however, it was believed that Community Plan better communicated that it was broader than City government. Councilor Baker noted the Climate Action Task Force used the terms Operational Plan and Community Plan, but he did not see that as an issue, as the Climate Action Plan fell under IC 2040.

Councilors discussed how the staff report did not show funding for the Economic Vitality goal. Council had previously indicated it was satisfied with the Economic Development Strategic Plan, and thus it was deemed that the goal was being met. Costs to support economic development were outside of the Strategic Plan, such as those associated with funding City staff and services contracts. It was noted that the Economic Development goal could be considered a carry-over goal. Mr. Shepard said the Economic Development Advisory Board was being asked to contribute ideas to the Community Plan.

Councilors agreed that upon completion of goal items, it would be appropriate to provide a history of the work and a summary of how funds were spent. Councilor York noted that the IC 2040 Steering Committee meeting timeline may need to be adjusted to better align with the draft Vision Statement discussions at the October 18 Council work session.

The Oregon State University-related Comprehensive Plan review will roll into Land Development Code discussions. It was anticipated that additional Comprehensive Plan changes would come from IC 2040 work.

Mayor Traber said the City of Albany was discussing a regional gas tax. Councilors agreed the topic was appropriate for the Sustainable Budget Task Force to consider; however, they did not support placing it on the November 2016 ballot because there was not enough time for a community conversation about the matter. Mr. Shepard said transportation-related funding may be addressed in the 2017 Legislative Session.

III. IMPACTS OF RECENT LAND USE DECISIONS ON NEEDED HOUSING

City Attorney Brewer reviewed the staff report, explaining the statutory definitions of Needed Housing, Housing Need, and Buildable Land. Needed Housing reflects housing types, such as single-family and multi-family structures. It restricts when local governments may apply subjective criteria to residential development, and is intended to limit regulatory barriers to discourage or increase the cost of developing such housing types. Needed housing is not affordable housing. Mr. Brewer said the vast majority of residential lands in Corvallis are Needed Housing.

Councilors discussed the Buildable Lands Inventory (BLI) update, which will establish the basis for defining the amount of land Corvallis requires to meet housing needs over the next 20 years. The BLI begins with a snapshot in time. Assumptions will be made and because the future cannot be accurately predicted, some assumptions will turn out to be incorrect. The BLI analysis will be informed by perceptions of the City's current situation and what is desired in the future. Councilors discussed densities, zoning, and what could be done to increase affordable housing. Mr. Brewer noted that the law governing BLIs had changed. The statute now directs that a BLI must include a map depicting buildable lands and constraints by parcel. A BLI report, which will include implementation options, will be provided to Council at the August 16 work session.

Councilors discussed Oregon State University as a driver of housing needs. Mr. Brewer said the Council could consider whether to add a local Needed Housing type and zone where such a housing type would be allowed.

Community Development Director Bilotta noted the importance of considering broader planning concepts. He said, as an example, when the supply of multi-family housing tightens, people become creative in how they satisfy that need. When an adequate supply of a desired housing type exists, requests to amend the Comprehensive Plan greatly decrease. Planning Manager Young said the City's Land Development Information Report (LDIR), which was last updated in 2014, provides information about what amount of land is available in Corvallis for various zoning types. The LDIR inventories development activity within the city limits, annexations, constrained and unconstrained lands, and natural resources.

Mr. Brewer and Mr. Bilotta encouraged Councilors to contact them with questions and to provide feedback about the information they provided.

IV. COMMUNITY COMMENTS – None

V. ADJOURNMENT

The meeting adjourned at 5:27 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

**AIRPORT ADVISORY BOARD
MINUTES
July 5, 2016
DRAFT**

Present

Rod Berklund, Chair
Lanny Zoeller, Vice-Chair
Bill Dean
John Shute
Bill Gleaves
Zachariah Baker, Council Liaison

Staff

Lisa Scherf, Public Works

Visitors

Absent

Rajeev Pandey
Brad Smith
Larry Mullins

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Introductions			N/A
II. Review of April 5, 2016 Minutes			Minutes were approved
III. Community Comments			N/A
IV. Old Business • Airport Annual Report			The Board voted to approve the Annual Report as presented.
V. New Business • None			
VI. Information Sharing • Update on the Airport Industrial Park • Update on the Airport • Update on the City Council • Monthly Financial Report	X X X		N/A

CONTENT OF DISCUSSION

I. Call Meeting to Order/Introductions

Chair Berklund called the meeting to order and those present introduced themselves.

II. Review of Minutes

Board Member Zoeller moved to approve the May 3 minutes; Board Member Dean seconded the motion and the minutes were approved unanimously.

Airport Advisory Board Minutes
July 5, 2016
Page 2 of 2

III. Community Comments

None.

IV. Old Business

Airport Annual Report

Chair Berklund presented the draft Annual Report that was developed by a working group consisting of Chair Berklund, Board Member Zoeller, and former Board Member Brown, and assisted by staff. In response to a question, Chair Berklund affirmed that the Special Activity to develop a vision and goals for the Airport and Airport Industrial Park (AIP) is distinct from the visioning process the City is currently in the middle of. **Board Member Zoeller moved to final and forward the document; Board Member Shute seconded the motion, which passed unanimously.**

Chair Berklund opined that the Board has completed two master plans and is now just treading water. He noted that there is not much activity in the AIP and feels that the Board could get more proactive by developing goals and putting together a marketing plan. With a little growth in the AIP and the hangars, he believes more development activity would follow and the City could eventually build out the AIP. He wants to spend the next meeting developing a vision and goals for the Airport and AIP. Board Member Brown noted that the lack of a specific marketing plan for the AIP was an aspect of the Annual Report working group discussion.

Councilor Baker stated that if the Board has more immediate thoughts on visioning, he can provide input to the Imagine Corvallis steering committee as it develops its action plan.

V. New Business

None.

VI. Information Sharing

Update on the Airport Industrial Park

There was no Economic Development staff present to provide an update.

Update on the Airport

Ms. Scherf shared that there may be a potential tenant for 480 Airport Road, though she couldn't provide any details at this time. She provided an update on the status of the cargo road project as well. She offered to send email updates on the construction project and agreed to inform the Board about the schedule for the Airport Master Plan Comprehensive Plan Amendment application when it was available.

Update on the City Council

Councilor Baker reported that the City Council passed the budget, including a siding project for the main hangar. The Oregon Cascades West Council of Governments Area Commission on Transportation voted to recommend the Runway 9/27 overlay project as the top ranked project in the area from the pool of Connect Oregon VI applications.

Monthly Financial Report

The report was reviewed and there was no discussion on it.

The meeting was adjourned at 7:40 a.m.

NEXT MEETING: August 2, 2016, 7:00 a.m., Madison Avenue Meeting Room

**BICYCLE AND PEDESTRIAN ADVISORY BOARD
MINUTES
July 1, 2016
DRAFT**

Present

Meghan Karas, Chair
 Ron Georg, Vice Chair
 Brad Upton
 Brian Bovee
 Trevor Heald
 James Whittemore
 Emersen Price
 Mike Beilstein, City Council

Staff

Greg Wilson, Public Works
 Lisa Scherf, Public Works

Visitors

Laura Duncan Allen

Absent

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Introductions	X		
II. Review of June 2, 2016 Minutes			Approved
III. Community Comments	N/A		
IV. Old Business <ul style="list-style-type: none"> • Bike Practitioner Summit Status • BPAB Annual Report to Council 	X		The Board formed a working group to discuss possible open house dates, and formats
V. New Business <ul style="list-style-type: none"> • 2016 Capital Improvement Program Project Suggestions 	X		
VI. Information Sharing	X		
VII. Commission Requests and Reports	N/A		
VIII. Pending Items	N/A		

CONTENT OF DISCUSSION

I. Call Meeting to Order/Introductions

Chair Karas called the meeting to order and those present introduced themselves.

II. Review of Minutes

Board Member Upton moved to approve the June minutes; Board Member Georg seconded the motion and the minutes were approved unanimously.

BPAB Minutes
July 1, 2016
Page 2 of 3

III. Community Comments

None.

IV. Old Business

Bike Practitioner Summit Status

The Board cancelled a planned Bicycle Summit in May due to a lack of response from its list of invitees. At the Board's June meeting, Mr. Wilson was asked to send an email to the 19 invited organizations assessing their interest and willingness to attend a Bicycle Summit. Mr. Wilson stated that he had sent the email and received responses from eight organizations stating that they wanted to reschedule the Summit. The other eleven organizations did not respond. Board Member Upton recommended against continuing to pursue the summit, since the prime target audience did not respond. Councilor Beilstein said that since part of the purpose was outreach, maybe the idea can be rechanneled into topic-focused "town hall" meetings, inviting the general public in addition to organizational leaders. Chair Upton suggested holding more open houses, with specific topics. The Board agreed that the previous open house had been a success and that the open house idea is a good one. The Board formed a working group consisting of Board Members Price, Upton, and Heald to discuss possible dates and formats for an open house to be held later this year.

BPAB Annual Report to Council

Chair Karas reported that she presented the annual report to Council, noting that it went well. She stated that Council members had asked a lot of questions and appeared interested in bicycle and pedestrian issues.

V. New Business

2016 Capital Improvement Program Project Suggestions

The Board reviewed and discussed the new 2017 Capital Improvement Program suggestions, as well as the projects that had been suggested and ranked by the Board in previous years. They will be ranking all of the projects at their August meeting.

VI. Information Sharing

The Board discussed the recent grand opening of a "bike share" program called Zagster, coordinated by the Cascades West Council of Governments. City Transportation staff have provided assistance with the siting of the six bike share stations and the promotion of the program. Ms. Scherf reported that the Oregon Department of Transportation's statewide Bicycle and Pedestrian Program Manager and new Active Transportation Liaison for Region Two attended the event. Also in attendance were Oregon State University's Transportation Services Director and her new Transportation Options staff person.

Ms. Scherf reported that Public Works had acquired an electric assist bicycle that staff can use for short trips, such as traveling to City Hall or the Post office, rather than traveling by car.

Ms. Scherf reported that the Imagine Corvallis (Vision 2040) project has a survey available on the internet and recommended that the members of the Board take a few minutes to provide their feedback.

BPAB Minutes
July 1, 2016
Page 3 of 3

Mr. Wilson reported that Fred Meyer is planning to remodel their store and reconfigure their site. They have acquired the apartment building on the NW corner of Taylor Avenue and 19th Street and are requesting a Comprehensive Plan change that will allow the site to be rezoned from high density residential to mixed use commercial. This may present an opportunity for pedestrian and bicycle improvements within and adjacent to the site.

VII. Commission Requests and Reports

None.

VIII. Pending Items

None.

The meeting was adjourned at 7:45 a.m.

NEXT MEETING: August 5, 2016, 7:00 a.m., Madison Avenue Meeting Room

**DOWNTOWN PARKING COMMITTEE
MINUTES
July 5, 2016
DRAFT**

Present

Brad Upton, Chair
Liz White
Steve Uerlings
Chris Heuchert

Staff

Lisa Scherf, Public Works
Rian Amiton, Planning

Visitors

John Morris, Downtown Advisory Board

Absent

Joseph Elwood
Frank Hann, Council Liaison

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Introductions	X		
II. Review of June 7, 2016 Minutes			Approved
III. Visitor Comments	N/A		
IV. Old Business • Downtown Parking Study		X	Committee will read several documents in preparation for August discussion
V. New Business • Election of Chair and Vice Chair			Chair Upton was re-elected Chair and Committee Member White was re-elected Vice Chair
VI. Information Sharing	X		
VII. Committee Requests and Reports	X		
VIII. Pending Items	N/A		

CONTENT OF DISCUSSION**I. Call Meeting to Order/Introductions**

Chair Upton called the meeting to order and members, staff and guests introduced themselves.

II. Review of Minutes

Committee Member Uerlings moved to approve the minutes; Committee Member White seconded the motion and the minutes were approved unanimously.

III. Visitor Comments

None.

DPC Minutes
July 5, 2016
Page 2 of 3

IV. Old Business

Downtown Parking Study

Ms. Scherf provided background on the topic. The Downtown Advisory Board (DAB) had discussed forming a subcommittee to look at parking data from a recent study and possibly develop recommendations. Staff suggested using the Downtown Parking Committee (DPC) with an additional member of the DAB (John Morris) for this purpose. Staff provided some background reading material prior to the meeting and suggested using this meeting to develop the scope of the project and ensure that it is consistent with the DAB's interest. There was general discussion about parking downtown. Committee Member Heuchert noted that recouping the cost of building a structure with paid parking would be difficult with the abundance of free parking downtown. Committee Member White noted that location is a consideration, as community members may not want to walk far to use it, even if it is only a few blocks. Committee Member Heuchert suggested making partnerships with private parking lot owners. Committee Member White stated that the Committee tried to do this in the past and discovered that those owners were not interested or would ask for more money than the City was willing to pay.

Committee Member Heuchert noted that looking at the parking study data may lead to two sets of recommendations: changes that can be implemented immediately and more long-term concepts that can be implemented 10-15 years in the future as the area develops and continues to grow. There was general agreement with this. Committee Member White noted that a possible outcome of the subcommittee's work could be the identification of gaps in the data that may exist. The Committee agreed to read the following documents before the August 2 meeting: 1) the Department of Land Conservation and Development's Parking Management Guide; 2) the Downtown Parking Study Inventory Analysis (Part 1); 3) the Downtown Parking Study Parking Management Plan (Part 2); and 4) the parking study overview that Planning staff presented at the June meeting. All these items are posted on the City's website in the Community Development section of the Archives.

V. New Business

Election of Chair and Vice Chair

Committee Member White nominated Chair Upton to continue as Chair; Committee Member Heuchert seconded the nomination and Chair Upton was unanimously elected to continue as Chair. Chair Upton nominated Committee Member White as Vice Chair; Committee Member Uerlings seconded the nomination and Committee Member White was unanimously elected Vice Chair.

Chair Upton brought up the topic of changing the Committee's meeting time. After discussion, the Committee agreed to change the time to 5:00 p.m. Staff will investigate what the best location will be.

VI. Information Sharing

Ms. Scherf reported that staff conducted a small parking survey requested by a visitor at the June meeting who wants to change some two-hour meters on 5th Street to 15-minute free spaces. She stated that, at this time, there is ample availability and turnover and no need to make a change. The parking utilization for those spaces can be monitored after the store opens and the students return.

DPC Minutes
July 5, 2016
Page 3 of 3

VII. Committee Requests and Reports

Committee Member White reported that she spoke with a community member who lives downtown about parking who said that it was difficult to find parking information on the City's website. Ms. Scherf stated that she will work with staff to make the information easier to find.

VIII. Pending Items

None.

The meeting was adjourned at 5:15 p.m.

NEXT MEETING: August 2, 2016, 5:00 p.m., Downtown Fire Station #1



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

**DRAFT
 CITY OF CORVALLIS
 LAND DEVELOPMENT HEARING BOARD MINUTES
 JULY 6, 2016**

Present

Chair Ron Sessions
 Susan Morr  
 Paul Woods

Staff

Kevin Young, Planning Division Manager
 Aaron Manley, Development Review Supervisor
 Carl Metz, Associate Planner
 David Coulombe, Deputy City Attorney
 Mark Lindgren, Recorder

Visitors

Kyle Marvin

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Opening			
II.	Public Hearing: U-Haul Corvallis Center- Warehouse (LDO15-00011)			Motion passed to approve the request as Conditioned.
III.	Adjournment at 7:13 p.m.			

Attachments to the July 6, 2016 minutes:

- A. U-Haul product line fliers, distributed by Kyle Marvin.

CONTENT OF DISCUSSION

The Land Development Hearings Board was called to order by Chair Ron Sessions at 5:38 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. OPENING:

Chair Ron Sessions opened the meeting.

II. PUBLIC HEARING – U-HAUL CORVALLIS CENTER- WAREHOUSE (LDO15-00011):

A. Opening and Procedures:

The Chair welcomed citizens and reviewed the public hearing procedures.

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 contained in the staff report.

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

1. Conflicts of Interest. None declared.
2. Ex Parte Contacts. None declared. There were no rebuttals.
3. Site Visits. Commissioner Sessions declared a site visit; Commissioner Woods related he'd visited the site in the past.
4. Objections on Jurisdictional Grounds. No objections were made.

C. **Staff Overview:**

Associate Planner Carl Metz stated the proposal was to construct a 2,500 square foot storage building on an existing roughly 3-acre site on the southwest corner of 5th Street and Buchanan Avenue. The two variations requested were to exceed the 25' maximum front yard setback for the MUGC Zone; and to not provide a landscape buffer for the loading area, as required by LDC 4.2.40.a.

The site has a Comprehensive Plan designation of Mixed Use Commercial, as does the surrounding area. It is zoned MUGC (Mixed Use General Commercial) and is largely surrounded by MUGC zoned land as well as MUCS (Mixed Use Community Shopping) land to the west (across the railroad). Notification was sent out and the site posted; no public comment had been received.

D. **Legal Declaration:**

City Deputy Attorney David Coulombe stated that the LDHB 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:

Kyle Marvin, Marketing Company President for U-Haul Company of Southern Oregon, distributed fliers regarding the product line to be accommodated by building a 2,500 square foot warehouse. **(Attachment A)** It is an existing product offered for the last five years at the facility. Full capacity has been reached; he's had to re-locate boxes to the Eugene facility in the interim, and the building has been waiting on site to be erected. There will be no additional wear and tear on roadways or other logistical issues, since the product line has been in place for five years. He stated he sought to build the building as-is, with just a few minor changes from the submitted plans. He objected to having to give up over 4,000 square feet of land, along with 5,000 square feet for a commercial utility easement, for a 2,500 square foot building, as well as having to incorporate required enhanced planters that would reduce needed lot parking space. He said there is already a beautiful landscaping barrier.

He sought to retract the staff's required planters and a landscaping barrier on the west side of the warehouse. He said that at the time of application, we didn't know we could use a chain link fence with privacy slats instead for the loading dock screening. He noted that since this is in a floodplain, anything he adds must be subtracted elsewhere.

Chair Sessions said his understanding was that the Planning staff Conditions include those options. Planner Metz said Condition #3 on Screening in LDC Section 3.20.40.06.a requires landscape buffering and screening when MUGC development is adjacent to a different zone. Since this portion is adjacent to MUCS land, it requires screening, either with a fence, wall or landscaping (with at least 80% opacity); as well as landscape buffer. This requires the applicant to provide screening to comply with the Code provision; otherwise, it would be deemed an additional variation.

Mr. Marvin highlighted the issue of pedestrian access from NW 5th, saying that he'd like to stay with the original proposal as submitted. Chair Sessions asked his objection to the staff pedestrian route proposal; Mr. Marvin replied that it was in a busy entranceway for dispatch, trucks and equipment movement. He felt his submitted route was safer for people walking into the facility.

F. Staff Report:

Planner Carl Metz summarized the proposal to construct a 2,500 square foot storage building that would contain U-Haul containers. The applicants seek variations to exceed the 25' maximum front yard setback, and to not provide a landscape buffer for the loading area for the storage building.

He displayed aerial graphic and plan views of the site. The building is proposed to be about 105' from the nearest public right-of-way. There are a couple of existing conditions on the site that essentially drive the proposal. There is a 40' wide high-voltage power line easement along the north side, so placing the building closer to Buchanan Avenue to meet the maximum setback is difficult. Also, even though it is an existing site, and the proposed building is interior to the site, the LDC requires any new construction to meet maximum setback standards if none of the existing buildings meet that maximum setback standard. We allow for interior

buildings, but at least one of the existing buildings must meet that standard, but none do in this case.

Commissioner Woods asked how close existing buildings were to the 25' limit. Planner Metz replied that he only knew they all exceeded the 25' limit; he estimated they were roughly 45-50' from the right-of-way. Planner Metz said another driving factor is the location of the loading dock, noting that rental vehicles were parked where a landscape buffer would ordinarily be expected in development. Adding a 5-10' landscape buffer would significantly impact the current operation of the site.

He noted that the Major LDO criteria include Minor LDO criteria, including compliance with zoning standards, impacts on surrounding uses and natural features, and provision of compensating benefits for the proposed variations, as well as compatibility considerations. All are addressed in the staff report.

Staff found compensating benefits, including a proposed pedestrian path; entrance planters and other on-site plantings; a 6' high sight-obscuring chain link fence near the loading dock, and four new street trees along 5th Street; provision of two covered bike parking spaces; painting the new warehouse to match existing buildings; and inclusion of windows on the new warehouse building.

He displayed the proposed pedestrian path, planters, fence and street trees. Staff found the view of the customer service building to be obscured in the proposed pedestrian path, and was not the most direct path, so staff recommended a more direct path connecting the customer service building to the street in Condition #13. Commissioner Sessions asked why the proposed path was not straight; Planner Metz replied that that allowed use of an existing walkway.

He said applicants proposed three new driveway entrance planters as well as new on-site plantings in existing planted areas. Staff recommend two additional entrance planters at the north entry on 5th Street to match other proposed planters, as well as an enlarged planter on the north side to match the other planters, along with enhanced plantings along the north frontage to provide greater variation in landscaping materials.

Regarding the 6' high sight-obscuring chain link fence at the loading area, staff found it insufficient and instead recommend 6' high wood or masonry fence or wall, in Condition #16.

A Condition regarding street trees notes that the LDC requires that street trees shall not be planted within 5' of a sidewalk or 10' of an existing public utility line, including a water line, so street trees would not be able to be planted in one planting strip, as proposed.

To buffer views of the loading area, staff recommend installation of shrubs or ground cover within the existing planter strip; this should avoid impacting current operations. Commissioner Sessions asked if that would require complete removal of existing grass; Planner Metz expected that it would be a combination.

Regarding other proposed compensating benefits, staff found them less relevant, as they involve improvements with little public benefit or appears to be work that has already been done (and so not necessarily associated with this proposal).

Compatibility considerations include Basic Site Design, Visual Elements, Landscape Buffering and Screening, Transportation, and Utilities, discussed in the staff report. Regarding the applicant's comment on Condition #3, he noted the LDC requires *both* landscape buffering and screening as buffer between the MUGC Zone and any other zone- it is not an either/or proposition, but a combination of both. However, the applicant proposes only landscaping, so Condition #3 ensures they comply with both landscape buffering and screening.

Commissioner Sessions asked if existing landscaping was adequate. Planner Metz replied that there was landscaping near Buchanan Avenue, but the area of concern was further south on the site, along the railroad tracks.

Planner Metz explained that the proposed landscaping doesn't meet the opacity standard. A dense plant material such as arbor vitae could be used for screening, but not buffering. Commissioner Sessions said Condition #3 doesn't address both issues; Planner Metz explained that the landscaping that they are proposing remains, so the applicants need to construct landscaping and add screening. Commissioner Sessions asked if they added additional landscaping to provide the 80% opacity, then they wouldn't have to build a fence; Planner Metz concurred.

Planner Metz said the proposal, as Conditioned, to be compatible with surrounding land uses. Other Conditions include enlarging a public sewer easement that crosses the site; establishing a 7' utility easement along the right-of-way frontage; additional right-of-way dedication; and the need for a floodplain permit. Staff recommend approving the Major LDO as proposed and Conditioned.

Commissioner Woods asked if the screening was between the adjacent power substation; Planner Metz said it was not adjacent to the power substation, but rather the office park development. Planner Metz said Condition #3 was a clean-up item, since it was not proposed to be a variation.

Commissioner Sessions highlighted screening for the loading dock, in which the applicant would like to install a chain link fence, but staff were requiring landscaping, or a wood or masonry fence. Commissioner Sessions said the chain link fence could potentially be more serviceable in that area, given the traffic, since a wood fence might be struck and deteriorate.

Commissioner Woods asked the opacity requirement for screening; Planner Metz replied that Condition #16 requires 80% opacity. Commissioner Woods asked if chain link with slats met that opacity; Planner Metz replied that it probably would meet that component of the Condition, but that staff had aesthetic concerns.

Manager Young said there is a degree of discretion under Compatibility considerations, and staff's analysis of compatibility. He noted that regarding setbacks, setbacks vary from 44' to roughly 109'- the maximum setback is 25' in that zone.

Commissioner Sessions asked if a tent structure on the site was ever permitted; Planner Metz replied that it appears to have moved around on the site, but he didn't know its history. Chair Sessions noted for the record that Commissioner Morr e had arrived at 6:16 p.m.

Commissioner Woods asked about the power line easement. Planner Metz said the application states that it is 80' wide, but it is actually only 40'; he wasn't sure of the source of the discrepancy. Commissioner Woods said that appeared to be the reason why it couldn't be brought into compliance; Planner Metz agreed that that was a factor. Commissioner Woods asked if there was a place in the Code to make an exception where geometrically a site can't comply with the rule, and can't use that part of the land. Planner Metz replied that there are alternative locations on the site that could meet that standard, but they may not make sense for the usage of the site.

Manager Young said that in a scenario with existing buildings within that maximum setback area, the Code does allow for putting an additional building behind that. However, none of the buildings on the site are meeting that standard. Planner Metz did not know of any Code provisions that allow for an outright exception if it is determined to not be plausible. Manager Young recalled that applicants in the Coronado Tract B application sought a setback variance for an awkwardly configured site.

Commissioner Woods asked if other remedies had been considered. Planner Metz understood that staff had discussed alternatives with the applicant early on, including alternative site placement. Even adding on to an existing building would require Pedestrian Oriented Design Standards (PODS). The new building doesn't trigger PODS, but does trigger maximum setback standards.

Commissioner Woods asked the status of the site. Planner Metz replied that it was nonconforming, since it does not meet current standards. Manager Young explained that PODS standards were incorporated in 2006, and was confident most development on the site occurred prior to then. He believed maximum setback standards were also adopted around this same time.

Commissioner Woods asked which of the two pathway alternatives was likely safer. Planner Metz responded that staff was looking at utility, convenience, directness and likelihood of it being used. Commissioner Woods asked if signage would help. Planner Metz said that could be added as a Condition and would be exempt from Sign Code.

Commissioner Sessions asked that Conditions be summarized for Commissioner Morr e's benefit. Planner Metz said Condition #3 requires landscaping buffering and screening for lands adjacent to any other zone; the proposed landscaping does not meet screening requirements, and is not a proposed variation. Commissioner Session asked why buffering was not part of the Condition; Planner Metz replied that it was because the applicant proposed buffering- the landscaping meets the buffering requirement, but not the screening requirement.

Commissioner Sessions asked about Conditions #5 and #6. Planner Metz explained that they relate to public sewer lines that cross on the site. There are existing 10' wide easements that do not meet current 15' wide easements, so the Conditions bring the easements into current Code. Planner Metz said the current easements exist but are undersized; they do not appear to conflict with the proposed new building. Commissioner Sessions said Condition regarding the 7' franchise utility easement along the street frontage appeared to simply record the easement; Planner Metz concurred.

Commissioner Sessions asked about the four additional street trees proposed by the applicant; Planner Metz replied that there are currently none in the subject location. He confirmed with Public Works that because of a water line, street trees may not be planted in the planter strip area under discussion, since they don't meet Code separation standards.

Commissioner Sessions asked about on-site landscaping; Planner Metz outlined staff recommendations for increasing sizes of planters at various locations and adding variety to groundcover plantings. Commissioner Morr  asked if planters would be raised; Planner Metz anticipated they'd be at adjacent grade and protected by the curb.

Commissioner Sessions asked about right-of-way planting; Planner Metz replied the applicant is not proposing any additional landscaping there; where there is a variety of trees and grass, staff recommends low shrubs or groundcover, not to exceed 24" in height (to avoid vision clearance issues). Commissioner Sessions asked the rationale of requiring that; Planner Metz replied it would visually soften the proposal that would otherwise have to be achieved by a perimeter buffer on-site. In discussion on loading area screening fencing, Planner Metz said staff recommended height of 6'.

Attorney Coulombe suggested now asking Commissioner Morr  if she declared any site visits, conflict of interest, or *ex parte* contacts. Commissioner Morr  declared that she drove by the site several times, and observed the auto dealerships across the street and unobstructed views into the site. She stated she had no conflicts of interest or *ex parte* contacts. Chair Sessions asked if there were any rebuttals to these disclosures; there were none.

- G. Public Testimony in favor of the application: None.
- H. Public Testimony in opposition of the application: None.
- I. Neutral testimony: None.
- J. Additional Questions for Staff: None.
- K. Rebuttal by Applicant: None.
- L. Sur-rebuttal: None.

- M. Additional time for applicant to submit final argument:
The applicant waived the right to submit additional testimony and there was not a request for a continuance or to hold the record open.
- N. Close the public hearing:
The Chair closed the public hearing.
- O. Discussion and Action by the Commission:

MOTION:

Commissioner Woods moved to approve the request subject to Conditions of Approval; Commissioner Morr  seconded.

In discussion, Commissioner Woods expressed concerns on the burden being placed on the applicant, especially given the context of the site, the type of industry, and the neighboring properties.

Regarding Condition #3, screening from the MUGC Zone, he said that it didn't seem to make sense to spend much money on screening from the adjacent power substation and office space parking across the railroad tracks. Commissioner Sessions added that there is already landscaping on the other side of the railroad tracks. Commissioner Morr  added that materials currently stored outdoors would be stored in the proposed warehouse, enhancing the view; Commissioner Woods concurred. Commissioner Morr  said buffering on the street side was a compensating benefit that would have more impact for the landscaping money spent than at the rear of the warehouse.

Chair Sessions heard concurrence to strike Condition #3; Manager Young suggested amending Condition #3 to state Commissioners' intent, and agreed to wordsmith that. Commissioner Sessions added that landscaping at 80% opacity could be a compromise. Attorney Coulombe suggested a formal motion to amend each Condition. Chair Session agreed to return to the Condition #3 when it was wordsmithed.

Regarding Condition #8, Chair Sessions said that we're essentially telling the applicants they don't have to plant the trees. Planner Metz replied that it memorialized where street trees can or cannot be planted, including distances to utilities and water line. In this case, the Code prohibits tree planting in the planter strip above the water line.

Commissioner Woods stated that regarding Condition #13, he proposed adopting the applicants' pedestrian pathway, noting that the applicants, more familiar with the site, contend that the staff route would be less safe. Planner Metz displayed and compared proposed applicant and staff routes. He said the proposed staff route was more direct, with more separation from the vehicle turning movement and vehicle returns. Commissioner Morr  preferred staff's pedestrian route, saying it appeared safer and more direct; Commissioner Sessions concurred.

Commissioner Sessions added that Condition #13 gives the applicants discretion to add signage; he noted most users would park on-site. Commissioner Morr 

asked if staff's proposed path would be striped; Planner Metz replied that was in Condition #13.A. Commissioner Woods said the applicant was probably more familiar with site traffic and circulation; Commissioner Morr e countered that a more direct and striped route would likely be more used.

Regarding on-site landscaping, Commissioner Woods asked if it removed any vehicle storage. Planner Metz expected that any new landscaping would impact ability and capacity to store some vehicles on the site- the applicant informed him that this would be the case. Mr. Marvin stated that he preferred to plant bushes in existing landscaping, rather than install enhanced planters that would take up more space.

Commissioner Morr e said proposed planters were a minimum of 10' by 10' and asked the width of existing right-of-way strips. Planner Metz said the 10' width was proposed by staff to be in line with the applicant's proposed two planters at the other entry; a 10' width is generally a minimum for perimeter landscaping where there is a tree.

Commissioner Woods felt uncomfortable reducing the applicant's ability to do their business. We have to balance making it more pedestrian friendly and attractive, but the area is near an auto dealership and railroad tracks, so he preferred an alternative that didn't remove as much property. Commissioner Morr e said people do use the pedestrian pathway to come into town, so softening and buffering around the front sidewalk seemed important. Commissioner Sessions felt losing three vehicle parking spaces wouldn't make much of a difference to operations. Commissioner Morr e said that because it had been learned that four street trees can't be planted, due to the water line; and because we're changing buffering or screening behind the warehouse, she'd be hesitant to remove any of the planter area.

Commissioner Woods proposed it would be nice to have a solution with beautification without the business losing parking, which could be a hardship. Given that, he suggested enhancing existing landscaped area, without expanding the area of landscaping. Planner Metz said the amount of landscaping that could be done in the existing right-of-way is limited, compared to on-site planting, due to vision clearance considerations. Commissioner Sessions asked if existing grass areas could be used to plant low plants, which would not obstruct vision. Planner Metz replied that that was in Condition #15. Planner Metz outlined landscaping areas, including areas requiring low plantings, saying staff added a Condition to plant an additional plant variety to provide visual interest. Commissioner Morr e asked about planting invasive species, such as English Ivy; Planner Metz replied that there is a list of prohibited landscaping materials.

Regarding loading area screening, Commissioner Woods stated that chain-link fence with slats seemed fine in an area in which space was at a premium. He moved to strike Condition #16; Commissioner Morr e seconded. In discussion, Commissioner Morr e asked if a wood fence would take up any more space than a chain link fence. Commissioner Woods felt that a wood fence would inevitably be damaged by users backing into it and would likely not be repaired; in contrast, chain link is more flexible. Commissioner Sessions felt wood was incompatible

with the metal material of the building and the location. Commissioners Woods and Sessions voted to strike Condition #16; Commissioner Morr  opposed; motion passed.

Manager Young read out revised Condition #3: "The applicant's proposed landscape screen between the new building and the western property line is acceptable". Motion to accept staff's amended Condition #3 was approved unanimously.

The main motion passed unanimously.

P. Appeal Period:

The Chair stated that any participant not satisfied with this decision may appeal to the City Council within 12 days of the date that the Notice of Disposition is signed.

III. **ADJOURNMENT:** The meeting was adjourned at 7:13 p.m.

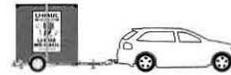


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Community Development
 Planning Division
 501 SW Madison Avenue
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**DRAFT
 CITY OF CORVALLIS
 PLANNING COMMISSION MINUTES
 JUNE 15, 2016**

Present

Jasmin Woodside, Chair
 Ronald Sessions, Vice Chair
 Dan Brown
 Tom Jensen
 Carl Price
 Jim Ridlington
 Paul Woods
 Penny York, Council Liaison

Excused Absence

Rob Welsh
 Susan Morr 

Staff

Kevin Young, Planning Division Manager
 Aaron Harris, Associate Planner
 Aaron Manley, Development Review Supervisor
 Dan Miller, Deputy City Attorney
 Mark Lindgren, Recorder

Visitors

David Dodson
 Lyle Hutchens
 Kaylie Sundberg
 Suzy Pelican
 Fred A. Vandenheede

SUMMARY OF DISCUSSION

	Agenda Item	Recommendations
I.	Community Comments	None.
II.	Public Hearing Dutch Brothers Planned Development (PLD16-00002/CDP16-00002)	Motion passed to approve the Conceptual and Detailed Development Plan, with Conditions of Approval, minus Condition #9. Motion passed to approve the Conditional Development Permit application.
III.	Continued Deliberations –OSU-Related Comprehensive Plan Text Amendment (CPA15-00001) - If time allows	
IV.	Minutes Review- May 18, 2016	May 18, 2016 minutes approved as corrected.
V.	Old Business	
VI.	New Business	
VII.	Adjournment at 10:06 p.m.	

CONTENT OF DISCUSSION

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

I. **COMMUNITY COMMENTS:** There were no public comments.

II. **PUBLIC HEARING – DUTCH BROTHERS PLANNED DEVELOPMENT (PLD16-00002/CDP16-00002)**

Chair Woodside summarized that the request was for a Conceptual and Detailed Development Plan approval and a Conditional Development Permit. The applicant is the business operator for the local Dutch Bros coffee franchises, and is proposing to construct a drive-through facility with a coffee kiosk located at the northeast corner of the subject site. The proposed facility includes a vehicle queuing lane that accommodates nine cars, a 480 square foot kiosk with retail sales of food and beverages; a 435 square foot outdoor dining area with pedestrian walkup window; vehicle and bike parking; and associated pedestrian landscaping and other improvements. The applicant seeks a variance from the Ground Floor Window and Doors standard for the kiosk's southeast elevation.

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 is contained in the staff report.

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. Commissioner Sessions recused himself, saying he was very biased in his opinion regarding the project, and moved from the dais to sit in the audience.
2. Ex Parte Contacts. None declared.
3. Site Visits. Commissioners Woods, Price and Woodside declared visits. Commissioner Price stated he drives 53rd Street every day during peak hours, and has walked by the site many times, and is familiar with the site and peak hour traffic patterns. Commissioner Woods stated it is the area of town he works, he is a patron of adjacent Imagine Coffee, walks by the site and is very familiar with it. Commissioner Woodside stated she has driven by the site twice a day for years and was very familiar with the site and Imagine Coffee. There were no rebuttals.
4. Objections on Jurisdictional Grounds. No objections were made.

C. Staff Overview:

Planner Aaron Harris noted that the City had received one additional letter of written testimony. A copy of the 1986 Restaurant Outdoor Seating- Standards Interpretation, and the written testimony, were sent by staff to the Planning Commission by email June 13. The City also received on June 14 a petition in opposition with 309 signatures. All were distributed to Commissioners and available to the public.

The request is for a Conceptual and Detailed Development Plan and a Conditional Development permit. He displayed an overhead vicinity map of the 0.49-acre site, zoned Mixed Use Community Shopping (MUCS), at the southwest corner of the intersection of Philomath Highway and SW 53rd Street. The prior 2014 land use decision was a Minor Land Partition (MLP) dedicating 17' of right-of-way along Philomath Boulevard, with a sidewalk setback to align with that dedication. Philomath Highway is a major arterial under ODOT jurisdiction. Also under the MLP, the developer also provided 17' from the curb along SW 53rd Street for planting strips and sidewalks, consistent with Benton County requirements (the arterial is under County jurisdiction).

There are existing sewer and water improvements adjacent to the site on Philomath Highway and SW 53rd Street, with existing storm drainage improvements adjacent to SW 53rd Street. There were two trees planted along SW 53rd Street with the 2014 MLP. Apart from these improvements, the site is undeveloped.

He displayed a Comp Plan Map, stating that the site is designated Mixed Used Commercial, as are the adjoining north, east, and west properties. The property to the south is designated Residential Medium-High Density. Displaying a zoning map, he stated the site is zoned MUCS, as are properties to the north and west; the property to the east is zoned Neighborhood Center (NC)-Major; and the property to the south is zoned RS-12.

He noted the site does not contain any Natural Features, Hazards or Resources, and contains one significant tree. The site was annexed in 1982, with a PD Overlay established for the site at that time.

D. Legal Declaration:

Deputy City Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they believe are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the 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:

David Dodson of Willamette Valley Planning introduced Lyle Hutchens, of DEVCO Engineering; and Dutch Brothers franchise manager Kaylie Sundberg.

Mr. Dodson stated that apartments were recently constructed to the south with a shared driveway onto 53rd Street. He noted considerable work was done by the City, County and ODOT to ensure that there was sufficient stacking distance to the intersection from the single access. He anticipated future improvements to the intersection, such as turn lanes.

The site contains a Black Walnut tree along the west property line. A certified arborist declared it healthy and should be saved, and that is the proposal.

The proposal is to construct a Dutch Bros drive-through kiosk with an outdoor dining area. The drive-through is internal to the site, separated from pedestrian circulation areas along the street, and vehicle circulation areas would be buffered with landscaping. Staff have recommended slightly higher landscaping between the drive-through and Philomath Boulevard, from 3' to 4', and the applicant concurred.

The building will have recessed lighting under the awnings and the canopy, while an outdoor pole-mounted light will add illumination into the parking lot. A pole-mounted sign will be located just north of the kiosk behind the sidewalk.

A Traffic Impact Analysis (TIA) analysis was prepared to evaluate traffic impacts as well as stacking at the drive-through. New peak-hour trip generation is very low and didn't meet the thresholds for further study. The average queuing is projected to be four to five vehicles, with a maximum of eleven. The 95th percentile queuing is nine vehicles, which is what is currently provided. He noted 89% of traffic impacts associated with this use were termed "linked trips", meaning that this is not the destination- drivers are passing by and stopping on their way to their ultimate destination.

In calculating on-site parking we included all of the outdoor dining area, while City staff determined that only the covered portion should be included in the calculations. The difference is only one space, and the applicant is willing to provide only nine on-site parking spaces as Conditioned rather than the ten originally proposed. He noted that based on Code required parking, the kiosk itself only generates the need for one

parking space. However, sometimes there are several employees, so parking will be important for employees that choose to drive, as well as patrons picking up food or drink or stopping to eat or drink in the dining area.

LDC POD standards encourage buildings on prominent corners to have entrances that face the corner, and the design faces the corner. Three of the four sides have frontage on the street. The walk-up window faces the corner, with an outdoor dining area mostly covered by a canopy, with a covering canopy also over the drive-through for weather protection. Northwest and northeast elevations meet windows coverage requirements. However, the back door to the kiosk, on the southeast façade, does not comply. As a compensating benefit for this deviation, the application proposes a 435 square foot outdoor dining area, with 249 square feet of weather-protected canopy. The applicants concurred with staff's recommendation to approve the request with Conditions of Approval.

Commissioner Price asked the expected traffic diversion from Philomath Highway. Mr. Hutchens replied that a study done at an existing 9th Street location looked at queuing and traffic patterns. Given the quantity of peak-hour trips actually generated at the subject site, there wasn't the requirement for full traffic impact studies. Given the minimal amount of traffic generation, we can't predict exactly where it might be coming from.

Commissioner Price asked how many cars might be turning north or south from the driveway; Mr. Hutchens replied we didn't look at that. The proposal was also reviewed by Benton County and ODOT, and both determined no further study was needed. Mr. Dodson added that anecdotally, in the morning, most traffic is headed from west to east into Corvallis. At that peak hour time, it is reasonable to assume that most people stopping in would be making a right turn into the facility, and then heading back east on Philomath Boulevard. He anticipated the opposite pattern in the afternoon and evening.

Commissioner Price asked if the majority of business was in the morning; Mr. Hutchens confirmed that was correct. Commissioner Price asked the time frame of the major traffic impact; Mr. Hutchens replied it would be between 7:30 and 8:30 a.m. Commissioner Price felt that in his experience, there was more northbound stacking after 9 a.m.

Mr. Dodson said the landscape strip is much wider on Philomath Boulevard, since ODOT anticipates creating a right-turn lane in the future, when warranted. Commissioner Ridlington asked how soon the right turn lane was anticipated; Mr. Dodson replied that it won't be done before a trigger point finds that it is warranted, as part of a capital improvement project.

In reviewing site details, Mr. Dodson said there was no through-connection between Imagine Coffee property and the site. Mr. Hutchens added that there is a remnant of an existing approach off Philomath Highway that will not be utilized, as a Condition of Approval. There will be no direct vehicle access from Philomath Boulevard.

Commissioner Jensen asked about the signage, which appears to be near where a large-canopy tree is proposed to be planted. Mr. Dodson said the presence of public utilities prevented placing trees in the park strip, so the only choice was to place the trees behind the sidewalk. There were few feasible locations for the trees and the sign.

Commissioner Jensen asked if other sign configurations were considered that wouldn't interact with the trees so much; he was concerned the trees would largely obscure the sign when they grew. Mr. Dodson responded it is important to have the signage on the frontage with the most traffic. Also, the trees would be deciduous and be limbed up, and there is signage on the building itself. Typical users are repeat customers with less need of signage to locate it.

Commissioner Ridlington asked the number of cars that can be accommodated in the queue length before they back out onto the street; Mr. Dodson replied that the queue accommodated nine vehicles before they become a stacking issue. He added that the configuration allows people to also park on the site when it's busy. Commissioner Price asked if the stacking occurred before it enters the shared driveway or the street; Mr. Hutchens replied that the total amount of stacking is on the site and could include the area that is part of the shared driveway. There is potential for nine vehicles to stack directly on the site. The owner requested the ability to bypass in order to take advantage of parking on the site.

Commissioner Jensen asked what was accessed to the west of the entry to the drive-through. Mr. Hutchens replied that it was more parking for the apartments; it provides reciprocal access for both parcels. Commissioner Jensen asked how drive-through users would be kept to the left to allow parking; Mr. Hutchens answered that directions would be marked on the pavement.

Commissioner Woods asked if there was a possibility that people would be blocked from accessing the apartment due to a long queue. Mr. Hutchens replied that anything was possible, but based on the statistics, the nine on-site spaces would accommodate the 95% percentile of known stacking. There is also the ability for people to bypass the queue to get out of the way, should that be necessary. Mr. Dodson added that the owner and manager will do their best to ensure there is minimal stacking, since long stacking would deter repeat customers.

F. Staff Report:

Planner Aaron Harris summarized the request was for a 480 square foot coffee kiosk, a 435 square foot outdoor dining area with a walk-up window, and a drive-through facility. There is a Windows and Doors variance request for the kiosk's southeast elevation, and a Planned Development Request. The Conditional Development permit is required since the drive-through use in the MUCS zoning requires that permit. Each application has independent review criteria, though the applications are interdependent and the criteria for both proposals are almost identical (PD criteria are a little stricter).

He displayed the site plan. Regarding applicable review criteria for the Conceptual and Detailed Development Plan, LDC 2.5.40.04 requires consistency with the

Comprehensive Plan; staff found the criterion was satisfied. There are 14 review criteria for Planned Development. The requested variance from Pedestrian Oriented Design Standards (PODS) was due to the southeast elevation having less than the required minimum 60% windows and doors. The proposed compensating benefit is for a 435 square foot outdoor dining area with a 435.5 square foot weather-protective canopy. The canopy substantially exceeds the PODS standards, and staff found the compensating benefit adequately mitigates the requested variance.

Regarding Basic Site Design, the criterion is met without Conditions. Regarding Visual Elements, he noted that the kiosk was 22'11" in height, mostly stucco, and the windows variance is proposed for the southeast (rear) elevation. Staff proposed a Condition of Approval to increase the height of the screening buffer from 3' to 4' would meet the criteria, as Conditioned.

Regarding Noise Attenuation, staff found the criteria were met without Conditions. Regarding Lighting, Signage, and Landscaping for Buffering and Screening, staff found the criteria were met as Conditioned. Regarding Transportation Facilities; staff found the criteria were met without Conditions.

Regarding Traffic and Off-street Parking Impacts, the TIA finds 16 new peak hour a.m. trips and four new p.m. peak hour trips; he noted the finding of 16 trips meant there were eight vehicles entering and eight exiting the site. Neither Benton County nor ODOT voiced concerns. The proposed site circulation will require a westward approximately 75' extension of an existing reciprocal access easement shared with the property to the south.

The applicant is proposing 10 total parking spaces. Staff disagrees with the applicant's parking calculations based on the 1986 LDC interpretation for restaurant outdoor seating, in which parking is only based on areas that are covered and have outdoor seating. The proposal features 249 square feet covered and staff only calculated for that portion, and determined 6.18 total parking spaces required based on that. He noted that there are both food and beverage retail sales. Both staff and the applicant agreed that 1.2 spaces were required for the kiosk itself. In terms of the outside eating and drinking area, the applicant is calculating based on 435 square feet, resulting in a total of 8.7 spaces, whereas staff was only calculating on the basis of the covered portion, for a total of 4.98 spaces. Staff's total parking calculation for the outdoor dining and kiosk comes to total of 6.18 spaces; and the LDC provision 4.1.20.o allows for 30% excess to the minimum, or 8.034 parking spaces. They are also allowed one handicapped accessible parking space, bringing the total calculation to nine spaces; however, the applicant is seeking ten parking spaces. The Condition of Approval requires the applicant to remove one parking space and extend the reciprocal access easement as shown in the site plan. Staff found the criterion was met as Conditioned.

Regarding Utility Infrastructure; and Effects of Air and Water Quality, staff found the criteria were met as Conditioned.

Meeting PODS standards required several Conditions of Approval: An existing curb cut along Philomath Boulevard shall be removed in compliance; trash enclosures shall be screened; all rooftop equipment shall be fully screened by the building's

parapet walls; and all signage shall be in compliance. Staff found the criterion was met as Conditioned.

Regarding Preservation and/or Protection of Significant Nature Features, the site contains one significant tree. The applicant proposes retaining the tree. As a Condition, the tree shall be preserved to the greatest extent practicable and integrated into the design of the site. The review criterion was met as Conditioned.

Regarding MUCS standards, the proposed building is less than 10,000 square feet, falling within the window of the required FAR. The proposal is no more than 20' of the front property line. PODS standards were sufficiently addressed. The roof height is below the maximum 45'. Staff found MUCS criteria were met.

He stated that the applicable review criteria were nearly identical to PD review criteria, and staff found the proposed Conditional Development met all applicable criteria. Staff concluded the application was consistent with applicable LDC review criteria for a Conceptual and Detailed Development Plan and a Conditional Development Permit, and recommended approved of both Planned Development and Conditional Development permits.

Commissioner Ridlington asked for a demonstration of traffic flow coming off 53rd Street. He concluded that outgoing cars must cross incoming traffic. Manager Young answered that the orientation of driver's side windows in a drive-through functionally determined that placement.

Commissioner Woods asked about the location of the outdoor dining area in terms of the parking calculation; Planner Harris explained the staff and applicant parking calculations. Commissioner Price said he was struggling with removing the parking space, saying he saw more potential use than for just employees. He asked about the rounding guideline; Planner Harris replied it is in Parking standards: if you are at .5, you round up, but below that, you round down. He said staff did not count the area not specifically for eating and drinking use in calculations. The uncalculated area was the canopied area that is not the eating and drinking portion: 435 square feet minus 249 square feet. Chair Woodside asked if the canopied area included the drive-up area on the other side; Commissioner Price understood the applicant didn't count that, but the canopied areas serve as a sales floor.

Manager Young cited 4.1.20.m on rounding fractions for parking calculations: "When a calculated sum of the required vehicle or bicycle parking spaces includes a fraction equal to or greater than one half of a space, .5 or more, a full space shall be required. When a fraction is less than .5 an additional space shall not be required".

Commissioner Woods highlighted the tight curves, and asked whether the trash pickup area configuration met City standards for trash removal. Manager Young said staff typically route applications to Republic, which did not identify circulation concerns.

Commissioner Jensen asked about the variance for the limited glazing on the southeast; saying he didn't understand the compensating benefit- it simply seemed a way for increase earning for the applicant. Planner Harris replied that pedestrians are

able to see into the establishment and visually interact with what's going on in the street. It is serving the public by creating a pedestrian friendly amenity (essentially a plaza), thus meeting PODS standards.

Commissioner Woods asked if there was wheelchair access to the outdoor dining area. Manager Young said there is a route using the public sidewalk.

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

H. Public Testimony in opposition to the applicant's request:

Suzy Pelican highlighted written testimony from herself and Fred A. Vandenheede in the packet opposing the request. There are serious traffic and safety concerns and potential negative impact to the existing Imagine Coffee business just to the west. She cited a petition submitted with 309 signatures with the statement: "We oppose the proposed Dutch Bros drive-through and outdoor eating area business at the southwest corner of 53rd and Philomath Boulevard for these reasons: Serious traffic problems and safety issues that would be created by the proposed business, and the detrimental effect on Imagine Coffee". She noted that the owners of Imagine Coffee stated that they approved of the petition language, but neither they nor staff would be involved in the petition process, and none have been.

She stated she and Mr. Vandenheede felt Imagine Coffee enhances the community in many ways that some might feel have no place in planning decisions. However, many aspects of planning decisions reflect subjective values, such as promotion of safety, mitigation of undesirable views, noise levels and exhaust emissions; she added there were metrics for all of these. She cited potential for dangerous traffic congestion around the driveway shared with the apartments. She noted that the City bus stop at 53rd and Philomath Highway had not been mentioned.

Commissioner Brown asked if 53rd Street was wider there or whether the bus stopped in the traffic lane, and asked for more detail on her cited safety and traffic issues. Ms. Pelican noted the driveway entrance to the apartment, shared by this business, seems inadequate to the traffic going in and out. Ms. Pelican cited page 16 of the staff report, with a picture showing the City bus stop, stating that there is apparently not an indentation for the bus to pull out of the lane of traffic.

Mr. Sessions approached to testify. Attorney Miller noted that previously, Commissioner Sessions had left the dais and sat in the audience after he recused himself. He noted that some bodies ask that recused Commissioners actually leave the room. Chair Woodside stated that in the interest of perception of fairness, that he not testify as a member of the public tonight, based on the attorney's advice. Mr. Sessions did not testify and returned to his seat in the audience. Attorney Miller said that in trainings, the legal advice is that case law on bias is that you must be very biased in order to be found biased. If you have bias but feel you can apply the Code objectively as possible, you may remain for that application. If a Commissioner does feel they are biased enough to recuse themselves, testifying in writing ahead of time would be a better solution; he encouraged concerned Commissioners to contact the attorney's office.

I. Neutral testimony: None.

J. Rebuttal by Applicant:

The Chair noted that new information in support of the application may not be introduced during Rebuttal. Mr. Dodson stated that there was ADA access from the handicapped space via the multimodal path to the walk-up window or the outdoor dining patio area. Mr. Hutchens highlighted considerable grade change between the Philomath Highway and the site, which necessitated using steps on the 53rd Street in order to level up that side of the patio. Mr. Dodson noted that regarding Commissioner Ridlington's circulation concerns, there will be a no-stopping sign painted on the pavement to avoid vehicles blocking the intersection. The Code mandates that vehicle circulation be internal to the site.

Mr. Dodson said regarding Ms. Pelican's safety concerns, the site is designed to allow for good connectivity for pedestrians and cyclists, with a multiuse path nearby. Users of the bus stop will also find the business useful. Regarding traffic, the TIA doesn't trigger additional research. Regarding the potential impact on Imagine Coffee, he noted there were some differences between the two businesses- Imagine Coffee hosts entertainment later in the day, for example.

Mr. Hutchens said the approach into the site is typical of those serving commercial properties in the City. Commissioner Jensen asked where people exiting the site stop; Mr. Dodson displayed the proposed exit route and stopping point. Commissioner Jensen asked about the traffic count on entering and exiting from 53rd Street; Mr. Dodson replied that in the TIA's Table 1- Development Trip Generation, the am peak (the highest) found 73 entering vehicle trips total. Of those, 65 (89%) are linked trips, so there are 8 net new trips.

Commissioner Jensen said it did not appear there were projections available on the directions of vehicles entering and exiting from 53rd. Mr. Hutchens replied that was correct. He noted that if someone exiting the site was feeling rushed, they might prefer to turn right on to 53rd Street and then proceed to the next stoplight.

K. Sur-rebuttal: None.

L. Additional time for applicant to submit final argument:

Chair Woodside granted a three-minute recess for Mr. Sessions to converse with Attorney Miller. There was no request for a continuance and the applicant waived a seven-day period to submit additional testimony.

M. Close the public hearing: The Chair closed the public hearing.

N. Discussion and Action by the Commission:

Questions from the Commission:

Commissioner Woods asked if there have been previous kiosk applications that required a similar variance. Neither Manager Young nor Planner Harris knew of one. Commissioner Woods asked why a variance was not needed for the recent 9th Street Dutch Bros kiosk application. Manager Young noted that a key difference was that there was only one street frontage in that case, so the standard would be applied in a more limited degree, but he wasn't sure of all the details.

Commissioner Price asked for discussion on the calculations on the number of allowed parking spaces. He suggested that it perhaps made sense to include the other covered space in the parking calculations. Manager Young said staff made their interpretation of the Code; it is a grey area, and not binding on the Commission, which could make its own interpretation. Commissioner Price felt calculations should include all the covered the sales/retail space, since it is where transactions happen, and discounting it wasn't consistent with other retail establishments.

Commissioner Ridlington asked if the removed parking space would simply be asphalt, saying that we don't need any more impermeable surfaces than we have. Commissioner Woods said that there's a gap in the interpretation of the retail space and what is covered. It seems as though where you pay should have been interpreted as part of the space counted in parking space calculations.

Commissioner Price asked if staff preferred the Commission remove Condition #9, or reword it. Manager Young suggested simply eliminating the Condition.

MOTION:

Commissioner Price moved to approve the proposed Conceptual and Detailed Development Plan, with Conditions of Approval, minus Condition #9 in the June 15, 2016 staff report; seconded by Commissioner Brown.

Commissioner Woods expressed concern about vehicle stacking overflow potentially blocking access to the apartment to the south. He asked whether there was a way to prevent cars from idling in that spot. Development Review Supervisor Aaron Manley relied that it is a private site, and the owners have their own motivation to keep it clear. Commissioner Price felt the applicant addressed it with pavement markings and the bypass from stacking to parking.

Commissioner Woods expressed concern that the stacked up area doesn't allow for people to make room. Commissioner Price replied he understood that the applicants would line the pavement, with room for two cars to go through the drive into the parking area. People in the private drive could park and walk to the kiosk entrance; the applicant satisfied him on that point. Commissioner Ridlington added that if people see a big queue, they'll likely tend to decide to not join a long line and will go somewhere else. Commissioner Woods noted it is a private driveway, and if it becomes a problem for the apartment dwellers, they'll take it up with the coffee shop.

Motion passed unanimously. Chair Woodside noted that this approves the applicant's plan for ten parking spaces.

Commissioner Price moved to approve the proposed Conditional Development Permit application; Commissioner Ridlington seconded. Motion passed unanimously.

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. Manager

Young noted that the signing of the Notice of Disposition may take a couple days, given the 309 signators of the petition that must also be contacted.

Commissioner Ridlington commented that Dutch Bros does a great job on landscaping, lending some welcome greenery.

III. CONTINUED DELIBERATIONS- OSU-RELATED COMPREHENSIVE PLAN TEXT AMENDMENTS (CPA15-00001)

Manager Young noted that during the previous deliberations, we finished at Finding 9.7, so tonight we'll start with Policies at 9.7.3. He said he had the complete Comp Plan online, for their reference, if needed. Chair Woodside said we'll be referring to Planner Johnson's April 18, 2016 memo- an ordered list of all materials received by the Planning Commission, with numbered testimony and a policy that can be referenced for them. Chair Woodside asked staff that the Commission not get any new materials until we get revisions, in order to reduce confusion. Manager Young concurred, saying staff were preparing a memo for the June 22, 2016 meeting to clarify definitions on families and households (which was previously skipped) for discussion; Chair Woodside replied that that was acceptable.

9.7.3

Commissioner Brown felt the policy was very aspirational, since the City cannot mandate the location of housing for faculty and staff. He noted that the majority of faculty and staff currently live outside City limits, and it's not clear that the campus area is where they'd want to live. Commissioner Jensen said the plan is to increase density and student housing near the university, and he'd like to see 50% of undergraduates on-campus. Ohio State requires freshmen and sophomores to live on-campus, since they realized their impact on the community. Chair Woodside said this replaced a previous aspirational statement. Commissioner Ridlington said it was aspirational, but didn't see any drawbacks. Commissioner Sessions said most problems were not from faculty and staff, but rather from students, and this can be eliminated. Commissioner Jensen concurred, saying students had more impact.

Commissioner Ridlington said traffic was a real problem, so having faculty and staff living closer would reduce traffic. Commissioner Brown suggested the wording "students who attend regular classes or work..". Commissioner Woods suggested replacing "OSU" with "public educational institutions". Commissioner Sessions said the section is headed "OSU Housing", so the focus was needed. There was agreement on the final wording "The City and Oregon State University shall work toward the goal of housing students who attend regular classes or work on campus in dwelling units on or near campus".

9.7.6

Commissioner Price suggested being consistent about using either "OSU" or "Oregon State University". Manager Young said it was typical to use the full version initially and then use an acronym thereafter. Commissioner Brown said it is a very big statement of uncertain meaning that needs to be fleshed out. The word "community" is used differently than the Comp Plan definition. Commissioner Woodside said it reflected

testimony from Mr. Bella, Mr. Vars and Mr. Smith about developing types of communities that didn't depend on the automobile, and had specific suggestions, so the idea was to include aspirational language that could help in case a proposal came forward.

Commissioner Jensen felt the language was imprecise. Commissioner Woods said the idea is that OSU has certain needs for housing students, faculty and staff, while the City has the obligation to enforce the LDC. However, the LDC is arguably auto-centric; so if OSU, as a practical means of housing people and instructing on future development techniques, could set up zones without auto-related regulations, you essentially kill two birds with one stone. That is what the language was intended to accomplish. Commissioner Jensen said the University has not been operating under the same Code as the City, and the University's explorations in parking alternatives resulted in huge parking problems in areas surrounding the campus. He was concerned about giving the university leeway in providing parking, since they've already had that, and OSU had demonstrated a huge abuse of the community with it. Commissioner Woodside replied that the policy had nothing to do with parking. Commissioner Sessions recalled that the idea was that the City and OSU should research how other communities have solved their dependence on the automobile.

Commissioner Brown said if the word "development" was substituted for "community" it would make more sense, along with re-defining "community". He noted it was in a chapter on OSU Housing, but was not sure if it referred to OSU housing. Manager Young said he recalled discussion on allowing experimentation with models that would accommodate housing on campus, such as mixed use developments, resulting in less dependence on automobiles. He displayed the Comp Plan definition of "community", in conflict with this use of the word.

Commissioner Sessions said the idea was to recognize that other communities have dealt with traffic and infrastructure problems around universities. This policy suggests the City and OSU work together to reduce auto dependence. The "communities" refers to model communities in other jurisdictions around the nation. Commissioner Woodside suggested replacing "communities" with "mixed use developments".

Commissioner Woods stated he had a different recollection, highlighting materials brought forward by Mr. Bella, Mr. Vars, and Mr. Smith, with examples to develop potentially OSU space in a way that doesn't meet current LDC standards but still protects the rest of the community from the development, creating on-campus housing for people that don't want to depend on the automobile. The mixed-use aspect is important to this. Commissioner Sessions recalled that the intent was to be more comprehensive than just mixed-use development; he preferred the existing wording. Commissioner Woodside recalled using the existing infrastructure, not building completely new infrastructure; Commissioner Woods recalled discussion on developing green fields west of OSU. Court Smith clarified that his group's proposal was to innovate car-free living arrangements, to extend OSU's current car-free core. These could be complete communities to obtain basic service services, such as the existing INTO Building. This would reduce traffic, reduce greenhouse gasses, be multi-generational, and solve a number of problems. The testimony didn't specify a site.

Commissioner Brown said it was ambiguous, saying he liked substituting the word “development”, but proposed substituted “community” with “living arrangements”. Commissioner Price preferred “mixed use” development. Mr. Smith said that since the concept was new, there is not relevant language. Commissioner Jensen asked if the structure at NW Kings and Monroe, with commercial on the ground floor and residential above, was what Mr. Smith’s testimony contemplated. Mr. Smith replied he envisioned more residential space, with community space; Commissioner Woodside said that this was a common city pattern. Mr. Smith added that the cited development at NW Kings and Monroe doesn’t have the density he contemplated.

Commissioner Sessions highlighted the “neighborhood centers” already in the Comp Plan. Commissioner Brown said the idea was already in the Plan, as Commissioner Sessions noted. Commissioner Woodside felt the phrase was perhaps outdated. Commissioner Woodside found agreement to substitute “communities” with “developments”.

9.7.7

Commissioner Brown proposed removing the redundant phrase “that provides housing”. Commissioner Price asked whether we had an interest in whether the university utilize public-private partnerships, or providing additional housing themselves. Commissioner Woods replied that the City did have an interest, since it has property tax implications. Commissioner Brown said we could add a sentence “This type of housing would contribute to local property taxes”. Commissioner Price understood that we were trying to write the Comp Plan without referencing the financial aspects of the tax code; Commissioner Woodside replied that was not the case.

Manager Young noted that dorms were part of the package. Part of this policy direction was coming out of a desire to explore different ways of providing campus housing in order to make it more attractive to both upper classmen and other university populations. The public-private partnership allows a relationship in which the university doesn’t manage that, and is a good way for them to leverage financial investment on campus. He noted that, currently OSU Housing and Dining receives no financial support from the University, but instead must pay for itself.

Commissioner Woodside said this specifically encourages the public-private partnership; Commissioner Price replied there is nothing in this section of existing policy. Commissioner Woods noted that new 9.7.3 addresses Commissioner Price’s concern. Commissioner Price said his proposed language would be better than 9.7.3, and proposed combining them.

Councilor York noted that increased residential density increases service costs. Looking at 9.4.11, she noted that encouraging public-private partnerships is exactly the financial issue, since it brings some property tax to pay for the services that the residents would require.

Commissioner Woodside said she felt 9.7.3 needs to stand alone. Commissioner Brown proposed “This type of housing would contribute to local property taxes to support the needs of the people living in this housing”. Commissioner Jensen said

9.7.3 addresses *where*, and 9.7.7 addresses *what kind*, so they should be kept separate.

Chair Woodside found support for removing the redundant phrase “that provides housing” and adding “The City shall encourage the university to utilize public-private partnerships to provide additional on-campus student housing that would be more attractive to upperclassmen, graduate students, and university staff than traditional on-campus housing options”. Commissioner Brown added “This type of housing would contribute to local property taxes to pay for City infrastructure requirements of the residents”.

Commissioner Jensen asked if we’d be taxing an on-campus public-private entity to provide monies for off-campus infrastructure. Commissioner Brown replied that this is exactly what the City does; we tax people to pay for streets, sidewalks, and parks that the residents require, and the City needs a source of funding to pay for that-otherwise, it just comes out of the General Fund. He said he sought to reference the testimony on Policy 9.4.11 from Council Liaison York. This is a standard requirement established in the goals of the Comp Plan.

Commissioner Woodside asked why the statement was needed here. Commissioner Brown replied that he was trying to add to the discussion the Commission had started. Commissioner Woods said it sounded more like a finding. Commissioner Brown said he was OK with deleting his addition. Manager Young highlighted the most recent deliberation-amended Finding 9.7.k, adding the sentence “On-campus housing developed by public-private partnership would produce property tax revenue based on improvement value”. Chair Woodside summarized that there was agreement to simply delete the phrase “that provides housing”.

9.7.8

Commissioner Brown proposed changing from the passive voice, to “The City shall encourage housing types..”. Commissioner Jensen asked why the language “with minimal re-modeling” was used. Commissioner Woods didn’t understand the City’s interest in using the phrase, either. Commissioner Brown proposed removing the phrase; there was agreement to remove it, as well as changing passive voice. He said it was common for structures to get chopped up to meet changing demographics. Attorney Miller suggested the phrase “*strongly* encourage”. Chair Woodside read the final version “The City shall strongly encourage housing types that can serve multiple segments of the population to reduce the need for future re-development as demographics shift”.

9.7.9

Commissioner Brown preferred “..college student oriented..”. There was agreement. Commissioner Woodside found agreement on “The City shall consider amendments to the Land Development Code that address the negative impacts resulting from the development of college student oriented off-campus housing”.

9.7.10

Commissioner Price suggested “..college student..”. Commissioner Ridlington said that since the whole section is regarding OSU Housing, the common understanding would be referring to college students. Commissioner Brown noted that the section

was far from the heading for the chapter, so people reading the Comp Plan may not still be aware it is a chapter on OSU Housing. Chair Woodside read the final version "The City shall encourage the University to make lower cost on-campus housing options available for college students".

Chair Woodside closed the deliberations.

III. **MINUTES REVIEW- MAY 18, 2016**

Commissioner Woodside noted that the date heading on page 1 should have been 2016, not 2015. Commissioner Woods moved to approve the May 18, 2016 minutes as corrected; Commissioner Price seconded. Motion passed unanimously.

IV. **OLD BUSINESS:**

Chair Woodside noted that the Commission heard in the staff report tonight that the Conditional Development permit criteria are nearly identical to those of a Detailed Development Plan. She asked if it were possible to put this on the Unresolved Planning Issues list, in order to help streamline the Code; Manager Young concurred; there was agreement.

Chair Woodside asked about introduction of new information during rebuttals. Attorney Miller noted that you could argue that it may have been raised by the Commission, which wanted clarification. He said that where it is valuable for the Commission to get additional information, and when there is still have an opportunity for a response from those who would be opposed to that information, the Commission may hear that.

Commissioner Woodside said the only people who can respond to a rebuttal are those who have already testified, during sur-rebuttals. Attorney Miller said the practical solution is that if the applicant is allowed to introduce new information, then the public can be allowed to respond if they have an objection on that basis. That is within the Commission's ability and within the scope; it was awkward because it came out of questions to staff and not during public testimony. Commissioner Woodside felt it was handled satisfactorily, but emphasized that Commissioners need to be careful during preliminary questions to staff, since we did invite the applicant to bring new information forward that wasn't brought up during rebuttal. Commissioner Price said it was brought up to staff before testimony by the public, so the issue was on the table when the public had an opportunity to testify.

Attorney Miller said that from a legal perspective, he'd rather have the question in preliminary questions with staff early on, allowing public testimony opportunities, and giving the applicant a chance to weigh in. Commissioner Brown said the other possibility is to re-open the public hearing, address the issue, then close the hearing; Attorney Miller concurred that that was an option.

Commissioner Woods highlighted an issue that came up during the hearing, in which the design of the circulation system was based on the Code's prohibition of a drive-through lane between the building and the road. He felt that there could have been a better design without that requirement, and asked to place the issue on the Unresolved Planning List; Chair Woodside concurred.

Manager Young said the requirement was in the PODS section. The idea is to promote the pedestrian realm, seeking to create a city not wholly governed by the needs of the automobile. One of the principles is that buildings should relate to the street and be accessible from a pedestrian on the street without interference from vehicles. The Code seeks to avoid parking or circulation between buildings and streets where it can be avoided. This was a Planned Development, so a variation to the standard could have been requested.

Commissioner Woods asked to add it to the Unresolved Planning Issues list, saying that in this case, a more pedestrian friendly design would have happened if not for this requirement. Rather than creating an inner courtroom where people could be protected from the street, it pushed the public area adjacent to a very loud state highway. Manager Young agreed that the requirement worked better in a downtown context than a highway. Chair Woodside asked that the hearing number be added to the issue in the Unresolved Planning Issues list.

Commissioner Jensen asked where the entrance of a drive-through kiosk is- you could argue that it was either the entrance to the street, or the entrance to the building. He gave an example of a Carl's Jr. on 9th Street, which has a drive-through adjacent to the street on two sides. Commissioner Woods said that was permitted prior to establishment of PODS standards. It would not have been approved today; it is existing non-conforming.

V. NEW BUSINESS:

A. Planning Division Update:

Planning Division Manager Kevin Young reported that a couple appeals of Planning Commission recommendations were received. The Council is scheduled to hear an appeal of the Commission's Timberhill decision on July 5. The Lawndale Annexation zone change appeal will be heard by the Council on July 18.

The State Supreme Court declined to hear the Coronado Tract B case. There is a final decision from LUBA, and the Council will discuss next steps on June 20. Commissioner Woods understood that if the City loses, then there are no Conditions of Approval. Manager Young explained that if the City fails to deliver a local decision within 120 days, an applicant may seek a *writ of mandamus*, and in that context, the decision would have no Conditions of Approval. However, that is not the case in the Tract B case. The City hasn't dealt with a reversal like this before, and staff are discussing the situation with Counsel.

Commissioner Brown asked the cost for appealing to the Council. Manager Young replied it is 10% of the application base fee.

B. Housing Community Development Advisory Board:

Commissioner Price highlighted a Housing Community Development Advisory Board (HCDAB) discussion on inclusionary zoning and excise tax overview, with recommendations to the City Council; as well as Community Development Block Grant Funds (CDBGF).

VI. ADJOURNMENT: The meeting was adjourned at 10:06 p.m.



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

DRAFT
CITY OF CORVALLIS
PLANNING COMMISSION WORKSESSION MINUTES
June 22, 2016

Present

Jasmin Woodside, Chair
 Ronald Sessions, Vice Chair
 Carl Price
 Paul Woods
 Tom Jensen (at 7:00pm)
 Dan Brown
 Jim Ridlington

Staff

Kevin Young, Planning Manager
 Sarah Johnson, Senior Planner
 Kent Weiss, Housing & Urban Dev. Manager
 Dan Miller, Deputy City Attorney
 Paul Bilotta, Community Dev. Director
 Claire Pate, Recorder

Excused Absence

Rob Welsh
 Susan Morr e
 Penny York, Council Liaison

Visitors

Councilor Bull
 Court Smith
 Rebecca Houghtaling, OSU

Absent

	Agenda Item	Recommendations
I.	Community Comments	None.
II.	Deliberations - OSU-Related Comprehensive Plan Text Amendments (CPA15-00001)	
III.	Minutes Review – June 1, 2016	Approved as presented.
IV.	Old Business	
V.	New Business	
VI.	Adjournment. 9:46 p.m.	

Attachments to the June 22, 2016 Minutes:

- A. Memo from Dan Brown, with proposed changes; dated 6/8/2016.

CONTENT OF DISCUSSION.

The Corvallis Planning Commission was called to order by Chair Jasmin Woodside at 5:30 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

- I. **COMMUNITY COMMENTS.** No one came forward.
- II. **DELIBERATIONS - OSU-RELATED COMPREHENSIVE PLAN TEXT AMENDMENTS (CPA15-00001)**

Chair Woodside said that this was a continuation of deliberations from the June 8, 2016, meeting. She noted that in the packet was a memo from staff relating to Family and Non-Family Households, with some recommendations for definitions and for new findings language. She asked staff for a brief explanation.

Manager Young said that one of the issues the Commission had encountered two meetings ago had to do with differences between the terms “household,” “family household,” and “nonfamily household.” Staff had done some research and has provided materials related to definitions based on the US Census and American Community Survey (ACS) data. Additionally, Commissioner Jensen did some outreach with the US Census staff that provided some answers to related questions, and these are also included in the material.

Chair Woodside clarified that staff was making a recommendation to include these definitions in Article 9.5 (Housing Affordability), as well as to include them in Article 50 (Definitions). She suggested that the Commission begin deliberations with this recommendation, as well as recommended replacement language for *findings 9.5.a, 9.5.h, and 9.5.i*

Commissioner Brown asked how to classify a household in which two people are related, but the rest of the household members are unrelated. He gave the example of parents buying a house for two kids while they attend college, with the balance of the rooms rented out to other students. Manager Weiss explained that it would be a family household in that there are residents who are related to the “householder,” or the person who holds the mortgage or pays the rent. If no one is related to the householder, it would be a non-family household.

Commissioner Price asked how to classify a household in which a long-standing couple are living together but are not married. Manager Weiss said that this would be classified as a non-family household by ACS.

A discussion ensued about whether these terms were used elsewhere in the Comprehensive Plan, and whether the definitions should be put in both Article 50 and Article 9.5. It was agreed to include the definitions in Article 50, and insert in 9.5.a a parenthetical reference to the definitions.

Commissioners then considered staff’s recommendations for replacement language for *9.5.a, 9.5.h, and 9.5.i* and agreed to all three recommendations. *Finding 9.5.a* will be revised to include, in parentheses, a reference to the definitions.

The Commission then proceeded with a review of Article 11, Transportation, recommended revisions.

11.2.h

Commissioner Brown suggested replacing the term “measures” with “tools,” and adding the word “infrastructure” after “parking.” He also suggested adding “on campus and off campus.” Chair Woodside read Commissioner Brown’s suggested replacement text: *“Commuter use of parking infrastructure on campus and off campus depends on the success of transportation demand management tools, parking accessibility, number of available parking spaces, convenience to the final destination and price, among other factors.”* Senior Planner Johnson noted that the context for this finding is Transportation System Planning, and if the intent of this finding is to apply it to OSU it might more appropriately be placed in Section 11.12 which is focused on OSU transportation issues. Commissioners agreed to Commissioner Brown’s text without the inclusion of “on campus and off campus.”

11.2.i

Commissioner Brown suggested adding “and price,” since the City’s fareless policy is an important incentive. He also suggested inserting the word “City” in front of “transit.” Senior Planner Johnson noted that this would narrow the applicability of the finding. There was agreement to add the factor of “price” into the last sentence, but to not insert the word “City.”

11.2.j

Commissioner Brown suggested using a qualifying term in front of “transportation decisions.” Commissioner Woods asked how this finding is differentiated from 11.2.i. Staff explained that 11.2.i was related to transit use and 11.2.j was related to transportation in general. Commissioner Price suggested that “frequency” should also be a factor: the ability to get a ride when it is wanted. Instead of “frequency” it was agreed to insert in the parentheses “waiting time and travel time.” It was also agreed to insert the word “personal” in front of “transportation decisions.” The final reading of the agreed upon text: *“Personal transportation decisions depend on desired activity and options available. Choice of mode depends on price (money, waiting time and travel time), distance, convenience, reliability, safety, and comfort.”*

11.2.k

Commissioner Brown suggested using the term “commuting trips,” and also suggested inserting “transportation” in front of system. There was a discussion about the meaning of commuting, and Director Bilotta suggested that the term reflected trips to school or work, and did not include trips to run errands. Commissioner Price stated that as written this might be more appropriate in Section 11.12 since it calls out OSU. He then suggested language that would be more generalized and appropriate for this chapter. Manager Young gave a final reading: *“The proximity of housing to destinations affects the number of trips made on the transportation system, which affects its performance.”* There was agreement with this revision.

11.2.l:

There was discussion about the use of the word “must” and whether this made it more of a policy as opposed to a finding. There was agreement to use the word “should.”

11.2.m:

Correct one typo: remove “s” from transportation. Otherwise, there was agreement to leave as is.

11.2.16:

Commissioner Brown suggested changing the first part of the sentence to “*The City’s transportation requirements associated with new development....*”. There was also a suggestion to use the word “shall” as opposed to “must.” There was agreement to revise as follows: “*The City’s transportation requirements associated with development shall be clear, measurable, and carefully monitored for effectiveness.*”

11.2.17:

Commissioner Ridlington expressed concern about use of jargon and asked if it was clear enough to the reader. Commissioner Price objected to use of the term “shall consider allowing” and suggested the term “should allow.” Director Bilotta said that it puts the City in the situation of having to approve a tradeoff as opposed to considering a proposed tradeoff and making a determination if it is in the City’s best interests. Manager Young added that since there had been limited experience with Transportation Demand Management (TDM), it will be a learning experience and important to be cautious while being innovative. The tradeoff is between building more infrastructure capacity in traditional transportation, or finding other ways to reduce single-occupant vehicle usage such as facilitating pedestrian and bicycle usage or enhancing transit. Using the term “shall” might be more mandatory than would be in the community’s best interests at this time. Deputy City Attorney Miller said that “shall consider” is allowing the City to consider the balance between what the tradeoffs are bringing versus what other improvements might be. Changing the language to “should allow” would be a more positive stance for promoting TDMs, but would limit the City’s ability to consider their effectiveness. The Commission would have to decide which direction they wished to go on this. Commissioner Brown said that he usually was not in favor of terms like “shall consider” but in this case it seems appropriate with the City’s limited experience with TDMs. He suggested the use of the term “may allow.”

There was further discussion about the use of the terms “shall” and “should,” with Commissioner Price pointing out that the terms are defined in the Comprehensive Plan. “Shall” is used to express what is mandatory, while “should” is used to express what is desired but not mandatory. He opined that if the terms “must” or “may” are used, they should also be defined. Commissioner Brown said that, in his opinion, the word “may” is an enabling verb, basically stating that a certain action is within a set of actions that the City can take or do. He did not believe it needed defining within the Comprehensive Plan. Commissioner Sessions shared his understanding that an applicant would have the option of meeting the Code or proposing tradeoffs. He believed that it was appropriate for the understanding to be that if an applicant proposes tradeoffs, the City will consider them but are not mandated to accept them. Commissioner Brown agreed that he would not like to see the City’s hands tied in having to accept a tradeoff without due consideration. There was agreement to stick with the original language.

Chair Woodside suggested this would be a good time to consider Commissioner Brown’s recommended definition for Transportation Demand Management (TDM), along with his suggested new policy for inclusion in Chapter 11.12. The wording for both are included in Commissioner Brown’s handout dated June 8, 2016 (**Attachment A**).

TDM Definition:

Commissioner Brown said that his proposal was to add the new definition to Article 50. In his research, he discovered that the City has an adopted Transportation Demand Management Plan which is available for reading in the Corvallis Public Library. The proposed definition and policy are consistent with that plan.

There was general agreement to add the definition as proposed by Commissioner Brown, pending staff research that might find more appropriate or applicable wording for a definition to present at the next meeting. Staff will also do a word search to ensure that where TDM shows up in the Comprehensive Plan, there will be a parenthetical reference to the existence of the definition in Chapter 50.

Proposed New Policy 11.12.x

Commissioner Sessions suggested that the first part of the wording would be more appropriately placed in Section 11.2 (Transportation System Planning), with the last sentence appropriately placed in Section 11.12 (OSU Transportation Issues). Commissioner Brown concurred. Planner Johnson pointed out that current proposed language contained in *Finding 11.12.j* makes reference to TDMs, along with language in Policy 11.12.11 that directs that finding. Commissioner Brown said that in light of the decision to include a definition in Chapter 50 for TDM, *11.12.j* is no longer needed. Commissioner Price suggested that Commissioner Brown's proposed language for the new policy 11.12.x could be made more general without a specific reference to OSU. It could then be placed in Section 11.2. There was additional discussion about where and with what entities TDMs might be applied, i.e. large employers only or in general; with new development only or with redevelopment as well. After due consideration, the following wording was agreed upon as a replacement for the last sentence of Commissioner Brown's suggested new policy, which will be placed in Section 11.2: "*The City shall encourage new development to incorporate TDM strategies, and recognizes that in order for them to be effective, the location of parking facilities in relation to new development should be carefully considered.*"

11.4.h

Commissioner Brown questioned whether parking needs have "fluctuated" over time, as opposed to "grown." Commissioner Woods thought the use of the word "fluctuate" was appropriate in that some buildings or businesses will staff up and down depending on conditions and need, with parking needs fluctuating. It was agreed to keep the proposed language.

11.4.i

A discussion ensued about the intent of the finding. Planner Johnson said that the finding was meant to inform Policy 11.4.8 which specifically refers to temporary parking lots which are not improved to full City standards, and which can more easily be converted to lower-intensity uses. Commissioner Woods said that this was from the Task Force's work in which they were trying to make allowance for giving some time for TDMs to be put in place by OSU, to see if they could actually make a dent in traffic. This would enable them to utilize a temporary parking lot while they see how the TDM worked. If the measures do not work, the parking lot can then be converted to a permanent parking facility. If measures do work, the temporary parking lot can then be returned to green space, or another less-intensive use. There was agreement to keep the language as drafted.

11.4.j

There was agreement to keep the item as written.

11.4.k

Commissioner Brown suggested adding “*or too expensive*,” since some apartments charge for parking and residents might consider it too high of a charge. There was agreement to add “*or too expensive*” into the sentence.

11.4.l

Commissioner Price referred to existing *Finding 11.4.f*, and said that this proposed finding makes *11.4.f* redundant. He suggested that a decision be made to keep one or the other. Commissioner Woods said he could not remember where the new finding came from. He also was not sure how the first sentence related to the rest of the finding. Manager Young said that his recollection was that this was a comment on historic patterns, i.e. older developments that were built with different on-site parking requirements which have now proven to be inadequate. They could be classified as legal, non-conforming developments. Commissioner Price suggested that the language in *11.4.f* was more appropriate in that it pointed to the type of areas that are having this issue. After more discussion, there was agreement to combine the two findings, but without a reference to “legal, non-conforming.” Commissioner Price suggested the following language: “*Many older established areas lack adequate off-street parking, resulting in.....etc.*” *11.4.f* would then be eliminated.

11.4.m

Commissioner Brown suggested adding the word “*City*” in front of streets, and a discussion ensued about private versus public streets, and streets that do not comply with City standards. Planner Johnson said adding the word “*City*” might imply public right-of-ways. In response to a question about whether the second sentence was more of a policy statement, Planner Johnson said that this finding sets the stage for Policy 11.4.10. There was general agreement to add the word “*City*” in front of streets, and to change the second sentence to read “*Thus, parking rules need to accommodate.....*”.

[Commissioner Jensen arrives.]

11.4.n

Commissioner Brown stated that this was an unsubstantiated finding, and preferred to delete it. His belief is that transit funding is not directly a land use issue or subject to the Comprehensive Plan. The policy implications of this observation are extremely controversial; residents were vocal about residential parking fees.

Commissioner Woods noted that this finding came from Court Smith; since he was in the audience he was given an opportunity to explain the intent.

Court Smith, 471 NW Hemlock, said that he had given the references for this finding to both the Planning Commission and the Task Force. One of them was called something like “Getting the Price of Parking Right” or “The Low Cost of Parking.” There are a variety of people concerned with using pricing to allocate parking, and there were examples given such as a comparison between Westwood and Pasadena where one of the jurisdictions spent parking fees for developing the downtown area and the other one did not. The one that developed the downtown area had a much more effective downtown, and met with better success. The use of parking fees to do other things is a valuable option. Also, land

use planning is valuable to transit. Transit does not work unless there are the proper densities built in to land use planning. It would be foolish not to consider the linkage between land use planning and transit.

Chair Woodside added that the Task Force had taken into consideration that there was some controversy with this finding. Commissioner Brown noted that 11.4.10 has a statement to the effect that the parking fee system should be self-supporting and can provide additional resources for transit and transportation improvements. The controversy stems from parking fees for parking in residential neighborhoods, not fees associated with downtown parking areas.

Commissioner Woods said he liked some of the ideas that Court Smith and others brought forward about thinking holistically, and he supported leaving this finding in. It was agreed to leave the finding in.

[Note: the discussion under 11.4.10 suggests further consideration for this finding]

11.4.o

Commissioner Brown suggested adding the word “*accessible*” into the parenthetical clause to cover the issue of OSU’s system for allocating parking permits which does not allow certain groups of people, such as students, to access the more convenient lots. Chair Woodside and others felt that the words “*convenient and affordable*” covered that issue adequately. Commissioner Jensen asked that the word “*may*” be stricken so that the phrase read “*...on-campus parking externalizes...*”. After additional discussion, there was general agreement to not add “*accessible*” and to delete the word *may* and add an “s” to externalize.

11.4.p

Commissioner Brown suggested adding a sentence: “*Utilization of campus parking also depends on the relative price of convenient, off-campus parking especially if it is free.*” Commissioner Jensen added that when the parking district was being considered at the same time as the university was putting in their tiered-pricing strategy, the initial low numbers of those transitioning to university parking was a result of the non-implementation of the parking district.

After some discussion, it was agreed to add a sentence with the following language: “*Utilization of campus parking also depends on the supply of free, convenient off-campus parking.*”

11.4.8

Commissioner Jensen stated that having temporary parking lots might get in the way of the City’s expressed interest in getting density of housing closer to campus, which then continues to generate a lot of vehicle trips to/from campus. Commissioner Brown said he interpreted this as possible application for “park and ride” lots on campus or at the fairgrounds, or similar locations; but not City-owned and operated lots. Planner Johnson said that since this is in Chapter 11.4, it relates to auto-parking in general and not OSU in specific. Commissioner Price said his interpretation is that any entity that is trying to come up with alternative means of transportation could apply for approval to employ some short term, unimproved parking lots while they determine the efficacy of TDMs. If the TDMs do not work and parking demand remains the parking lot would then have to be improved. Manager

Young agreed with Commissioner Brown's statement that it is not intended to imply that the City has to create temporary parking lots at City expense to experiment.

There was agreement to leave the policy as worded.

11.4.9

Commissioner Jensen stated that he would not like this to supersede any requirements for meeting on-site parking per the Land Development Code. Commissioner Price said that 11.4.3 covers that base. Commissioner Brown said that he would prefer "may be explored" as opposed to "shall be explored." Commissioner Price suggested "should be explored," in that exploration could cost staff time and money and his interpretation of the statement is that this would have to happen as soon as on-site parking was found to be inadequate.

Deputy City Attorney Miller said that the policies inform regulations in the Land Development Code, which will explicitly lay out timelines, etc. It would be similar to Manager Bilotta's discussion about how they would interpret "shall consider." In response to a question from Chair Woodside relating to the implications for writing code requirements, Attorney Miller said that "should" would indicate a preference for having a requirement and "shall" would indicate a demand for such a requirement. Commissioner Brown said he associates the use of "shall" with safety concerns, and prefers the use of "should" in this case. Commissioner Price opined that per direction of the Department of Land Conservation and Development, the policies have the force of law, and do not just inform the Land Development Code regulations.

There was agreement to change "*shall be explored*" to "*should be explored*."

11.4.10

Commissioner Brown referred to subsections "C" and "D" and again expressed his concern about parking fees being used to support transit and transportation improvements, and not just used to support the parking program. Commissioner Price said he agreed with Commissioner Brown, in that it seemed a big policy change. Chair Woodside said that her preference would be to note that some commissioners had a concern, but leave it to City Council to have the policy discussion. Commissioner Brown again said that hundreds of people had testified that they did not want to have to pay for parking in front of their homes; this was one of the reasons that the City voted the way that it did. Commissioner Woods said that the parking fee system is not solely associated with residential parking, but is also related to downtown parking, and the use of the word "can" leaves options open. Commissioner Ridlington said he agreed with Commissioner Woods' observation. Commissioner Price said his concern stemmed from the fact that it changes the entirety of the philosophy of parking in Corvallis in that it changes the parking fee program to a revenue generator enhancement tool. He preferred to take it out and inform City Council of their concerns related to making such a drastic change. Chair Woodside noted Councilor Bull's presence in the audience and asked if she wished to share her thoughts.

Councilor Bull said that a majority of the Ward 4 residents would likely be against keeping Statements "C" and "D" in. She also noted that they had had a discussion with the Municipal Court Judge recently about the issue of using fines as a revenue generator, and it was noted that it was bad practice. The parking fee fund might include fines. This will also be looked at by City Council as part of the Transportation System Plan review. It is a broad question that will be looked at through more discussion, research and data.

Court Smith offered a different take. He said the suggestion for this came about due to the City's concern for climate change. The automobile is one of the biggest causes of climate change. This would be controversial and would be a game-changer, but the intent is to shift the preference away from vehicles. It is wrong to assume that parking pays for itself. Who pays for the lines painted on the streets, the signage, the punch outs for pedestrians and everything else that goes along with cars and car parking? Cars are favored as an item in our society, and this is meant to point that out. Cars are one of the largest causes of greenhouse gases. Though this is controversial, the intent is to start a discussion about whether we can really afford as a society to continue to give such preference to the automobile. It is very much a land use issue.

A straw poll was taken, and the majority of commissioners wished to keep statements "C" and "D" in and note their concerns for City Council to take up a discussion.

Planner Johnson noted that both 11.4.m and 11.4.n inform this policy. After a discussion relating to which of the statements in this policy were more appropriately included in findings, a suggestion was made to eliminate the first sentence which is more of a finding, and start with the second statement. There was general agreement to do this.

11.6.d

Chair Woodside recognized Rebecca Houghtaling, Senior Planner at OSU, who wished to offer some testimony. She suggested a correction in that the survey was distributed to all students registered at OSU's main campus, which would be a much greater number. After much discussion about whether the actual distribution and/or respondent numbers were needed, there was general agreement to simply eliminate the clause: "*which was distributed to 5,000 students and 4,241 faculty and staff members,*".

11.6.14

There was general agreement to keep it as is.

11.7.i

Commissioner Brown said he would prefer to reference the date on which fareless transit started. Commissioners Price and Brown suggested defining the students as "college" students, if that was the finding. Planner Johnson stated that the initial date for fareless transit was in 2011.

There was general agreement to revise as follows: "*In 2011, CTS began charging no fares. The increase in use of the CTS by college students has affected certain CTS routes, contributing to overcrowding.*"

11.7.j

Commissioner Brown suggested adding "*the number and location of routes*" after "*Transit ridership is impacted by...*".

After a discussion about whether the phrase "*availability and convenience*" was sufficient, there was general agreement to add in the phrase as suggested by Commissioner Brown.

11.7.8

Commissioner Brown said that if the reference to OSU remained, he would like to qualify "*students*" as "*college students.*" He further commented that the use of "shall" was mandating that the City would be required to do the study and analysis, which would require

an expenditure of money. Commissioner Price questioned whether the use of the word “shall” in the second sentence was appropriate, in that this inferred that the City could force OSU to be a partner. Manager Young explained that the context for this requirement came about with the idea that OSU’S Master Plan was expiring and the City was looking to provide some guidance for how to view the future framework for development on campus. Ultimately, they would anticipate developing standards, or requirements, in relation to this. Commissioner Price said he would prefer to reword it so the City would be in the driver’s seat. Commissioner Sessions suggested that there be a timeline, or frequency interval, associated with the requirement as well. Commissioner Brown reiterated that he did not think that the CTS was a land use issue, and he did not believe that under state law the City could force OSU to participate in a non-land use program. Deputy City Attorney Miller suggested potential wording for the second sentence which would put the City first, i.e. “*The City shall pursue a partnership with OSU for this analysis.*”

In response to Commissioner Brown’s opinion that the transit system was not a part of land use, Councilor Bull came forward to share her thinking. As development happens on campus, the City can address parking requirements or alternative measures to parking requirements. Transit is certainly one of the measures that can be considered. She felt that it was an appropriate part of the policy, as reworded.

After further discussion about frequency for such an analysis, along with the observation that Chapter 11.12 might address requirements for monitoring, the following wording for the policy was generally agreed to: “*A study of use of the CTS shall be performed to assess the need for additional routes to serve college students and residents. The City shall pursue a partnership with OSU for this analysis. Subsequent studies should be considered.*”

There was agreement to stop with Chapter 11.7, and to take up Chapter 11.12 at the next special meeting scheduled for June 29, 2016.

III. MINUTES REVIEW – June 1, 2016.

MOTION: Commissioner Ridlington moved to approve the minutes as drafted. Commissioner Price seconded the motion which passed unanimously.

IV. OLD BUSINESS.

Deputy City Attorney Miller offered an apology to commissioners, and particularly Commissioner Sessions, for the advice he had offered up during the hearing for the Dutch Brothers Planned Development in which Commissioner Sessions had recused himself and then asked to give public testimony. After having some time to think it through, he said that if a similar situation occurred in the future he would advise a commissioner who had recused him/herself that they could come forward to give public testimony and then he would again ask the commissioners the conflict/bias questions. This would allow commissioners to state whether they had been too biased by the testimony offered by a fellow commissioner to render an impartial decision. There was discussion about how the public role of commissioners does diminish their private role, but he felt he had erred in advising Commissioner Sessions to not come forward to testify. Commissioner Woods expressed his opinion that if a commissioner recused him/herself, his preference would be that they leave

the room. Manager Young stressed that a commissioner need not recuse oneself if they have formed an opinion solely based on an analysis of the facts on the record and the applicable decision criteria. He further said that City Council had recently had an interpretation of conflict of interest, and he would bring this back to the commissioners.

Commissioner Brown stated support for the City to have a clear policy on this issue for all those bodies that hold public hearings, and to be consistent in application.

V. NEW BUSINESS.

Manager Young updated commissioners on signing up for American Planning Association membership, and said that there had been a hitch in getting electronic copies so they might be getting something in the mail before being able to transition to electronic.

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

Rec'd @ PC mtg
 Date 6/22 2016
 City of Corvallis

To: Planning Commission
 From: Dan Brown, Commissioner

June 8, 2016

Proposed Changes to the Task Force List of Findings and Policies

I move to amend the list of Findings and Policies from the Task Force to include the following changes. These are revised versions from previous documents.

TRANSPORTATION DEMAND MANAGEMENT (TDM)

Transportation Demand Management (TDM) - TDM is a set of strategies aimed at reducing the demand for road way travel, particularly in single occupancy vehicles. The fundamental purpose of TDM is to reduce travelers' use of single occupant vehicles and other personal vehicle-related problems. TDM strategies include changes to infrastructure (e.g. bike facilities, bus stops, on-campus housing, etc.); services (e.g. shuttles, service schedules and routes, etc.); and incentives (e.g. fare reductions, etc).

Policy 11.12.x The City of Corvallis shall encourage Transportation Demand Management (TDM) as a means of achieving land use objectives such as environmental protection, livability, accessibility, and reduced congestion. The City may evaluate the success or failure of TDM strategies on the basis of observed reductions in: single occupant vehicle travel; fossil fuel consumption; vehicle emissions; commuter use of neighborhood, on-street parking, etc. The City encourages OSU to develop TDM strategies, and recognizes that in order for them to be effective, the location of parking facilities in relation to new development should be carefully considered.

HISTORIC DISTRICTS

Finding 5.4.x In order to provide protection for historic resources, the U.S. Department of the Interior recognizes National Register Historic Districts. The **Avery-Helm** District, which contains 165 resources, was placed on the national register in 2000, the **College Hill West** District, which contains 390 resources, in 2004, and the **OSU District** which contains 83 resources, in 2008. The Districts contain 273 acres in the oldest parts of the City stretching from 2nd Street to 36th street, including the most significant structures on and around the OSU campus. Since 2008, the majority of applications for Historic Preservation Permits come from the three national historic districts. *Visit Corvallis* provides brochures for visitors who want to tour these areas.

Policy 5.4.19 The City lists the original nominations for National Historic Districts in Corvallis on the City's website. Through its delegated authority as a Certified Local Government, under the National Historic Preservation Act of 1966, the City evaluates proposed alterations, demolitions, and new construction in Districts. Property owners in historic districts must apply to the City in order to make changes to historic structures, and proposed changes are reviewed by the City.

LIVABILITY

Finding 5.2.h Residents in the neighborhoods surrounding the OSU campus have expressed concerns about eroding livability in their immediate neighborhoods due to new development on and off campus. These threats to **livability** include, excess demand for limited on-street parking, unnecessary traffic searching for empty on-street parking spaces, changing neighborhood character, and conversion of single-family homes into college student rentals.

NON-CITY MASTER PLANS

Finding 1.2.k Since the last revision of the *Comprehensive Plan*, the City's use of master plans has proliferated, and more developers have wanted to use Non-City master plans as part of land use applications. To date, the City lacks clear standards for **Non-City Master Plans**.

Policy 1.2.10 In order to be used in land use planning, either approved by the Planning Commission or adopted by the City Council, **Non-City Master Plans** shall meet all applicable Planned Development requirements, including requirements for citizen participation. This requirement is independent of the specific review process.

Policy 1.2.11 Where compatibility conflicts might be anticipated to occur over time with development and expansion from large, master-planned facilities, the Land Development Code, Planned Developments, and **Non-City Master Plans** may require monitoring activities based on on-going measurement of specified clear and objective indicators related to traffic, parking, or other compatibility impacts. Where specified thresholds are exceeded, mitigation and remediation activities shall be required. City staff shall ensure that monitoring is completed according to applicable requirements, and that reporting and mitigation requirements are met. On an ongoing basis, reports concerning mitigation requirements shall be reviewed by the Planning Commission and/or City Council.

Master Plans

Background

Planning Division staff provide professional support to other City Departments, as well as outside entities such as Benton County, Oregon State University and Good Samaritan Regional Medical Center, in the development and monitoring of master plans.

Typically, master plans are reviewed through an extensive process involving public input, and formally adopted through a related land use process such as a Land Development Code Text Amendment or Comprehensive Plan Amendment. Additionally, Master Plans will often address "Special Areas of Concern", as outlined in Article 13 of the Comprehensive Plan. Special areas of concern often have broader environmental, economic, and compatibility concerns that the City has chosen to address within the broader geographic contexts of the City limits and Urban Growth Boundary.

Master Plans (Non-City)

- **Oregon State University Campus Master Plan (OSU CMP)**
The current OSU Campus Master Plan was adopted in 2004. In addition to the OSU / City Collaboration project, the following OSU CMP components are monitored on an ongoing basis:
Parking and Transportation Related Monitoring Reports
- **Good Samaritan Regional medical Center Campus Master Plan** The current hospital campus master plan was adopted in 2011.

Master Plans and Facilities Plans (City of Corvallis)

- Parks and Recreation Facilities Plan
- Transportation Master Plan
- Other Facilities Plans

Area Plans (City of Corvallis)

Area plans supplement the City's Comprehensive Plan, by providing a focused approach to planning and development within a geographic context that goes beyond the neighborhood level. The City's three adopted Area Plans are:

- North Corvallis Area Plan
- West Corvallis - North Philomath Area Plan
- South Corvallis Area Refinement Plan

<http://www.corvallisoregon.gov/index.aspx?page=1589>



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

**DRAFT
 CITY OF CORVALLIS
 PLANNING COMMISSION MINUTES
 JULY 6, 2016**

Present

Ronald Sessions, Vice Chair
 Jim Boeder
 Susan Morr e
 Carl Price
 Jim Ridlington
 Rob Welsh
 Paul Woods
 Penny York, Council Liaison

Staff

Kevin Young, Planning Division Manager
 Rian Amiton, Associate Planner
 Aaron Manley, Engineer, Public Works
 Matt Grassel, Engineer, Public Works
 David Coulombe, Deputy City Attorney
 Mark Lindgren, Recorder

Excused Absence

Jasmin Woodside, Chair
 Tom Jensen

Visitors

Eric Adams, PlanNext
 Lyle Hutchens, DevCo Engineering
 Chris Clemow, Clemow & Associates

SUMMARY OF DISCUSSION

	Agenda Item	Recommendations
I.	Community Comments	None.
II.	Public Hearing Pastega Property Comprehensive Plan (CPA14-00003/ZDC14-00005)	Motion passed to recommend the City Council approve the requested Comprehensive Plan Amendment. Motion passed to recommend approval of the requested Zone Change from G1 to MUE and RS-6 contingent upon the City Council approval of the requested Comprehensive Plan Amendment. He moved to initiate a Nonresidential Planned Development Overlay on the MUE portion of the property, contingent on the City Council approval of the Comp Plan Amendment.
III.	Old Business	
IV.	New Business- Discussion of Conflicts of Interest (see Nov. 14, 2013 memo from Deputy City Attorney to the Mayor and City Council- in packet)	
V.	Adjournment at 9:49 p.m.	

Attachment to the July 6, 2016 minutes:

- A. Submitted by Casey Hutchinson.

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Ron Sessions at 7:21 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard. Chair Sessions thanked retiring Commissioner Dan Brown for his service and welcomed new Commissioner Jim Boeder.

I. COMMUNITY COMMENTS:

Retiring Commissioner Dan Brown stated he'd enjoyed his work with Commissioners and bade farewell to Commissioners and staff.

II. PUBLIC HEARING – PASTEGA PROPERTY COMPREHENSIVE PLAN (CPA14-00003/ZDC14-00005)

A. Opening and Procedures:

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

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is contained in the staff report.

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 declared.
2. Ex Parte Contacts. None declared.
3. Site Visits. Commissioners Price, Sessions, and Morr  declared that they drove by the site.
4. Objections on Jurisdictional Grounds. None made.

C. Staff Overview:

Planner Rian Amiton stated there were two related land use applications. The first is a Comprehensive Plan amendment to change the designation on a portion of the subject site from General Industrial (GI) to Low Density Residential (LDR). There is also a request for a zone change to change the designation on the entire site; a portion would change from GI to Mixed Use Employment, and the remainder from GI to Low Density Residential (RS-6). The MUE standards require a Nonresidential PD Overlay. The Commission will decide on a zone change contingent on the City Council's approval of the Comp Plan, and the Commission will make a recommendation to the Council on the Comp Plan Amendment.

The site is 11.1 acres, designated General Industrial on the Comp Plan. There are no locally mapped Natural Resources or Hazards. There is a smaller lot to the south containing an office building with a garage and warehouse, and the larger portion is largely undeveloped, with an office building towards the north, and is adjacent to the Pepsi bottling and distribution plant on Walnut Boulevard and Highway 99W. The area to the north contains dense residential along Conifer Boulevard; the east has medium density residential; to the southeast, across Jack London Street, is an assisted living facility; to the south is a self-storage facility; and to the west is the Pepsi plant, a roofing company, an office, and a storage facility. Bordering the northwest is an active railroad line.

The site has a Comp Plan designation of GI, as do the properties to the immediate west. Properties to the north have Comp Plan designation as High Density Residential; the east is Medium Density Residential; across NE Jack London Street is Medium-High Density; and the south is GI. The west is zoned GI, with higher density residential to the north and east, and GI to the south.

The proposed zone change would affect the entire site. There would be MUE on 6 acres adjacent to GI properties; and 5.14 acres of RS-6. In order for the proposed Comp Plan Map Designations to support those zones, it requires a Comp Plan Map Amendment to change that portion to Low Density Residential. As of 5 p.m. today, no testimony had been received.

Commissioner Woods asked about the antenna and radio station on the site; it was noted that the antenna was removed about a year ago. Commissioner Boeder asked about the applicant not applying for a PD Overlay; Planner Amiton explained that they didn't explicitly request one, but a condition of the MUE Zone requires one.

Commissioner Morr  asked to show the location of the rail line; it was shown parallel to Highway 99W. Commissioner Sessions asked if wetlands would be discussed. Planner Amiton related that they are not locally protected wetlands, so the City's LDC doesn't affect their developability; the wetlands are subject to state protections. Commissioner Morr  asked the size of the wetlands; Planner Amiton did not know.

D. Legal Declaration:

Deputy City Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they believe are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the 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:

Eric Adams of PlanNext Consulting introduced Lyle Hutchens of DEVCO Engineering, and Chris Clemow of Clemow and Associates. Mr. Adams said the 11 acre site is located along NE Walnut Boulevard, with frontage along NE Belvue Street, NE Jack London, and a small frontage along the rail line. He outlined the diversity of area usages and zonings, including RS-20 apartments to the north, a private residential development to the west zoned RS-9, and an RS-12 assisted living facility. The entire site is currently designated as General Industrial in both the Comp Plan and the zoning map. The request would change that designation to Mixed Used Employment on 6 acres on the west, and Low Density RS-6 on the eastern half of the site.

When the application was originally submitted, the proposal was to have RS-6 on the entire site, but through neighborhood meetings, it was learned that that would have an inadvertent impact on surrounding General Industrial zoned properties to the west (largely regarding the 100' setback). As a result of that, part of the proposal is for a portion to be zoned MUE.

He presented an analysis of low density zoned land supply and demand trends. He highlighted the 1998 Buildable Lands Inventory (BLI) and the more recent 2014 Land Development Information Report (LDIR) information. The BLI projects the need for about 5,100 dwellings over a 24 year period, split between single-family and multi-family units. That works out to an average of 212 units per year for 24 years, with low density designations providing about 35% of that supply (1,785 units). However, his analysis shows 5,486 dwelling unit permits issued between 1996 and 2014 (about 288 units a year), surpassing the 5,100 BLI estimate, and we're not to 2020 yet. At this rate, the trend is for Corvallis to reach 7,200 dwelling units by 2020, and as a result, the supply of needed acreage for residential will be substantially more than anticipated by the BLI.

Based on projected growth, and assuming low density will supply 35% of the housing units, those zones would be expected to facilitate 604 low density dwelling units between 2015 and 2020. Since the BLI estimates about 3.2 units per acre for low density zones, that results in a demand of at least 199 acres.

He said the 2014 LDIR data (adjusted to show the Witham Oaks decision) shows 451 vacant acres of low density land, with 364 of these acres constrained by Natural Resources or Hazards. Aspects such as Significant Vegetation and Steep Slopes incur higher grading and excavation development costs. He noted that only 87 acres were completely unconstrained, but these comprised only 19% of the overall supply. He said constrained acreage would be expected to generate roughly 1,200 dwelling units, with some of that subject to Minimum Assured Development Area (MADA) limitations, reducing development to only 30 to 40% of the total acreage. He said that acreage unconstrained by Natural Resources or Hazards would be expected to generate 280 dwellings, only about 46% of the projected six-year demand of 604 dwellings. That will require meeting low density housing acreage using lands constrained by Natural Features and Hazards.

He noted the 1998 BLI projected a demand of about 44 acres of GI/II Heavy Industrial. In 1998, the City had 430 acres of vacant GI/II, which has increased to 491 acres as of 2014, of which

421 acres are unconstrained by Natural Features or Hazards, representing a significant surplus. With an average consumption of about 5 acres a year, at that rate, it would take some 83 years to fully develop the supply of 421 acres. The request, if approved, would increase the supply of unconstrained low density acreage from 87 to 92 acres, increasing capacity from 280 to 295 dwellings.

He said RS-6 is the LDC's zone of choice for low density development pattern due to relatively smaller lot sizes. The dwelling types in that zone are compatible with adjacent residential development. He contended the request would be a more efficient use of the land than current zoning, since the current zoning designation requires a 100' setback, which in the proposed zoning could be used to provide housing.

The MUE Zone Change allows less intensive industrial uses, is more compatible with adjacent uses, with a broader mix of civic and commercial uses. It permits diverse residential development, multiple PODS, and a transition/buffer between GI and Residential Zones. The PD Overlay public process will allow the community to address potential compatibility conflicts.

Regarding Transportation and Utilities, the RS-6 zoned lot would have reduced trip generation with no significant effect in regard to transportation planning. The MUE zoned lot would have potential for slightly increased trip generation, but analysis shows that it would not have a significant impact on the Level of Service (LOS) within affected intersections. All necessary utilities are within immediate proximity of the site and have capacity to facilitate its development.

Commissioner Morr  asked how the zone changes meshed with tax lots. Mr. Adams replied that the smaller tax lot off NE Belvue St. would be completely within the MUE zone.

Commissioner Price asked about the deed restriction in Attachment E in the packet. Mr. Adams explained that the LDC requires MUE applications to record the deed restriction so that future owners are aware that there is an expectation of developing the site with some level of industrial use. Commissioner Morr  asked if the area zoned low density residential could be expected to add about fifteen dwellings; Mr. Adams concurred. He stated that trip generation was based on the maximum density potential of six units per acre.

F. Staff Report:

Associate Planner Amiton said each of the requests have their own review criteria. One criteria for Comprehensive Plan amendments is to evaluate consistency with Comp Plan Policies. Among the 22 policies deemed relevant by staff, primary themes include efficient use of land, meeting the City's housing needs, preserving industrial and commercial land where appropriate, and encouraging comprehensive neighborhoods. Staff found the application largely consistent with Comp Plan policies. Since the low density residential area is larger than five acres, the development must provide a mix of housing types.

The Commission and Council must make three findings. Regarding the first- to demonstrate a public need, staff largely concurred with the applicant's analysis, with the exception of one point on methodology: the definition on "constrained lands". That definition is not reflected in the City's materials, including the LDIR. The applicant considers steep slopes, landslide hazard risks, partial protection 100 year floodplains to be constrained lands. However, the LDIR does not consider these constrained, since there is not necessarily a restrictive standard that would prevent development in those areas.

While the applicant estimates about 2.8 years' supply of low density land remaining, given current trends, City staff's calculations are for 7.3 years. Given the complexity of development, it is difficult to project with accuracy, and the actual number was probably in between those figures, and he concurred that the City was running short on those lands.

The BLI projected a need of 44 acres of Heavy Industrial before 2020, while the 2014 LDIR estimated 490 acres of vacant General Industrial lands, of which 455 are constrained. If this request were approved, 485 vacant acres would remain. That would not account for two pending Comp Plan amendment applications: Corvallis Station (removing 4.6 acres of GI) and Willamette Business Park (removing 24 acres of GI) still leaving well over what is projected to be needed by 2020.

The Commission and Council must also find that advantages outweigh disadvantages. One disadvantage is that the proposal reduces land suitable for industrial development, particularly along rail lines. An advantage is that it is a reasonable location for a low density residential development. He noted there is other GI land in the area, some on the rail line, and there is a surplus of GI lands.

The Commission and Council must lastly find that the proposal is a desired means of meeting a public need. He said there were two options to increase supply of needed Map designation: a Comp Plan Amendment or an annexation. When there is a public need, a Comp Plan amendment represents a more efficient use of land, especially when there is shown to be a surplus of the land designation being utilized, and staff had not identified major compatibility concerns between the proposed Comp Plan designation and the adjacent Comp Plan designations.

Regarding compatibility criteria considerations, zones corresponding with GI include enhanced compatibility standards. MUE, requested by the applicant, has step-down provisions, so that any structure adjacent to a residential property can't be more than one story taller than those residential properties for the first 20' of the structure. There are a number of buffering and setback provisions within GI that would mitigate compatibility concerns. The street alignment internal to the site would likely separate the low density residential from MUE designations. The applicant submitted a conceptual site plan to give an example of how the lots may be laid out (though the Commission is not evaluating it).

Regarding transportation impacts, the applicant provided a TIA, finding fewer trips with the Comp Plan designation and no significant impacts to the transportation system. Regarding utility capacity, a submitted study showed lower water and sewer demand with the proposed Comp Plan designation, as well as less stormwater runoff.

Staff concluded that regarding the proposed Comp Plan Amendments, there was a demonstrated public need for low density residential land; that advantages outweigh the disadvantages; that it would be a desirable means to meet the public need; and that development within the site would be compatible with adjacent uses.

He stated that the Zone Change compatibility criteria were similar to the Comp Plan designation application. Uses in MUE are assumed to be compatible with GI. MUE is intended to be somewhat industrial in character, and the equivalent of a quarter of the site's Floor Area Ratio Requirement (FAR) must be dedicated for industrial uses. The MUE requires a height step-down adjacent to residential areas and is required to provide pedestrian amenities and a 20%

dedicated green area. MUE is intended to provide a transition between GI and residential. A Nonresidential PD Overlay public process is required as part of MUE standards, so the Commission and the public will have a chance to look at it again. He listed other MUE-zoned sites in the City.

Regarding noises, odors, emissions and lighting, these are permitted in MUE are not anticipated to generate greater amounts than the current GI. The GI zone typically allows greater intensity of industrial development than MUE.

Regarding signage, MUE is subject to the same Nonresidential signage standards as GI, and RS-6 is subject to more restrictive residential standards. Regarding landscaping for buffering and screening, MUE is subject to Non-residential landscaping standards, as is GI, but with an added 20% dedicated green area, along with required pedestrian amenities.

Regarding transportation, the TIA shows fewer trips with RS-6, but more with MUE, and on balance there is a net increase in peak hour trips, both a.m. and p.m., but not a significant effect or beyond the ability of nearby intersections to handle. The ODOT expressed concern with the methodology used, but felt a correction would be unlikely to alter the TIA conclusions. A more accurate TIA would be expected with development and ODOT and the City would then have another chance to look at traffic impacts.

Regarding Significant Natural Features, there are no mapped locally protected natural features. Some trees may be significant-, and a tree survey and preservation would be evaluated with a development proposal. Wetlands would be regulated and overseen by the Department of State Lands (DSL).

The MUE zone has its own set of standards (LDC 3.27.20). It must consist of lots of less than 20 acres in size; it must be within .25 mile of existing or planned transit (CPS Route 1 directly abuts the site); the zone shall be at least one acre in size (this is 6 acres); a PD Overlay shall be applied to any sites over five acres in size (as is the case here, and applicants understand this requirement); a minimum of 50' is required along a public street (this site has about 150' of frontage along Walnut Boulevard). The deed restriction is currently in escrow with instructions to be recorded if the Zone Change is approved.

Regarding the Nonresidential PD Overlay, LDC 3.32.40-Initiation Criteria, the hearing authority (the Planning Commission) may initiate a Nonresidential PD Overlay if it finds that applicable underlying zone standards are not adequate to address any of the following issues, including circulation, resolution of issues related to unusual site configuration, assurance of comprehensive planning and coordinated development for the property at large and/or has mixed uses, or compatibility issues, where it is desirable to locate more intensive land uses next to less intensive land uses.

Staff found the requirement within the PD standards alone was sufficient for the Commission to initiate the PD Overlay. Also, there would be a mix of uses within the site, if it were to be approved; it has an unusual site configuration that is relatively long and narrow, without a street network for the site to tie into; so there are development considerations that staff feel justify meeting the standards.

He stated that staff recommend the Commission recommend the Council approve the requested the Comp Plan Amendment; recommend approval of the requested Zone Change contingent on

that Comp Plan Amendment approval; and that the Commission initiate a Nonresidential PD Overlay on the MUE portion of the property.

Commissioner Morr  asked about uses allowed outright in MUE zones. Planner Amiton replied that residential is a permitted use in the MUE zone.

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

H. Public Testimony in opposition to the applicant's request:

Casey Hutchinson related he manages a 161-unit property to the east of the site. He said the property is getting periodically flooded from the property to the west, and was concerned whether that would be addressed. He related a City staffer, Kham Slater, visited the site. He summarized Mr. Slater's findings that it was an area with poor infiltration, in which water tends to remain on the surface for extended periods, with a natural flow from west to east. There do not appear to be any drainage features to convey accumulated water along the boundary, so water from the Pepsi site goes towards the proposed area. Mr. Hutchinson stated that people's houses and land are being seriously flooded.

Commissioner Morr  asked if his site was directly east off of NE Jack London Street; Mr. Hutchinson confirmed that it was.

Commissioner Sessions said staff's Development Related Concerns included drainage from that site; however, tonight we're not looking at any specific requirement for the site other than zoning. Mr. Hutchinson submitted a copy of the report for the record. **(Attachment A)**

Kevin Fitzpatrick, Pepsi Supply Chain Operations Manager, related that Pepsi bought the facility from the Pastega family about five years ago. We are planning substantial improvements in the future and try to be good neighbors- we've only just now heard the concern stated regarding drainage. Our concern with the development is that we are a 24-hour facility and operate six days a week, and operate throughout the night, including trucking, creating noise-related issues. His concern is regarding complaints from the future residential area related to normal operations of the facility.

Commissioner Sessions asked if there had been any complaints from neighbors across the field; Mr. Fitzpatrick replied that there have been none. The company's main concern was residences moving closer, given the night operations.

Lisa Sprick, Sprick Roofing, said her company's site was on two acres next to Pepsi and across the street from the property. She asked what proportion of the unconstrained acres of GI were owned by the City, saying that many of those acres were simply not purchasable. She stated that the company had previously been forced to move twice due to re-zoning of GI, which is difficult and expensive. The company had been relieved to locate to this current site, since the roofing company generates noise and odors. When new residents move in nearby, noise and traffic after hours becomes a factor. She cited noise from Republic Services and Pepsi trucks. She said we don't want our 25-employee business to be restricted and affected.

She felt that at neighborhood meetings, the applicant heard her company's concerns regarding MUE setbacks. Given her company's past experiences, she guaranteed that new residents

would complain to their City Councilors about Sprick's noise and odors, causing restrictions to be imposed until the company is forced to move again.

Commissioner Morr  asked what Ms. Sprick would rather see on the property, instead. Ms. Sprick replied that she would like to see other GI uses for the site. She wasn't sure how MUE would affect the company's GI usage, property value, or future building.

Ken Pastega commented that his family had long been a good citizen of the community. In looking at the land, the Pastega's did a lot of research and worked with City staff. The original application was changed from RS-9 to RS-6, with some MUE. Pepsi has been operating in the location since 1968. The proposal now includes 50' setbacks. A train has been going through for 60 years. There is no longer enough usage to justify a rail spur. Light or General Industrial is less conducive to nearby apartments. The proposal meets community needs on housing; there's plenty of industrial lands. He noted that many people working in Corvallis must live in outlying areas for affordable housing, contributing to serious commuting traffic problems.

I. Neutral testimony: None.

J. Rebuttal by Applicant:

Mr. Adams stated that regarding Mr. Hutchinson's concerns on flooding to the east, City Code engineering standards would include resolving off-site drainage with future development plans. Regarding Mr. Fitzpatrick's comments on Pepsi operations, there were two neighborhood meetings, which representatives from Pepsi and Sprick attended, and the resulting proposal tried to respond by balancing zoning and mixed usage. There are opportunities to mitigate noise and odor impacts through various construction methods, including better windows and insulation. He noted that future development under the current GI zoning could create even greater conflicts with nearby residents. The PD Overlay process will allow the Commission and community to discuss where residential uses could and should be allowed on the property, if at all (there is not a requirement for residential use on MUE lands). Regarding Ms. Sprick's question on City ownership of industrial lands, he said his calculations did not include the Airport Industrial Park south of current City limits, within the UGB.

Commissioner Woods asked if there had been consideration of another zone besides MUE that would not allow residential, thus creating a natural buffer. Mr. Adams replied the applicants felt that MUE Zone was the best fit, requiring just a zone change process, with various mixed uses being a benefit to the neighborhood. Other mixed zones had criteria that probably couldn't be satisfied.

Commissioner Woods asked if the RS-6 or RS-9 zones required a 100' setback on the subject site; Mr. Adams required it did not. However, Pepsi or Sprick would not have been able to expand use of their facilities on their GI lands to within 100' of their east property lines.

Commissioner Sessions asked about Parcel C, shown in the packet on PCA-85. Mr. Adams replied that the site, with a single-story office building, is proposed to be zoned MUE at this time. Any residential uses of that site would trigger setback issues for adjacent GI properties- that's where the PD Overlay comes into play, including discussion on compatibility. The setback standard is inherent to the GI zone itself, not the use.

Commissioner Morr  asked about fire access routes shown in PCA-85 extending through non-locally protected wetlands, and highlighted Mr. Hutchinson's complaints about flooding. Mr.

Adams stated that the wetlands appeared to be north of the fire access; if the DSL allows their removal, mitigation would be required.

K. Sur-rebuttal: None.

L. Additional time for applicant to submit final argument:

There was no request for a continuance and the applicant waived a seven-day period to submit additional testimony.

M. Close the public hearing: The Chair closed the public hearing.

N. Discussion and Action by the Commission:

Questions from the Commission:

Councilor York asked Manager Young to respond to the member of the public's question regarding industrial land owned by the City. Mr. Young responded that there is no City initiative to divert industrial development to the south of the City. The City operates the Airport Industrial Park site on a lease from the FAA, and the economic development program encourages new business to use that site.

Commissioner Morr  asked about the City's view on unconstrained lands. Planner Amiton said the definition of unconstrained lands doesn't include the whole range of Natural Features constraints, including 100 Year Floodplain and Landslide Hazards, since they're are not considered to be undevelopable or requiring MADA to develop. The City interprets these as Unconstrained Lands, accounting for the difference in the City's calculations from the applicant's. Manager Young added that the applicant was arguing that this site would lend itself better to housing, since it was unconstrained by factors that increase development costs.

Commissioner Price asked about testimony on how setbacks in the MUE zone affected GI owners. Planner Amiton said the reference setback is in the GI Code, and mandates no structures within 100' of a residential property line. He said the initial proposal was for the whole site to be RS-6, but a 100' setback from the boundary would extend into the Sprick and Pepsi sites. With the MUE zone, that would only be the case if there is a residential use that shared the western property line. Through the PD process, the Commission will have a chance to review the development proposal and whether a residential property line will be within 100' and affect adjacent GI properties.

Commissioner Ridlington highlighted Mr. Pastega's testimony regarding affordable housing, saying that whether housing is affordable or not was not part of the Commission's purview. Manager Young said the Council has advocated for more affordable housing, but the applicant has asserted that the site lends itself well to that type of housing.

Commissioner Woods said if this is approved and the MUE put to residential use, a current GI owner could not now build within that 100' setback if they wanted to expand. Planner Amiton replied that would be true if it was within 100' of the GI property line. Commissioner Woods asked if that was not a taking of GI property owners. Manager Young agreed it was an odd feature, but disputed whether it denied all reasonable use. With the PD Overlay, we'd have a chance to review that for the site, and we're very cognizant of the impact of existing GI users.

Commissioner Price asked if Pepsi and Sprick were within the notification range for a PD Overlay hearing; Manager Young replied that they were. Commissioner Morr  asked if the staff presentation would be available as part of the public record; Manager Young replied that those are not typically posted at the City's website. Commissioner Morr  said that people wouldn't have an opportunity to view it if they weren't here tonight to see the presentation. Commissioner Price said the entire application, including the staff report, is available to the public online.

MOTION:

Commissioner Welsh moved to recommend the City Council approve the requested Comprehensive Plan Amendment; motion seconded by Commissioner Price. Motion passed unanimously.

Commissioner Price moved to recommend approval of the requested Zone Change from GI to MUE and RS-6 contingent upon the City Council approval of the requested Comprehensive Plan Amendment. He moved to initiate a Nonresidential Planned Development Overlay on the MUE portion of the property, contingent on the City Council approval of the Comp Plan Amendment. Motion seconded by Commissioner Ridlington.

In discussion, Commissioner Woods commented that Ms. Sprick's testimony was eye-opening, but that the PD process should help address her company's concerns. It is a difficult trade-off, since we have a severe shortage of housing.

Commissioner Morr  expressed concern about different interpretations on acreage of unconstrained and constrained lands. Commissioner Price concurred with staff's estimate that the number of BLI estimates were somewhere in the middle of the two estimates, though both were probably low, and that additional residential land was needed in the city. Commissioner Morr  said the figures on issued building permits showed the actual rate that housing is being built, highlighting increased demand for housing. Commissioner Price said the estimate was based on the number of issued permits.

Commissioner Morr  asked about the impacts of that higher than projected growth on infrastructure, City services and our planning; Manager Young replied that the City infrastructure plans anticipate build out of the entire Urban Growth Boundary, and typically development improves infrastructure needed to support it, so there is a capacity and ability to serve the service needs of new development as it comes in. Commissioner Morr  suggested the Imagine Corvallis Vision 2040 consider this higher residential growth trajectory.

Motion passed unanimously.

O. Appeal Period:

The Chair stated that any participant not satisfied with this decision may appeal to the City Council within 12 days of the date that the Notice of Disposition is signed.

III. OLD BUSINESS.

Councilor Penny York said the Council's second August work session will look at the draft of the Buildable Lands Inventory (BLI). There will also be review of the draft Imagine Corvallis Vision statements, which should include the growth issues discussed tonight.

IV. NEW BUSINESS- Discussion of conflicts of interest (see Nov. 14, 2013 memo from Deputy City Attorney to the Mayor and City Council – in packet).

Deputy City Attorney David Coulombe said some Commissioners were interested in how the Council has interpreted LDC 1.1.60 on Conflicts of Interest. He highlighted his memo in the packet. He gave the example of a Councilor recusing themselves on a decision since they lived within a Notice Area; following that, staff reviewed interpretation on actual vs. perceived conflict.

He summarized that the Code provision is consistent with State law. The Council's interpretation is that if a Commissioner has an actual conflict of interest, you need to recuse yourself. If you have a perceived or potential conflict, then you declare it and then proceed if you can deliberate in a fair and impartial manner. If you have an actual conflict of interest, but your vote is needed to achieve quorum, you can vote, but under State law, may not participate in any other way (this is in order to meet the 120 day rule).

Commissioner Sessions highlighted his actions in recusing himself in the recent Dutch Bros. application because he felt he could not be objective, and was prevented from testifying in opposition, and asked how he should have handled it. Attorney Coulombe encouraged Commissioners that think they have a concern regarding a conflict of interest or potential bias to contact the Attorney's office, in order to alert staff and the Chair that it is coming, so staff can process it and work through it.

In terms of testifying, he said some experts advocate that Commissioners not even be in the room if they cannot be impartial, in order to avoid the appearance of unfairness and impartiality. However, others believe that being a Commissioner does not mean giving up the right to speak, so he recommended that the Chair ask all Commissioners to declare whether they can render a fair and impartial decision if such a Commissioner testified. If they can't, then the Chair should ask a Commissioner not to testify.

Commissioner Sessions noted that in every case we review, many of us form options before the hearing, and our job is to identify those reasons and supporting Code. Manager Young said the Commission's role is not fact finding, but in this instance, Commissioner Sessions was looking at Comp Plan policies that may or may not have been part of the staff report. He said that Commissioner Session was within his purview to look at area plans, Stormwater Master Plan, etc., which is not outside the land use application, and if he finds that the proposal was not consistent with a policy that staff did not identify, Commissioner Sessions should absolutely bring that forward. It is valid for Commissioners to look at the record, along with rules and regulations.

Councilor York added that the Council recently changed the questions they ask of Planning Commissioners during their application interviews. In drafting those questions, she queried a half-dozen past Commission chairs. She highlighted that one said that a Commissioner needs to be able to make a decision on the criteria, and not what you like.

Attorney Coulombe noted that the bar on actual, legal bias is relatively high. Commissioners are also governed by their own conscience on whether they can be fair in rendering a decision. You have to set aside your own views on a project, and be fact-based on objective, balancing policies, and whether a project satisfies the criteria.

VI. ADJOURNMENT: The meeting was adjourned at 9:49 p.m.

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Notes

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Water accumulation along Northstar Park 2601 J...

Slater, Kham <Kham.Slater@corvallisoregon.gov> Mar 17 at 3:23 PM To 'northstarmhc@yahoo.com'

Casey,

I walked the open field between the park and Pepsi this morning. I observed extensive marshy areas and standing water - and I was able to see the area where pooled water has been encroaching into backyards along the west side of the park. I did not see evidence of any kind of ditch or conveyance.

Based on my observations I believe that the water accumulation along the western boundary of the site is due to several factors:

--this appears to be an area with poor infiltration; water tends to remain on the surface for extended periods (there are two non-locally protected wetlands).

--the field has a natural slope from west to east, so any stormwater falling in the field will migrate toward the park.

--there also two swales that appear to flow from the Pepsi compound to the western boundary of the park.

--there do not appear to be any drainage features to convey accumulated water along the boundary of the park to a creek or City stormwater facility.

As for resolution, the matter is primarily a civil issue between the landowners. It's complicated by the fact that three are involved - an unknown volume of stormwater appears to be flowing from the Pepsi property to the undeveloped field, which is under different ownership. If you were to request some form of drainage feature to move water along the park boundary I would think you would need to contact the field owner. Either you or that owner could then look into the question regarding stormwater runoff from the Pepsi property. Maybe they have approval to discharge water at those two locations. As I mentioned, there do appear to be state or federal protected wetlands, so this also would need to be looked into prior to any drainage feature install.

Kham Slater
Engineering Technician III
City of Corvallis, Development Services
Office - 541-766-6451
Kham.Slater@corvallisoregon.gov

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Reply Reply to All Forward More

Rec'd @ PC mtg
Date 7/6/16
City of Corvallis

Tim McFadden
P.O. Box 98
Poulsbo, WA 98370

**WATERSHED MANAGEMENT ADVISORY BOARD
MINUTES
June 22, 2016
DRAFT**

Present

Jessica McDonald, Chair
David Hibbs, Vice-Chair
Charlie Bruce
Jacque Schreck
Richard Heggen
Steve Rogers
Joel Hirsch, City Council Liaison

Staff

Jennifer Ward, Public Works
Tom Hubbard, Public Works
Mark Miller, Trout Mountain Forestry

Visitors

Ken McCall, Oregon Hunters Association
Shane Hetzler, Trout Mountain Forestry

Excused

Sheryl Stuart

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Introductions	X		
II. Review of Agenda	X		
III. Review of April 27, 2016 Minutes			Approved
IV. Community Comments • Naming Watershed Tributaries	N/A		
V. City Council Report			
VI. New Business • FY 16/17 Financial Overview	X		
VII. Old Business • 2016/17 Harvest Planning • Annual Tour Debrief	X X		
VIII. Staff Reports	X		
IX. Board Member Requests and Reports • Finance and Habitat Working Group Reports • WMAB Annual Report • Streamflow Studies • Summer Meeting Schedule	N/A X N/A		July meeting canceled.
X. Adjourn			

CONTENT OF DISCUSSION

I. Call Meeting to Order/Introductions

Chair McDonald called the meeting to order and those present introduced themselves.

WMAB Minutes

June 22, 2016

Page 2 of 3

II. Review of Agenda

Ms. Ward recommended having Mr. Miller discuss the harvest plan closer to the beginning of the meeting.

III. Review of Minutes

Board Member Bruce moved to approve the April minutes; Board Member Rogers seconded the motion and the minutes were approved unanimously.

IV. Community Comments

Visitor Ken McCall reported that he was recently at the County Museum and discovered an album with historical photos from the watershed. He has an appointment to go back and make copies of the photos.

Naming Watershed Tributaries

Not discussed.

V. City Council Report

None.

VI. New Business

FY 16/17 Financial Overview

Ms. Ward provided an overview of the City's budgeting process and shared the watershed budget for the 2016-17 fiscal year. The Board discussed the possibility of a fund reserve and asked staff to bring back numbers of what it costs to run the watershed without a harvest to get a baseline.

VII. Old Business

2016/17 Harvest Planning

Mr. Miller provided an overview of the 2016-17 harvest. He stated that the plan and layout are complete and the bid process is just beginning and should be ready by mid-September. He noted that this will be a two-year harvest plan, in two areas, with about half the acreage being cable-yarded and the other half being tractor-yarded. There are some Marbled Murrelet restrictions in the area which have been factored into the harvest plan. Overall, the harvest should produce over one million board feet over nearly 110 acres.

Annual Tour Debrief

Ms. Ward reported that approximately 30 community members attended. She shared feedback from the attendees' comment cards. Ms. Ward asked the Board if, considering the low attendance, staff should put so much effort into the annual tour. Mr. Rogers opined that more needs to be done to attract community members to the tour, as the watershed is an important resource and more people should know about it. Staff will work with the Public Information Officer to increase advertising.

VIII. Staff Reports

Mr. Hubbard reported that the emergency response plan is progressing and staff is still in the process of gathering information.

WMAB Minutes
June 22, 2016
Page 3 of 3

Ms. Ward reported that the watering system for Old Peak Meadow is almost ready. She will send out emails as the watering dates are determined, the first being June 30.

Ms. Ward noted that the fish survey reports were in the Board's meeting packet. She will reformat a small portion before emailing the final document to the Board and posting it to the website. The Board raised some concerns with the report and asked that they be discussed at the next meeting.

Mr. Miller reported the following:

- He has taken a number of tours to the watershed.
- Siuslaw National Forest has discovered some discrepancies in its Marbled Murrelet and Spotted Owl data for its harvests. The discrepancy at the National Forest is internally generated and does not impact harvests on the Corvallis Forest or the endangered species survey data on which harvests are based.

IX. Board Member Requests and Reports
Finance and Habitat Working Group Reports

Both groups had nothing to report.

WMAB Annual Report

Chair McDonald presented a draft of the report and asked the Board to submit suggestions for the report via email to finalize the report for the next meeting.

Streamflow Studies

Not discussed.

Summer Meeting Schedule

The Board agreed to cancel the July meeting.

X. Adjourn
The meeting was adjourned at 6:55 p.m.

NEXT MEETING: August 24, 2016, 5:15 p.m., Madison Avenue Meeting Room

Skyline West – Progress and Plans for Wildfire Protection – August 1, 2016

John Krochta, Skyline West Neighborhood Association (SWNA), Safety Committee Chair

The SWNA was reactivated ~ 2 years ago, including formation in early 2015 of a Safety Committee. The Safety Committee has spent the past 1.5 years dealing with wildfire education and risk reduction in our area. We have had important on-going support from Corvallis Fire Dept. Planning and Administration Division Chief Douglas Baily and Urban Forester Jonathan Pywell, as well as early support from Community Development Land Use Inspector Shannon Lewis. We've also benefited greatly from a 2010 "Skyline West Mitigation Analysis" report on wildfire risks prepared by Fire Marshall Jeffrey Prechel. Benton County Senior Planner Chris Bentley and ODF personnel have also been very supportive of our efforts. To date we have:

- Assessed overall wildfire risks to our neighborhood
- Received inspection of each property for wildfire risks by Douglas Baily and Jonathon Pywell
- Provided inspection results and information on remediation actions to residents
- Participated in National Wildfire Awareness Month (May), by providing information to residents on defensible space creation and home modification for fire protection; evacuation notification and procedures; emergency supplies; and progress on firebreaks, emergency exit and water supply
- Participated in National Wildfire Preparedness Day (May 7th), with individual property owner projects and community roadside clearing to reduce fire risk

Skyline West was recently recognized for our wildfire protection efforts by being awarded "Firewise Communities" status by the National Fire Protection Association.

Two critical goals for further reducing wildfire risk in Skyline West are development of: **1) emergency egress**, and **2) emergency water supply**. These are very important, because our neighborhood has only one way in-and-out and no fire hydrants. The "Skyline West Mitigation Analysis", written by Fire Marshall Jeffrey Prechel, documents the need for an emergency egress and an emergency water supply.

A September 2015 meeting of Safety Committee members with CFD Douglas Baily, Urban Forester Jonathan Pywell and Stephen Fitzgerald, Director of OSU College of Forestry Research Forests, led to the conclusion that the most workable option for an emergency egress from Skyline West at present is from the west end of Ponderosa Ave., across OSU Sheep Center property to an existing road connecting the Sheep Center barn to Oak Creek Dr. The road across OSU property would be dirt/gravel and gated for emergency use only. The Sheep Center is also a workable location for placement of a 30,000 gal. emergency water supply tank recommended by Fire Marshal Prechel in his 2010 study.

A December 2015 meeting of Safety Committee members with Professor and Head of the Dept. of Animal and Rangeland Sciences, Dr. John Killefer, and Sheep Center Manager, Seth Spencer, resulted in a draft Memorandum of Understanding detailing the development of an emergency egress and water supply tank on OSU Sheep Center Property. It was sent to Dr. Killefer on Jan. 12, 2016, for OSU comments.

The SWNA Safety Committee is happy to share this information. We hope that City of Corvallis interactions with OSU will highlight the importance and encourage achievement of an agreement between Skyline West and OSU for development of an emergency egress and water supply on OSU Sheep Center property. Reaching such an agreement, along with Skyline West's Firewise Community status, will allow us to initiate planning and fund raising activities. We appreciate your support in accomplishing these goals.

SWNA Safety Committee:

Carrie Berger
John Krochta (Chair)
Duane Sorensen
Edward Walsh

Hersh Crawford
Tracy McAlister
Chris Veal (Firewise Chair)

James Gotchall
Elizabeth McQuitty
Elizabeth Waldron

Meeting handout
8-1-16
Council mtg.

TO: City Council for July 5, 2016
FROM: Mark W. Shepard, P.E., City Manager *MWS*
DATE: June 29, 2016
THROUGH: Nancy Brewer, Finance Director *NB*
SUBJECT: Intergovernmental Agreement with Benton County –
Mid-Point 10-Year Plan to Address Homelessness



Action Requested:

Staff recommends Council authorize, by motion, the City Manager to execute the Intergovernmental Agreement (IGA) with Benton County for Mid-Point Funding of the 10-Year Plan to Address Homelessness. Execution of the IGA will result in an expenditure of \$20,193 of the \$40,000 in City funds set aside for homelessness initiatives.

Discussion:

The Housing Opportunities Action Council (HOAC) has proposed that the 10-Year Plan to Address Homelessness be updated. This issue has been discussed by Council in the past and \$40,000 was set aside in the approved FY 16-17 budget to fund homelessness initiatives as selected by the City Council.

Authorization to enter into the IGA will allow the City to join as a partner with Benton County and Samaritan Health Services in funding this work effort. Original estimates for City participation was \$40,000. However, the City's contribution has been reduced to \$20,193. This reduction is due to Benton County lowering the cost estimate of the work and self-funding a portion of the work in addition to Samaritan Health Services joining as a funding partner.

At a future meeting Council will evaluate options for the use of funding that has been set aside from various sources for homelessness initiatives, such as a men's emergency shelter. While that discussion is not part of the IGA authorization, I have included the list of funding for Council's reference.

Resource	Total available	Committed Funds	Remaining Balance	Restrictions
Budget Set-A-Side	\$40,000	\$20,193	\$19,800	None
Social Service Funding	\$10,000	\$0	\$10,000	None
CDBG Funding	\$10,000	\$0	\$10,000	Yes
Police Funds	\$7,200	\$0	\$7,200	None
Total	\$67,200	\$20,193	\$47,000	

Staff anticipate that Council is likely to receive a shelter proposal from Community Outreach, Inc. in the near future. It will be useful for Council to have that proposal before making final determinations on how to invest the homelessness funding.

Budget Impact:

Authorization to enter into the IGA will include an expenditure of \$20,193 of the \$40,000 budgeted in the General fund as a homeless set-a-side.

Holzworth, Carla

From: Traber, Biff
Sent: Monday, August 01, 2016 10:29 AM
To: Mayor and City Council (External Website Publishing)
Cc: Mayor and City Council (Internal Email); Holzworth, Carla; City Manager
Subject: Tonight's Mayor's Report - Material about men's shelter

Handout
8-1-16
Council
mtg.

Councilors

The city has reached a crisis point. The city has no specific plans to shelter chronically homeless men during the coming winter; the usual winter shelter season will begin in 3 months. COI and CHF had started discussions toward a collaborative solution based on the expansion in services COI had announced last spring. On Thursday, I learned that COI was halting those discussions due to a concern over funding and location. There appeared to be unbridgeable disagreement between the two organizations. On Friday, I learned that the meetings were back on again as some CHF requirements had been clarified. In the emails describing this sequence, it appeared that part of the difficulty was achieving mutual understanding of the requirements of various parties, especially the city council. I think the council needs to take more of a lead in this process by at least describing the characteristics of a minimal solution council will support. To this end, I propose to council that it adopt a sense of council that can be communicated to the community. I offer the following as my suggestion to council.

Men's Shelter for 2016-2017

Homeless men in Corvallis, at a minimum, deserve to be protected from severe illness and death during the winter. To this end, city council will support, including funding, any proposal that

- provides shelter for homeless men
- is open at least overnight during inclement weather (e.g., <37 degrees)
- has admission requirements based on behavior only but strictly enforces a no drug and no alcohol policy
- the shelter offers sleeping places and sanitary facilities; the number of sleeping places should be based on shelter history
- shelter may be at one or several locations (scattered site)

Any proposals asking for city council support need to identify specific support needed from the city, including funds requested. These proposals need to identify source and amount of other funding to be used for the proposed services. The proposal needs to be submitted to the city at least 2 weeks prior to a council meeting at which the proposal will be deliberated upon.

I look forward to hearing your thoughts on this matter this evening.

Biff

Biff Traber
Mayor, Corvallis
541-766-6985
biff.traber@corvallisoregon.gov

Holzworth, Carla

From: Julie Manning
Sent: Friday, July 29, 2016 9:15 AM
To: Holzworth, Carla
Cc: Traber, Biff; SCHUSTER Anne
Subject: message for Mayor/City Council for Aug. 1 Council meeting

July 29, 2016

Dear Mayor Traber and City Councilors:

I wanted to express my support for the Lead Administrator Proposal submitted by United Way of Benton and Lincoln Counties, which is being recommended for your positive consideration by the Housing Opportunities Action Council (HOAC).

I have recently returned to the HOAC after concluding four years as co-chair of its predecessor group, the Homeless Oversight Committee, and I also served as a member of HOC throughout the development of the current Ten-Year Plan to End Homelessness in Benton County. For the group's entire history, it has never had an ongoing, consistent means of providing meeting and logistics support, relying on a combination of County staff (when time and resources allowed) and AmeriCorps workers for six-month periods. This support was helpful and greatly appreciated, and it set the stage for taking the next important step in the group's ability to leverage its collective expertise toward addressing the issues related to housing and homelessness.

Now, the reconstituted HOAC has developed a governing structure and operating guidelines, and with funding support from the City, County and Samaritan Health Services, is undertaking an update of our Ten-Year Plan. Now is the time to provide the much-needed logistics support that will serve as the organizational "glue" to help us move our plan forward and achieve the results our community wants and needs.

I know that all of you have served on multi-stakeholder groups that come together to solve complex problems. You understand the value of having a consistent point of contact to ensure that meetings take place, information is shared and stored for future reference, and progress is made on the plan of work. The proposal submitted by United Way provides that important point of contact, and I urge you to take favorable action in making funds available to support its implementation.

Thank you for considering this request.

Sincerely,

Julie Manning

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To: Corvallis Mayor and City Council
From: Courtney Cloyd, Central Park Neighborhood Association President
Date: 08/01/2016
Re: City of Corvallis Financial Support For The Winter Men's Homeless Shelter

The Central Park Neighborhood Association is aware of Mayor Traber's proposal that the Council issue a position statement addressing the possibility of providing some City funding support for the 2016-17 Winter Men's Homeless Shelter. When you consider the Mayor's proposal, the CPNA urges you to include the following points in your deliberations.

- The County has primary responsibility to address social issues, and should be approached first for funding.
- The City already lacks adequate funding for repairs to streets, and water and sewer systems, and for parks and natural areas maintenance. Any funding to support a men's winter shelter should not be drawn from those accounts.
- The City Council's position statement should point out that the City Manager is expected to enforce the nuisance ordinance on the men's winter shelter, just as is done on other nuisance properties. Corvallis residents have the right to not live next to a nuisance property.

Thank you,



Courtney Cloyd
President, Central Park Neighborhood Association



LWV Corvallis

PO Box 1679, Corvallis, OR 97339-1679

541-753-6036 • <http://www.lwv.corvallis.or.us>

July 18, 2016

To: Mayor Traber and Members of Corvallis City Council

From: Laura Lahm Evenson, President
League of Women Voters of Corvallis

Subject: Cold-weather Shelter for Homeless Men

The League of Women Voters of Corvallis "Housing" position includes the following statement:

"Emergency shelter should be available year round in our community for both women and men. Volunteer organizations should be given support for their efforts to meet this need through city and county leadership and some allocation of dollars to help stabilize private programs."

The League has serious concerns about the fate of the men's homeless cold-weather shelter. We are aware that there are concerns about its current location and that there is a proposal to relocate the services. However, it is not clear to us that the negotiations and preparations will be completed in time to relocate the services. Moreover, if services are not relocated, we are also concerned that public pressure will work against providing services at the current 4th Street location.

Corvallis consistently describes itself as a community that cares about all people. But without a men's cold-weather shelter our community will be pushing up to 80 individuals, many old and sick, out onto the street during the coldest, wettest months of the year. For some, shelter during the winter is literally the difference between life and death. Not only is this uncompassionate, it is expensive. This will increase the financial burden on the city with increased police and ambulance calls.

The League of Women Voters of Corvallis urges the City Council to work with others in our community to ensure that when November arrives these men will have access to shelter.

Thank you for your consideration of this request.

*Submitted by
Jeff Megy
8-1-16 Council mtg.*

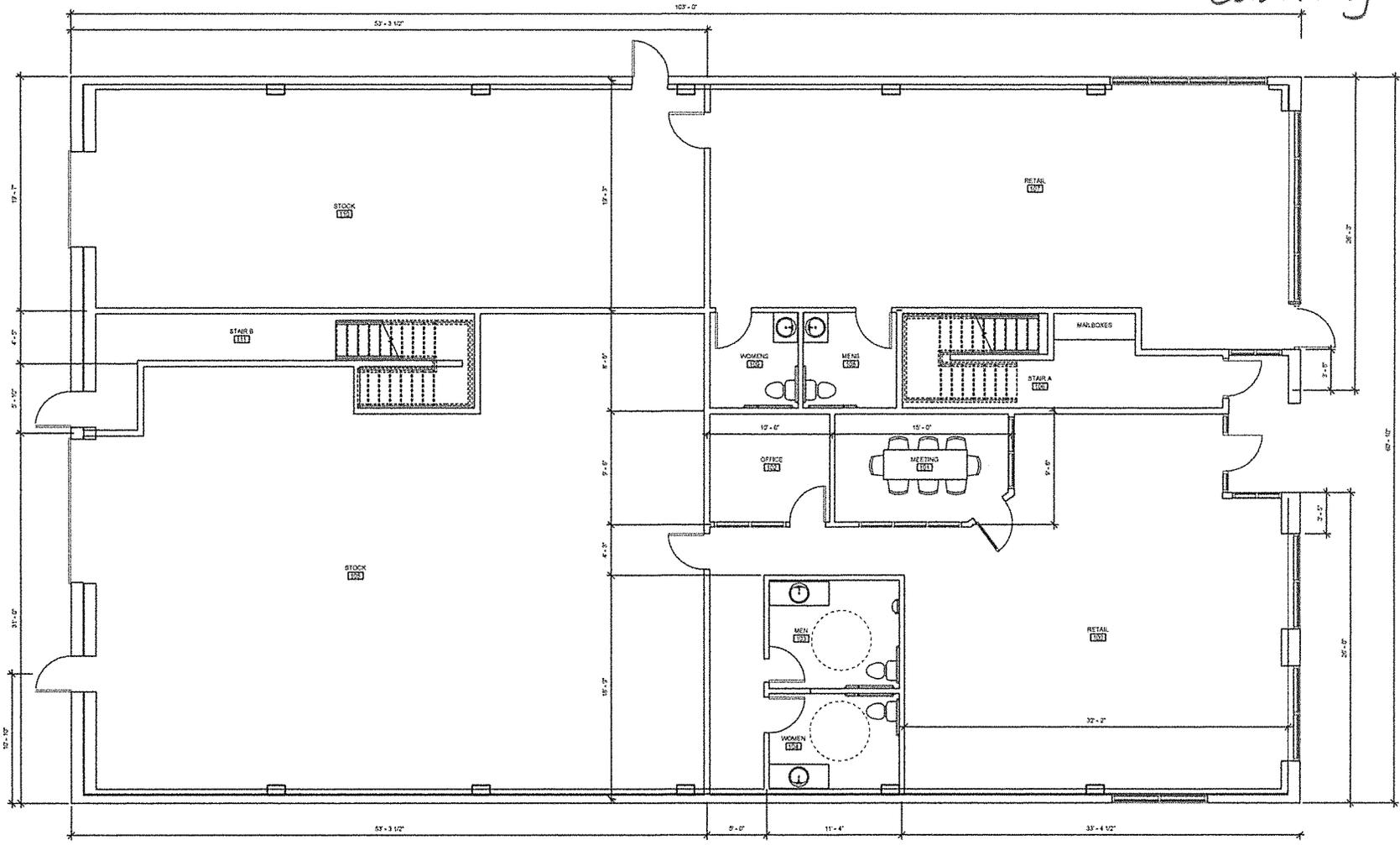
Fourth Street Lofts
544

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5
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Jeff Megy 8-1-16
Council mtg.



1 FIRST FLOOR PLAN
1/4" = 1'-0"



VARLONE
CONTRACTOR
403 W 1st Avenue, Suite 7
Albany, Oregon 97321
Ph: 541.897.2554 / Fax: 541.926.4358

JEFF MEGY
BUILDING RENOVATION
241 SW 6th St, Corvallis, OR 97331

Issue: PERMIT SET
Date: 07/15/16

Revision	Date

FIRST FLOOR PLAN

A2.01

Jeff Megy 8-1-16
Council mtg.

REVISIONS
DD SET
UP 11/11/16

WABILLONE
ARCHITECTS & INTERIORS
403 W. 1st Avenue, Suite 7
Alhambra, Oregon 97001
PH: 541.487.2504 | FX: 541.626.4356

CONTRACTOR
100

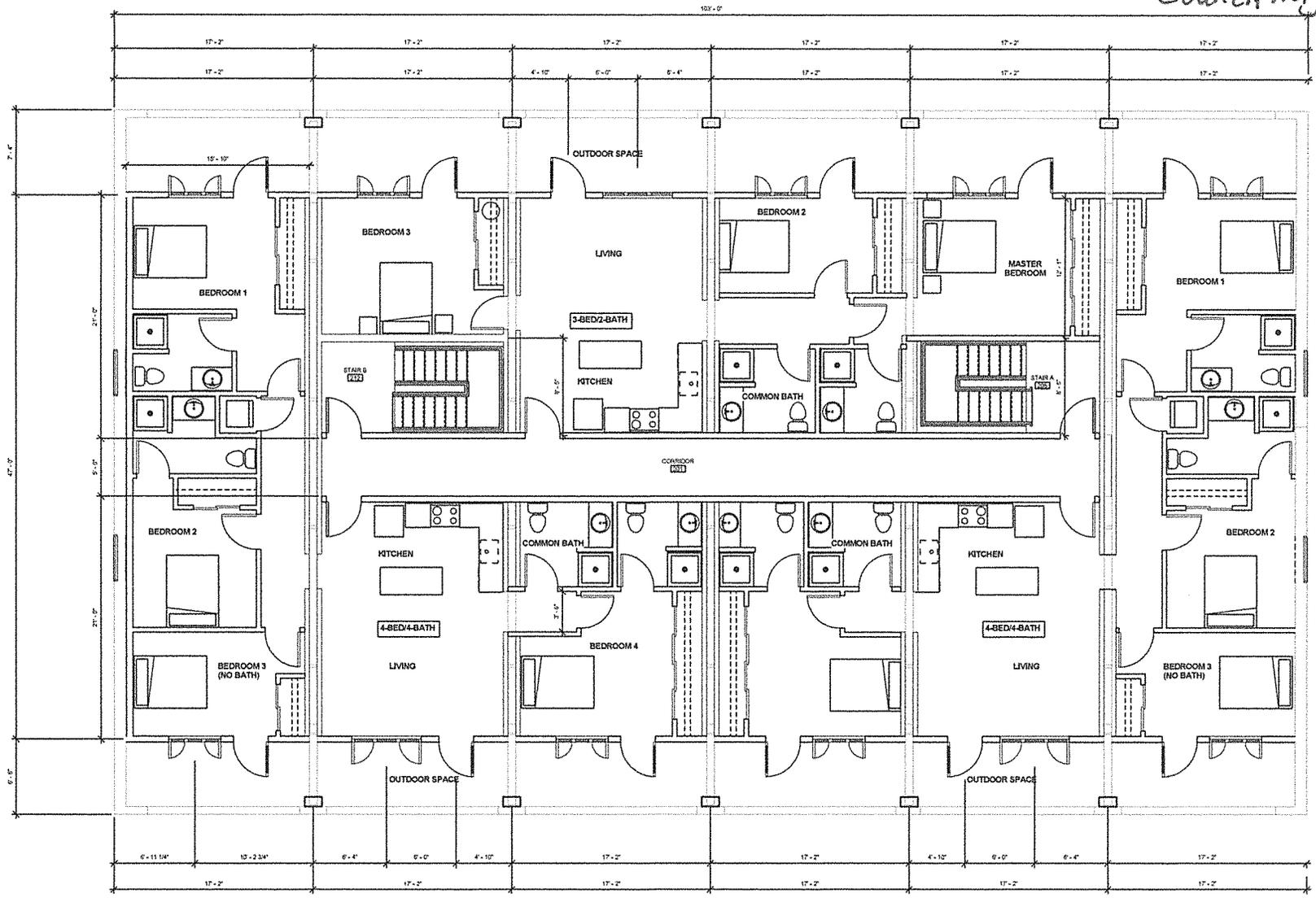
JEFF MEGY
BUILDING RENOVATION

Issue: PERMIT SET
Date: 07/25/16

Revision:	Date:

SECOND FLOOR PLAN

A2.02



1 SECOND FLOOR PLAN
1/4" = 1'-0"